

**ACTS
OF THE
GENERAL ASSEMBLY**



2020 SPECIAL SESSION I

ACTS

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF VIRGINIA

2020 SPECIAL SESSION I

which met at the State Capitol, Richmond

Convened Tuesday, August 18, 2020

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CHAPTERS 1-56

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The House of Delegates

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ACTS OF THE GENERAL ASSEMBLY

2020 SPECIAL SESSION I

CHAPTER 1

An Act to amend and reenact Chapter 1289 of the Acts of Assembly of 2020, which appropriates the public revenues for two years ending, respectively, on June 30, 2021, and June 30, 2022, by adding an item numbered 86.10, relating to the general appropriation act; appropriation of funds for the Department of Elections.

[S 5120]

Approved September 4, 2020

Be it enacted by the General Assembly of Virginia:

1. That Chapter 1289 of the Acts of Assembly of 2020 is amended and reenacted by adding an item numbered 86.10 as follows:

Department of Elections

86.10	First Year - FY2021	Second Year - FY2022
Financial Assistance to Localities -	\$2,000,000	
General (72800)		
Financial Assistance to Localities for	\$2,000,000	
Pandemic Response (72821)		
Fund Sources:		
General	\$2,000,000	

Authority: Title 24.2, Chapter 1, Code of Virginia.

A. 1. For the general election and special elections to be held November 3, 2020, upon receipt of an absentee ballot returned before October 31, 2020, each general registrar shall examine the ballot envelopes to verify completion of the required voter affirmation.

2. If the general registrar finds during the examination of a returned absentee ballot envelope that the required voter affirmation was not correctly or completely filled out or that a procedure required by § 24.2-707 of the Code of Virginia was not properly followed, and such error or failure shall render the ballot void by law, the general registrar shall, within three days of such finding, notify the voter of the error or failure. However, notwithstanding the provisions of §§ 24.2-706 and 24.2-707 of the Code of Virginia, the failure of an absentee voter marking and returning a mail absentee ballot for the November 3, 2020, general election, and any special election or ballot measure held on that date, to have a witness sign the statement on the back of the absentee ballot return envelope shall not be considered a material omission and shall not render his ballot void. Such notice shall be made by phone, email, or in writing and shall provide information to the voter as to how to correct the issue so his ballot may be counted. The voter shall be entitled to make such necessary corrections before noon on the third day after the election, and his ballot shall then be counted pursuant to the procedures set forth in § 24.2-709.1 of the Code of Virginia if he is found to be entitled to vote. Notwithstanding any other provision of law to the contrary, no absentee ballot needing correction shall be delivered to the officers of election at the appropriate precinct until the voter is provided the opportunity to make the necessary corrections pursuant to this subparagraph.

3. The general registrar may issue a new absentee ballot to the voter if necessary and shall preserve the first ballot with other spoiled ballots.

B. 1. Notwithstanding any other provision of law, for the general election and special elections to be held on November 3, 2020, mailed absentee ballots shall be returned (i) by mail to the office of the general registrar, (ii) by the voter in person to the general registrar, (iii) to a drop-off location, or (iv) by commercial delivery service.

2. Mailed absentee ballots shall provide instructions that include information on the locations of all drop-off locations available in the locality at the time such ballots are mailed by the general registrar.

3. The general registrar of each county or city shall establish at the office of the general registrar and each voter satellite office in operation for an election a drop-off location for the purpose of allowing voters to deposit completed absentee ballots for such election. On the day of the election, there shall also be a drop-off location at each polling place in operation for the election. The general registrar may establish additional drop-off locations within the county or city as he

deems necessary. All drop-off locations shall be accessible; be on public property, unless located at a polling place; and otherwise comply with any criteria for drop-off locations set by the Department of Elections.

4. The Department of Elections shall set standards for the establishment and operation of drop-off locations, including necessary security requirements. The Department of Elections shall submit such standards to the Chairmen of the House and Senate Committees on Privileges and Elections, the Senate Committee on Finance and Appropriations, and the House Committee on Appropriations within 30 days of the effective date of this act.

5. The general registrar of a county or city utilizing drop-off locations shall post notice of the locations of the drop-off locations in the locality in the office of the general registrar and on the official website for the county or city. Such notice shall remain in the office of the general registrar and on the official website for the county or city for the duration of the period during which absentee ballots may be returned.

6. Absentee ballots shall be collected from drop-off locations in accordance with the instructions provided by the Department of Elections. Such instructions shall include chain of custody requirements and recordkeeping requirements. Absentee ballots shall be collected at least daily, by two officers of election representing the two major political parties, when practicable, or by two employees from the office of the general registrar, unless the drop-off location is in the office of the general registrar, in which case the general registrar or an assistant general registrar may collect the absentee ballots.

7. Any ballot returned to a drop-off location in any manner except as prescribed by law shall be void. Absentee ballots shall be returned to a drop-off location before the closing of the polls. Any voter who is in line to return the voter's absentee ballot at a drop-off location by 7:00 p.m. on the day of the election shall be permitted to deposit the absentee ballot.

C. 1. The general registrar shall include with the absentee ballot prescribed in § 24.2-706 of the Code of Virginia, an envelope, properly addressed and postage prepaid, for the return of the ballot to the general registrar by mail for the general election and special elections held on November 3, 2020.

2. Included in this appropriation is up to \$2,000,000 the first year from the general fund to reimburse localities for the cost of prepaid postage required in subparagraph C.1. of this Item. This amount shall remain unallotted until the Department of Elections provides documentation of qualifying amounts to be reimbursed to localities for prepaid postage of return absentee ballots and shall not be used or otherwise obligated for any other purposes.

2. That this act is effective on its passage as provided in § 1-214 of the Code of Virginia.

CHAPTER 2

An Act to amend the Code of Virginia by adding a section numbered 22.1-207.4:1, relating to certain school boards; student meals; participation in the Community Eligibility Provision.

[H 5113]

Approved October 13, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-207.4:1 as follows:

§ 22.1-207.4:1. Participation in the Community Eligibility Provision.

A. As used in this section:

"Identified student" means any student who is directly certified for free meals through means other than the use of an individual household application.

"Identified student" includes (i) any student who is directly certified for free meals based on the student's participation in the Supplemental Nutrition Assistance Program (SNAP) or Temporary Assistance for Needy Families (TANF) or based on Medicaid income data and (ii) any homeless, runaway, migrant, or Head Start student, or any foster child, who is approved as categorically eligible for free meals by means other than a meal application.

"Identified student percentage" means the fraction, expressed as a percentage, that results from dividing the number of identified students enrolled in a public elementary or secondary school by the total number of students enrolled in such school.

B. Each school board that governs a local school division that contains any public elementary or secondary school that has a minimum identified student percentage of 40 percent in the prior school year and is consequently eligible to participate in the Community Eligibility Provision (CEP) administered by the U.S. Department of Agriculture Food and Nutrition Service (FNS) shall apply to FNS to participate in CEP for each such school, pursuant to FNS guidelines, by submitting (i) identified student data to FNS by April 1, unless an extension is in effect and (ii) its completed application to FNS by June 30, unless an extension is in effect.

C. Nothing in this section shall be construed to prohibit any school board from grouping elementary or secondary schools in the local school division and applying to FNS to participate in CEP for such group of schools.

D. The Superintendent for Public Instruction shall issue a waiver to the requirement set forth in subsection B in the sole circumstance that an evaluation of a school or group of schools that is eligible to participate in CEP determines that participation in CEP is not financially viable to such school or group of schools. The Department of Education shall develop a process and criteria for considering such waivers, including a process and criteria for conducting such CEP evaluations.

CHAPTER 3

An Act to amend and reenact § 18.2-250.1 of the Code of Virginia, relating to possession of marijuana; prepay penalty.

[S 5013]

Approved October 13, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-250.1 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-250.1. Possession of marijuana unlawful.

A. It is unlawful for any person knowingly or intentionally to possess marijuana unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by the Drug Control Act (§ 54.1-3400 et seq.). The attorney for the Commonwealth or the county, city, or town attorney may prosecute such a case.

Upon the prosecution of a person for violation of this section, ownership or occupancy of the premises or vehicle upon or in which marijuana was found shall not create a presumption that such person either knowingly or intentionally possessed such marijuana.

Any person who violates this section is subject to a civil penalty of no more than \$25. A violation of this section is a civil offense. Any civil penalties collected pursuant to this section shall be deposited into the Drug Offender Assessment and Treatment Fund established pursuant to § 18.2-251.02. *Violations of this section by an adult shall be prepayable according to the procedures in § 16.1-69.40:2.*

B. Any violation of this section shall be charged by summons. A summons for a violation of this section may be executed by a law-enforcement officer when such violation is observed by such officer. The summons used by a law-enforcement officer pursuant to this section shall be in form the same as the uniform summons for motor vehicle law violations as prescribed pursuant to § 46.2-388. No court costs shall be assessed for violations of this section. A person's criminal history record information as defined in § 9.1-101 shall not include records of any charges or judgments for a violation of this section, and records of such charges or judgments shall not be reported to the Central Criminal Records Exchange. However, if a violation of this section occurs while an individual is operating a commercial motor vehicle as defined in § 46.2-341.4, such violation shall be reported to the Department of Motor Vehicles and shall be included on such individual's driving record.

C. The procedure for appeal and trial of any violation of this section shall be the same as provided by law for misdemeanors; if requested by either party on appeal to the circuit court, trial by jury shall be as provided in Article 4 (§ 19.2-260 et seq.) of Chapter 15 of Title 19.2, and the Commonwealth shall be required to prove its case beyond a reasonable doubt.

D. The provisions of this section shall not apply to members of state, federal, county, city, or town law-enforcement agencies, jail officers, or correctional officers, as defined in § 53.1-1, certified as handlers of dogs trained in the detection of controlled substances when possession of marijuana is necessary for the performance of their duties.

E. The provisions of this section involving marijuana in the form of cannabis oil as that term is defined in § 54.1-3408.3 shall not apply to any person who possesses such oil pursuant to a valid written certification issued by a practitioner in the course of his professional practice pursuant to § 54.1-3408.3 for treatment or to alleviate the symptoms of (i) the person's diagnosed condition or disease, (ii) if such person is the parent or legal guardian of a minor or of an incapacitated adult as defined in § 18.2-369, such minor's or incapacitated adult's diagnosed condition or disease, or (iii) if such person has been designated as a registered agent pursuant to § 54.1-3408.3, the diagnosed condition or disease of his principal or, if the principal is the parent or legal guardian of a minor or of an incapacitated adult as defined in § 18.2-369, such minor's or incapacitated adult's diagnosed condition or disease.

CHAPTER 4

An Act to amend and reenact § 2.2-3300 of the Code of Virginia, relating to legal holidays; Juneteenth.

[H 5052]

Approved October 13, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3300 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3300. Legal holidays.

It is the policy of the Commonwealth to fix and set aside certain days in the calendar year as legal holidays for the people of Virginia. In each year, the following days are designated as legal holidays:

January 1 — New Year's Day.

The third Monday in January — Martin Luther King, Jr., Day to honor Martin Luther King, Jr., (1929-1968), defender of causes.

The third Monday in February — George Washington Day to honor George Washington (1732-1799), the first President of the United States.

The last Monday in May — Memorial Day to honor all persons who made the supreme sacrifice in giving their lives in defense of Virginia and the United States in the following wars and engagements and otherwise: Indian Uprising (1622), French and Indian Wars (1754-1763), Revolutionary War (1775-1783), War of 1812 (1812-1815), Mexican War (1846-1848), ~~War Between the States~~ *Civil War* (1861-1865), Spanish-American War (1898), World War I (1917-1918), World War II (1941-1945), Korean War (1950-1953), Vietnam War (1965-1973), Operation Desert Shield-Desert Storm (1990-1991), Global War on Terrorism (2000-), Operation Enduring Freedom (2001-), and Operation Iraqi Freedom (2003-). On this day all flags, national, state, and local, shall be flown at ~~half — staff or mast~~ *half-staff or half-mast* to honor and acknowledge respect for those who made the supreme sacrifice.

June 19 — Juneteenth to commemorate the announcement of the abolition of slavery in Texas, the last of the former Confederate States of America to abolish slavery, and to recognize the significant roles and many contributions of African Americans to the Commonwealth and the nation.

July 4 — Independence Day to honor the signing of the Declaration of Independence.

The first Monday in September — Labor Day to honor all people who work in Virginia.

The second Monday in October — Columbus Day and Yorktown Victory Day to honor Christopher Columbus (1451-1506), a discoverer of the Americas, and the final victory at Yorktown on October 19, 1781, in the Revolutionary War.

The Tuesday following the first Monday in November — Election Day for the right of citizens of a free society to exercise the right to vote.

November 11 — Veterans Day to honor all persons who served in the Armed Forces of Virginia and the United States in the following wars and engagements and otherwise: Indian Uprising (1622), French and Indian Wars (1754-1763), Revolutionary War (1775-1783), War of 1812 (1812-1815), Mexican War (1846-1848), ~~War Between the States~~ *Civil War* (1861-1865), Spanish American War (1898), World War I (1917-1918), World War II (1941-1945), Korean War (1950-1953), Vietnam War (1965-1973), Operation Desert Shield-Desert Storm (1990-1991), Global War on Terrorism (2000-), Operation Enduring Freedom (2001-), and Operation Iraqi Freedom (2003-).

The fourth Thursday in November and the Friday next following — Thanksgiving Day to honor and give thanks in each person's own manner for the blessings bestowed upon the people of Virginia and honoring the first Thanksgiving in 1619.

December 25 — Christmas Day.

Whenever any of such days falls on Saturday, the Friday next preceding such day, or whenever any of such days falls on Sunday, the Monday next following such day, and any day so appointed by the Governor of the Commonwealth or the President of the United States, shall be a legal holiday as to the transaction of all business.

CHAPTER 5

An Act to amend and reenact § 2.2-3300 of the Code of Virginia, relating to legal holidays; Juneteenth.

[S 5031]

Approved October 13, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3300 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3300. Legal holidays.

It is the policy of the Commonwealth to fix and set aside certain days in the calendar year as legal holidays for the people of Virginia. In each year, the following days are designated as legal holidays:

January 1 — New Year's Day.

The third Monday in January — Martin Luther King, Jr., Day to honor Martin Luther King, Jr., (1929-1968), defender of causes.

The third Monday in February — George Washington Day to honor George Washington (1732-1799), the first President of the United States.

The last Monday in May — Memorial Day to honor all persons who made the supreme sacrifice in giving their lives in defense of Virginia and the United States in the following wars and engagements and otherwise: Indian Uprising (1622), French and Indian Wars (1754-1763), Revolutionary War (1775-1783), War of 1812 (1812-1815), Mexican War (1846-1848), ~~War Between the States~~ *Civil War* (1861-1865), Spanish-American War (1898), World War I (1917-1918), World War II (1941-1945), Korean War (1950-1953), Vietnam War (1965-1973), Operation Desert Shield-Desert Storm (1990-1991), Global War on Terrorism (2000-), Operation Enduring Freedom (2001-), and Operation Iraqi Freedom (2003-). On this day all flags, national, state, and local, shall be flown at ~~half — staff or mast~~ *half-staff or half-mast* to honor and acknowledge respect for those who made the supreme sacrifice.

June 19 — Juneteenth to commemorate the announcement of the abolition of slavery in Texas, the last of the former Confederate States of America to abolish slavery, and to recognize the significant roles and many contributions of African Americans to the Commonwealth and the nation.

July 4 — Independence Day to honor the signing of the Declaration of Independence.

The first Monday in September — Labor Day to honor all people who work in Virginia.

The second Monday in October — Columbus Day and Yorktown Victory Day to honor Christopher Columbus (1451-1506), a discoverer of the Americas, and the final victory at Yorktown on October 19, 1781, in the Revolutionary War.

The Tuesday following the first Monday in November — Election Day for the right of citizens of a free society to exercise the right to vote.

November 11 — Veterans Day to honor all persons who served in the Armed Forces of Virginia and the United States in the following wars and engagements and otherwise: Indian Uprising (1622), French and Indian Wars (1754-1763), Revolutionary War (1775-1783), War of 1812 (1812-1815), Mexican War (1846-1848), ~~War Between the States~~ Civil War (1861-1865), Spanish American War (1898), World War I (1917-1918), World War II (1941-1945), Korean War (1950-1953), Vietnam War (1965-1973), Operation Desert Shield-Desert Storm (1990-1991), Global War on Terrorism (2000-), Operation Enduring Freedom (2001-), and Operation Iraqi Freedom (2003-).

The fourth Thursday in November and the Friday next following — Thanksgiving Day to honor and give thanks in each person's own manner for the blessings bestowed upon the people of Virginia and honoring the first Thanksgiving in 1619.

December 25 — Christmas Day.

Whenever any of such days falls on Saturday, the Friday next preceding such day, or whenever any of such days falls on Sunday, the Monday next following such day, and any day so appointed by the Governor of the Commonwealth or the President of the United States, shall be a legal holiday as to the transaction of all business.

CHAPTER 6

An Act to amend the Code of Virginia by adding a section numbered 8.01-225.03, relating to certain hospices, home care organizations, private providers, assisted living facilities, and adult day care centers; immunity from civil liability; COVID-19; emergency.

[H 5059]

Approved October 13, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 8.01-225.03 as follows:

§ 8.01-225.03. *Certain immunity for certain hospices, home care organizations, private providers, assisted living facilities, and adult day care centers during a disaster under specific circumstances.*

A. As used in this section:

"Disaster" or "emergency" means a public health emergency related to the COVID-19 virus declared by the Governor pursuant to § 44-146.17 and set forth in Executive Order 51 (2020) on March 12, 2020.

B. In the absence of gross negligence or willful misconduct, any (i) hospice licensed pursuant to § 32.1-162.3, (ii) home care organization licensed pursuant to § 32.1-162.9, (iii) private provider licensed by the Department of Behavioral Health and Developmental Services pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2, (iv) assisted living facility licensed pursuant to § 63.2-1701, or (v) adult day care center licensed pursuant to § 63.2-1701 that delivers care to or withholds care from a patient, resident, or person receiving services who is diagnosed as being or is believed to be infected with the COVID-19 virus shall not be liable for any injury or wrongful death of such patient, resident, or person receiving services arising from the delivery or withholding of care when the emergency and subsequent conditions caused by the emergency result in a lack of resources, attributable to the disaster, that render such hospice, home care organization, private provider licensed by the Department of Behavioral Health and Developmental Services, assisted living facility, or adult day care center unable to provide the level or manner of care that otherwise would have been required in the absence of the emergency and that resulted in the injury or wrongful death at issue.

C. The immunity provided by this section shall be in addition to, and not be in lieu of, any immunities provided in other state or federal law, including §§ 8.01-225 and 44-146.23.

D. The immunity provided by this section shall only apply to causes of action arising between March 12, 2020, and such time as the declaration of a state of emergency related to the COVID-19 virus set forth in Executive Order 51 (2020) is no longer in effect.

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

CHAPTER 7

An Act to amend the Code of Virginia by adding a section numbered 8.01-225.03, relating to certain hospices, home care organizations, private providers, assisted living facilities, and adult day care centers; immunity from civil liability; COVID-19; emergency.

[S 5082]

Approved October 13, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 8.01-225.03 as follows:

§ 8.01-225.03. *Certain immunity for certain hospices, home care organizations, private providers, assisted living facilities, and adult day care centers during a disaster under specific circumstances.*

A. As used in this section:

"Disaster" or "emergency" means a public health emergency related to the COVID-19 virus declared by the Governor pursuant to § 44-146.17 and set forth in Executive Order 51 (2020) on March 12, 2020.

B. In the absence of gross negligence or willful misconduct, any (i) hospice licensed pursuant to § 32.1-162.3, (ii) home care organization licensed pursuant to § 32.1-162.9, (iii) private provider licensed by the Department of Behavioral Health and Developmental Services pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2, (iv) assisted living facility licensed pursuant to § 63.2-1701, or (v) adult day care center licensed pursuant to § 63.2-1701 that delivers care to or withholds care from a patient, resident, or person receiving services who is diagnosed as being or is believed to be infected with the COVID-19 virus shall not be liable for any injury or wrongful death of such patient, resident, or person receiving services arising from the delivery or withholding of care when the emergency and subsequent conditions caused by the emergency result in a lack of resources, attributable to the disaster, that render such hospice, home care organization, private provider licensed by the Department of Behavioral Health and Developmental Services, assisted living facility, or adult day care center unable to provide the level or manner of care that otherwise would have been required in the absence of the emergency and that resulted in the injury or wrongful death at issue.

C. The immunity provided by this section shall be in addition to, and not be in lieu of, any immunities provided in other state or federal law, including §§ 8.01-225 and 44-146.23.

D. The immunity provided by this section shall only apply to causes of action arising between March 12, 2020, and such time as the declaration of a state of emergency related to the COVID-19 virus set forth in Executive Order 51 (2020) is no longer in effect.

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

CHAPTER 8

An Act to amend and reenact § 60.2-712 of the Code of Virginia and to repeal the third and fourth enactments of Chapter 1261 of the Acts of Assembly of 2020, relating to unemployment compensation; short-time compensation; sunset repeal; emergency.

[H 5087]

Approved October 21, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 60.2-712 of the Code of Virginia is amended and reenacted as follows:

§ 60.2-712. (Expires July 1, 2022, or earlier, see Acts 2020, c. 1261) Application to participate in short-time compensation program.

A. The Commission shall establish and implement a short-time compensation program by January 1, ~~2021~~ 2022. The Program shall meet the requirements of 22 U.S.C. § 3306(v) and all other applicable federal and state laws.

B. An employer that wishes to participate in the Program shall submit to the Commission a signed, written work sharing plan for approval. The Commission shall develop an application form to request approval of a plan and an approval process. The application shall include:

1. The affected unit covered by the plan, including the number of employees in the unit; the percentage of employees in the affected unit covered by the plan; identification of each individual employee in the affected unit by name, social security number, and the employer's unemployment tax account number; and any other information required by the Commission to identify plan participants.

2. A description of how employees in the affected unit will be notified of the employer's participation in the plan if such application is approved, including how the employer will notify those employees in a collective bargaining unit as well as any employees in the affected unit who are not in a collective bargaining unit. If the employer does not intend to provide advance notice to employees in the affected unit, the employer shall explain in a statement in the application why it is not feasible to provide such notice.

3. A requirement that the employer identify, in the application, the usual weekly hours of work for employees in the affected unit and the specific percentage by which their hours will be reduced during all weeks covered by the plan. The percentage of reduction for which a work sharing plan application may be approved shall be not less than 10 percent and not more than 60 percent. If the plan includes any week for which the employer regularly does not provide work, including incidences due to a holiday or other plant closing, then such week shall be identified in the application.

4. Certification by the employer that, if the employer provides health benefits and retirement benefits to any employee whose usual weekly hours of work are reduced under the Program, such benefits will continue to be provided to employees participating in the Program under the same terms and conditions as though the usual weekly hours of work of such employee had not been reduced or to the same extent as other employees not participating in the Program. For defined benefit retirement plans, the hours that are reduced under the plan shall be credited for purposes of participation, vesting, and accrual of benefits as though the usual weekly hours of work had not been reduced. The dollar amount of employer contributions to a defined contribution plan that are based on a percentage of compensation may be less due to the reduction in the employee's compensation.

5. Certification by the employer that the aggregate reduction in work hours is in lieu of layoffs, whether temporary or permanent layoffs or both. The application shall include an estimate of the number of employees who would have been laid

off in the absence of the plan. The employer shall also certify that new employees will not be hired in or transferred to an affected unit for the duration of the plan.

6. Certification by the employer that participation in the plan and its implementation is consistent with the employer's obligations under applicable federal and state laws.

7. Agreement by the employer to (i) furnish reports to the Commission relating to the proper conduct of the plan; (ii) allow the Commission access to all records necessary to approve or disapprove the plan application and, after approval of a plan, monitor and evaluate the plan; and (iii) follow any other directives the Commission deems necessary to implement the plan and that are consistent with the requirements for plan applications.

8. Any other provision added to the application by the Commission that the U.S. Secretary of Labor determines to be appropriate for purposes of a work sharing plan.

2. That the third and fourth enactments of Chapter 1261 of the Acts of Assembly of 2020 are repealed.

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

CHAPTER 9

An Act to require each school board to post its COVID-19 virus mitigation plan on its website; emergency.

[S 5083]

Approved October 21, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. *Each school board, as that term is defined in § 22.1-1 of the Code of Virginia, shall post in a publicly accessible and conspicuous location on its website the plan outlining its strategies for mitigating the spread and public health risk of the COVID-19 virus, consistent with the Centers for Disease Control and Prevention and Virginia Department of Health mitigation recommendations, that the school board is required to submit to the Department of Education before reopening schools in accordance with Phase II and III guidelines pursuant to the June 8, 2020, order of the State Health Commissioner.*

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

CHAPTER 10

An Act to amend and reenact §§ 32.1-127 and 32.1-162.5 of the Code of Virginia, relating to State Board of Health; public health emergency; patient visitation; notice to family; emergency.

[H 5041]

Approved October 21, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-127 and 32.1-162.5 of the Code of Virginia are amended and reenacted as follows:

§ 32.1-127. Regulations.

A. The regulations promulgated by the Board to carry out the provisions of this article shall be in substantial conformity to the standards of health, hygiene, sanitation, construction and safety as established and recognized by medical and health care professionals and by specialists in matters of public health and safety, including health and safety standards established under provisions of Title XVIII and Title XIX of the Social Security Act, and to the provisions of Article 2 (§ 32.1-138 et seq.).

B. Such regulations:

1. Shall include minimum standards for (i) the construction and maintenance of hospitals, nursing homes and certified nursing facilities to ensure the environmental protection and the life safety of its patients, employees, and the public; (ii) the operation, staffing and equipping of hospitals, nursing homes and certified nursing facilities; (iii) qualifications and training of staff of hospitals, nursing homes and certified nursing facilities, except those professionals licensed or certified by the Department of Health Professions; (iv) conditions under which a hospital or nursing home may provide medical and nursing services to patients in their places of residence; and (v) policies related to infection prevention, disaster preparedness, and facility security of hospitals, nursing homes, and certified nursing facilities;

2. Shall provide that at least one physician who is licensed to practice medicine in this Commonwealth shall be on call at all times, though not necessarily physically present on the premises, at each hospital which operates or holds itself out as operating an emergency service;

3. May classify hospitals and nursing homes by type of specialty or service and may provide for licensing hospitals and nursing homes by bed capacity and by type of specialty or service;

4. Shall also require that each hospital establish a protocol for organ donation, in compliance with federal law and the regulations of the Centers for Medicare and Medicaid Services (CMS), particularly 42 C.F.R. § 482.45. Each hospital shall have an agreement with an organ procurement organization designated in CMS regulations for routine contact, whereby the provider's designated organ procurement organization certified by CMS (i) is notified in a timely manner of all deaths or imminent deaths of patients in the hospital and (ii) is authorized to determine the suitability of the decedent or patient for

organ donation and, in the absence of a similar arrangement with any eye bank or tissue bank in Virginia certified by the Eye Bank Association of America or the American Association of Tissue Banks, the suitability for tissue and eye donation. The hospital shall also have an agreement with at least one tissue bank and at least one eye bank to cooperate in the retrieval, processing, preservation, storage, and distribution of tissues and eyes to ensure that all usable tissues and eyes are obtained from potential donors and to avoid interference with organ procurement. The protocol shall ensure that the hospital collaborates with the designated organ procurement organization to inform the family of each potential donor of the option to donate organs, tissues, or eyes or to decline to donate. The individual making contact with the family shall have completed a course in the methodology for approaching potential donor families and requesting organ or tissue donation that (a) is offered or approved by the organ procurement organization and designed in conjunction with the tissue and eye bank community and (b) encourages discretion and sensitivity according to the specific circumstances, views, and beliefs of the relevant family. In addition, the hospital shall work cooperatively with the designated organ procurement organization in educating the staff responsible for contacting the organ procurement organization's personnel on donation issues, the proper review of death records to improve identification of potential donors, and the proper procedures for maintaining potential donors while necessary testing and placement of potential donated organs, tissues, and eyes takes place. This process shall be followed, without exception, unless the family of the relevant decedent or patient has expressed opposition to organ donation, the chief administrative officer of the hospital or his designee knows of such opposition, and no donor card or other relevant document, such as an advance directive, can be found;

5. Shall require that each hospital that provides obstetrical services establish a protocol for admission or transfer of any pregnant woman who presents herself while in labor;

6. Shall also require that each licensed hospital develop and implement a protocol requiring written discharge plans for identified, substance-abusing, postpartum women and their infants. The protocol shall require that the discharge plan be discussed with the patient and that appropriate referrals for the mother and the infant be made and documented. Appropriate referrals may include, but need not be limited to, treatment services, comprehensive early intervention services for infants and toddlers with disabilities and their families pursuant to Part H of the Individuals with Disabilities Education Act, 20 U.S.C. § 1471 et seq., and family-oriented prevention services. The discharge planning process shall involve, to the extent possible, the other parent of the infant and any members of the patient's extended family who may participate in the follow-up care for the mother and the infant. Immediately upon identification, pursuant to § 54.1-2403.1, of any substance-abusing, postpartum woman, the hospital shall notify, subject to federal law restrictions, the community services board of the jurisdiction in which the woman resides to appoint a discharge plan manager. The community services board shall implement and manage the discharge plan;

7. Shall require that each nursing home and certified nursing facility fully disclose to the applicant for admission the home's or facility's admissions policies, including any preferences given;

8. Shall require that each licensed hospital establish a protocol relating to the rights and responsibilities of patients which shall include a process reasonably designed to inform patients of such rights and responsibilities. Such rights and responsibilities of patients, a copy of which shall be given to patients on admission, shall be consistent with applicable federal law and regulations of the Centers for Medicare and Medicaid Services;

9. Shall establish standards and maintain a process for designation of levels or categories of care in neonatal services according to an applicable national or state-developed evaluation system. Such standards may be differentiated for various levels or categories of care and may include, but need not be limited to, requirements for staffing credentials, staff/patient ratios, equipment, and medical protocols;

10. Shall require that each nursing home and certified nursing facility train all employees who are mandated to report adult abuse, neglect, or exploitation pursuant to § 63.2-1606 on such reporting procedures and the consequences for failing to make a required report;

11. Shall permit hospital personnel, as designated in medical staff bylaws, rules and regulations, or hospital policies and procedures, to accept emergency telephone and other verbal orders for medication or treatment for hospital patients from physicians, and other persons lawfully authorized by state statute to give patient orders, subject to a requirement that such verbal order be signed, within a reasonable period of time not to exceed 72 hours as specified in the hospital's medical staff bylaws, rules and regulations or hospital policies and procedures, by the person giving the order, or, when such person is not available within the period of time specified, co-signed by another physician or other person authorized to give the order;

12. Shall require, unless the vaccination is medically contraindicated or the resident declines the offer of the vaccination, that each certified nursing facility and nursing home provide or arrange for the administration to its residents of (i) an annual vaccination against influenza and (ii) a pneumococcal vaccination, in accordance with the most recent recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention;

13. Shall require that each nursing home and certified nursing facility register with the Department of State Police to receive notice of the registration, reregistration, or verification of registration information of any person required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 within the same or a contiguous zip code area in which the home or facility is located, pursuant to § 9.1-914;

14. Shall require that each nursing home and certified nursing facility ascertain, prior to admission, whether a potential patient is required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900

et seq.) of Title 9.1, if the home or facility anticipates the potential patient will have a length of stay greater than three days or in fact stays longer than three days;

15. Shall require that each licensed hospital include in its visitation policy a provision allowing each adult patient to receive visits from any individual from whom the patient desires to receive visits, subject to other restrictions contained in the visitation policy including, but not limited to, those related to the patient's medical condition and the number of visitors permitted in the patient's room simultaneously;

16. Shall require that each nursing home and certified nursing facility shall, upon the request of the facility's family council, send notices and information about the family council mutually developed by the family council and the administration of the nursing home or certified nursing facility, and provided to the facility for such purpose, to the listed responsible party or a contact person of the resident's choice up to six times per year. Such notices may be included together with a monthly billing statement or other regular communication. Notices and information shall also be posted in a designated location within the nursing home or certified nursing facility. No family member of a resident or other resident representative shall be restricted from participating in meetings in the facility with the families or resident representatives of other residents in the facility;

17. Shall require that each nursing home and certified nursing facility maintain liability insurance coverage in a minimum amount of \$1 million, and professional liability coverage in an amount at least equal to the recovery limit set forth in § 8.01-581.15, to compensate patients or individuals for injuries and losses resulting from the negligent or criminal acts of the facility. Failure to maintain such minimum insurance shall result in revocation of the facility's license;

18. Shall require each hospital that provides obstetrical services to establish policies to follow when a stillbirth, as defined in § 32.1-69.1, occurs that meet the guidelines pertaining to counseling patients and their families and other aspects of managing stillbirths as may be specified by the Board in its regulations;

19. Shall require each nursing home to provide a full refund of any unexpended patient funds on deposit with the facility following the discharge or death of a patient, other than entrance-related fees paid to a continuing care provider as defined in § 38.2-4900, within 30 days of a written request for such funds by the discharged patient or, in the case of the death of a patient, the person administering the person's estate in accordance with the Virginia Small Estates Act (§ 64.2-600 et seq.);

20. Shall require that each hospital that provides inpatient psychiatric services establish a protocol that requires, for any refusal to admit (i) a medically stable patient referred to its psychiatric unit, direct verbal communication between the on-call physician in the psychiatric unit and the referring physician, if requested by such referring physician, and prohibits on-call physicians or other hospital staff from refusing a request for such direct verbal communication by a referring physician and (ii) a patient for whom there is a question regarding the medical stability or medical appropriateness of admission for inpatient psychiatric services due to a situation involving results of a toxicology screening, the on-call physician in the psychiatric unit to which the patient is sought to be transferred to participate in direct verbal communication, either in person or via telephone, with a clinical toxicologist or other person who is a Certified Specialist in Poison Information employed by a poison control center that is accredited by the American Association of Poison Control Centers to review the results of the toxicology screen and determine whether a medical reason for refusing admission to the psychiatric unit related to the results of the toxicology screen exists, if requested by the referring physician;

21. Shall require that each hospital that is equipped to provide life-sustaining treatment shall develop a policy governing determination of the medical and ethical appropriateness of proposed medical care, which shall include (i) a process for obtaining a second opinion regarding the medical and ethical appropriateness of proposed medical care in cases in which a physician has determined proposed care to be medically or ethically inappropriate; (ii) provisions for review of the determination that proposed medical care is medically or ethically inappropriate by an interdisciplinary medical review committee and a determination by the interdisciplinary medical review committee regarding the medical and ethical appropriateness of the proposed health care; and (iii) requirements for a written explanation of the decision reached by the interdisciplinary medical review committee, which shall be included in the patient's medical record. Such policy shall ensure that the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 (a) are informed of the patient's right to obtain his medical record and to obtain an independent medical opinion and (b) afforded reasonable opportunity to participate in the medical review committee meeting. Nothing in such policy shall prevent the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 from obtaining legal counsel to represent the patient or from seeking other remedies available at law, including seeking court review, provided that the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986, or legal counsel provides written notice to the chief executive officer of the hospital within 14 days of the date on which the physician's determination that proposed medical treatment is medically or ethically inappropriate is documented in the patient's medical record;

22. Shall require every hospital with an emergency department to establish protocols to ensure that security personnel of the emergency department, if any, receive training appropriate to the populations served by the emergency department, which may include training based on a trauma-informed approach in identifying and safely addressing situations involving patients or other persons who pose a risk of harm to themselves or others due to mental illness or substance abuse or who are experiencing a mental health crisis;

23. Shall require that each hospital establish a protocol requiring that, before a health care provider arranges for air medical transportation services for a patient who does not have an emergency medical condition as defined in 42 U.S.C. § 1395dd(e)(1), the hospital shall provide the patient or his authorized representative with written or electronic notice that

the patient (i) may have a choice of transportation by an air medical transportation provider or medically appropriate ground transportation by an emergency medical services provider and (ii) will be responsible for charges incurred for such transportation in the event that the provider is not a contracted network provider of the patient's health insurance carrier or such charges are not otherwise covered in full or in part by the patient's health insurance plan;

24. Shall establish an exemption, for a period of no more than 30 days, from the requirement to obtain a license to add temporary beds in an existing hospital or nursing home when the Commissioner has determined that a natural or man-made disaster has caused the evacuation of a hospital or nursing home and that a public health emergency exists due to a shortage of hospital or nursing home beds;

25. Shall establish protocols to ensure that any patient scheduled to receive an elective surgical procedure for which the patient can reasonably be expected to require outpatient physical therapy as a follow-up treatment after discharge is informed that he (i) is expected to require outpatient physical therapy as a follow-up treatment and (ii) will be required to select a physical therapy provider prior to being discharged from the hospital;

26. Shall permit nursing home staff members who are authorized to possess, distribute, or administer medications to residents to store, dispense, or administer cannabis oil to a resident who has been issued a valid written certification for the use of cannabis oil in accordance with subsection B of § 54.1-3408.3 and has registered with the Board of Pharmacy; ~~and~~

27. Shall require each hospital with an emergency department to establish a protocol for treatment of individuals experiencing a substance use-related emergency to include the completion of appropriate assessments or screenings to identify medical interventions necessary for the treatment of the individual in the emergency department. The protocol may also include a process for patients that are discharged directly from the emergency department for the recommendation of follow-up care following discharge for any identified substance use disorder, depression, or mental health disorder, as appropriate, which may include instructions for distribution of naloxone, referrals to peer recovery specialists and community-based providers of behavioral health services, or referrals for pharmacotherapy for treatment of drug or alcohol dependence or mental health diagnoses; *and*

28. *During a public health emergency related to COVID-19, shall require each nursing home and certified nursing facility to establish a protocol to allow each patient to receive visits, consistent with guidance from the Centers for Disease Control and Prevention and as directed by the Centers for Medicare and Medicaid Services and the Board. Such protocol shall include provisions describing (i) the conditions, including conditions related to the presence of COVID-19 in the nursing home, certified nursing facility, and community, under which in-person visits will be allowed and under which in-person visits will not be allowed and visits will be required to be virtual; (ii) the requirements with which in-person visitors will be required to comply to protect the health and safety of the patients and staff of the nursing home or certified nursing facility; (iii) the types of technology, including interactive audio or video technology, and the staff support necessary to ensure visits are provided as required by this subdivision; and (iv) the steps the nursing home or certified nursing facility will take in the event of a technology failure, service interruption, or documented emergency that prevents visits from occurring as required by this subdivision. Such protocol shall also include (a) a statement of the frequency with which visits, including virtual and in-person, where appropriate, will be allowed, which shall be at least once every 10 calendar days for each patient; (b) a provision authorizing a patient or the patient's personal representative to waive or limit visitation, provided that such waiver or limitation is included in the patient's health record; and (c) a requirement that each nursing home and certified nursing facility publish on its website or communicate to each patient or the patient's authorized representative, in writing or via electronic means, the nursing home's or certified nursing facility's plan for providing visits to patients as required by this subdivision.*

C. Upon obtaining the appropriate license, if applicable, licensed hospitals, nursing homes, and certified nursing facilities may operate adult day care centers.

D. All facilities licensed by the Board pursuant to this article which provide treatment or care for hemophiliacs and, in the course of such treatment, stock clotting factors, shall maintain records of all lot numbers or other unique identifiers for such clotting factors in order that, in the event the lot is found to be contaminated with an infectious agent, those hemophiliacs who have received units of this contaminated clotting factor may be apprised of this contamination. Facilities which have identified a lot that is known to be contaminated shall notify the recipient's attending physician and request that he notify the recipient of the contamination. If the physician is unavailable, the facility shall notify by mail, return receipt requested, each recipient who received treatment from a known contaminated lot at the individual's last known address.

§ 32.1-162.5. Regulations.

A. The Board shall prescribe such regulations governing the activities and services provided by hospices as may be necessary to protect the public health, safety and welfare. Such regulations shall include, but not be limited to, the requirements for: the qualifications and supervision of licensed and nonlicensed personnel; the standards for the care, treatment, health, safety, welfare, and comfort of patients and their families served by the program; the management, operation, staffing and equipping of the hospice program or hospice facility; clinical and business records kept by the hospice or hospice facility; and procedures for the review of utilization and quality of care. To avoid duplication in regulations, the Board shall incorporate regulations applicable to facilities licensed as hospitals or nursing homes under Article 1 (§ 32.1-123 et seq.) and to organizations licensed as home health agencies care organizations under Article 7.1 (§ 32.1-162.7 et seq.) of Chapter 5 of this title which ~~that~~ are also applicable to hospice programs in the regulations to govern hospices. A person who seeks a license to establish or operate a hospice and who has a preexisting valid license to

operate a hospital, nursing home, or home health agency care organization shall be considered in compliance with those regulations which that are applicable to both a hospice and the facility for which it has a license.

B. Notwithstanding any law or regulation to the contrary, regulations for hospice facilities shall include minimum standards for design and construction consistent with the Hospice Care section of the current edition of the Guidelines for Design and Construction of *Hospital and Health Care Facilities* issued by the American Institute of Architects Academy of Architecture for Health.

C. Regulations for hospices shall require each hospice facility to establish a protocol to allow each patient to receive visits, consistent with guidance from the Centers for Disease Control and Prevention and as directed by the Centers for Medicare and Medicaid Services and the Board, during a public health emergency related to COVID-19. Such protocol shall include provisions describing (i) the conditions, including conditions related to the presence of COVID-19 in the hospice facility and community, under which in-person visits will be allowed and under which in-person visits will not be allowed and visits will be required to be virtual; (ii) the requirements with which in-person visitors will be required to comply to protect the health and safety of patients and staff of the hospice facility; (iii) the types of technology, including interactive audio or video technology, and the staff support necessary to ensure visits are provided as required by this subsection; and (iv) the steps the hospice facility will take in the event of a technology failure, service interruption, or documented emergency that prevents visits from occurring as required by this subsection. Such protocol shall also include (a) a statement of the frequency with which visits, including virtual and in-person, where appropriate, will be allowed, which shall be at least once every 10 calendar days for each patient; (b) a provision authorizing a patient or the patient's personal representative to waive or limit visitation, provided that such waiver or limitation is included in the patient's health record; and (c) a requirement that each hospice facility publish on its website or communicate to patients or their personal representatives, in writing or via electronic means, the hospice facility's plan for providing visits to patients as required by this subsection.

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

3. That the Department of Health shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

CHAPTER 11

An Act to amend and reenact §§ 32.1-127 and 32.1-162.5 of the Code of Virginia, relating to State Board of Health; public health emergency; patient visitation; notice to family; emergency.

[S 5042]

Approved October 21, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-127 and 32.1-162.5 of the Code of Virginia are amended and reenacted as follows:

§ 32.1-127. Regulations.

A. The regulations promulgated by the Board to carry out the provisions of this article shall be in substantial conformity to the standards of health, hygiene, sanitation, construction and safety as established and recognized by medical and health care professionals and by specialists in matters of public health and safety, including health and safety standards established under provisions of Title XVIII and Title XIX of the Social Security Act, and to the provisions of Article 2 (§ 32.1-138 et seq.).

B. Such regulations:

1. Shall include minimum standards for (i) the construction and maintenance of hospitals, nursing homes and certified nursing facilities to ensure the environmental protection and the life safety of its patients, employees, and the public; (ii) the operation, staffing and equipping of hospitals, nursing homes and certified nursing facilities; (iii) qualifications and training of staff of hospitals, nursing homes and certified nursing facilities, except those professionals licensed or certified by the Department of Health Professions; (iv) conditions under which a hospital or nursing home may provide medical and nursing services to patients in their places of residence; and (v) policies related to infection prevention, disaster preparedness, and facility security of hospitals, nursing homes, and certified nursing facilities;

2. Shall provide that at least one physician who is licensed to practice medicine in this Commonwealth shall be on call at all times, though not necessarily physically present on the premises, at each hospital which operates or holds itself out as operating an emergency service;

3. May classify hospitals and nursing homes by type of specialty or service and may provide for licensing hospitals and nursing homes by bed capacity and by type of specialty or service;

4. Shall also require that each hospital establish a protocol for organ donation, in compliance with federal law and the regulations of the Centers for Medicare and Medicaid Services (CMS), particularly 42 C.F.R. § 482.45. Each hospital shall have an agreement with an organ procurement organization designated in CMS regulations for routine contact, whereby the provider's designated organ procurement organization certified by CMS (i) is notified in a timely manner of all deaths or imminent deaths of patients in the hospital and (ii) is authorized to determine the suitability of the decedent or patient for organ donation and, in the absence of a similar arrangement with any eye bank or tissue bank in Virginia certified by the Eye Bank Association of America or the American Association of Tissue Banks, the suitability for tissue and eye donation. The

hospital shall also have an agreement with at least one tissue bank and at least one eye bank to cooperate in the retrieval, processing, preservation, storage, and distribution of tissues and eyes to ensure that all usable tissues and eyes are obtained from potential donors and to avoid interference with organ procurement. The protocol shall ensure that the hospital collaborates with the designated organ procurement organization to inform the family of each potential donor of the option to donate organs, tissues, or eyes or to decline to donate. The individual making contact with the family shall have completed a course in the methodology for approaching potential donor families and requesting organ or tissue donation that (a) is offered or approved by the organ procurement organization and designed in conjunction with the tissue and eye bank community and (b) encourages discretion and sensitivity according to the specific circumstances, views, and beliefs of the relevant family. In addition, the hospital shall work cooperatively with the designated organ procurement organization in educating the staff responsible for contacting the organ procurement organization's personnel on donation issues, the proper review of death records to improve identification of potential donors, and the proper procedures for maintaining potential donors while necessary testing and placement of potential donated organs, tissues, and eyes takes place. This process shall be followed, without exception, unless the family of the relevant decedent or patient has expressed opposition to organ donation, the chief administrative officer of the hospital or his designee knows of such opposition, and no donor card or other relevant document, such as an advance directive, can be found;

5. Shall require that each hospital that provides obstetrical services establish a protocol for admission or transfer of any pregnant woman who presents herself while in labor;

6. Shall also require that each licensed hospital develop and implement a protocol requiring written discharge plans for identified, substance-abusing, postpartum women and their infants. The protocol shall require that the discharge plan be discussed with the patient and that appropriate referrals for the mother and the infant be made and documented. Appropriate referrals may include, but need not be limited to, treatment services, comprehensive early intervention services for infants and toddlers with disabilities and their families pursuant to Part H of the Individuals with Disabilities Education Act, 20 U.S.C. § 1471 et seq., and family-oriented prevention services. The discharge planning process shall involve, to the extent possible, the other parent of the infant and any members of the patient's extended family who may participate in the follow-up care for the mother and the infant. Immediately upon identification, pursuant to § 54.1-2403.1, of any substance-abusing, postpartum woman, the hospital shall notify, subject to federal law restrictions, the community services board of the jurisdiction in which the woman resides to appoint a discharge plan manager. The community services board shall implement and manage the discharge plan;

7. Shall require that each nursing home and certified nursing facility fully disclose to the applicant for admission the home's or facility's admissions policies, including any preferences given;

8. Shall require that each licensed hospital establish a protocol relating to the rights and responsibilities of patients which shall include a process reasonably designed to inform patients of such rights and responsibilities. Such rights and responsibilities of patients, a copy of which shall be given to patients on admission, shall be consistent with applicable federal law and regulations of the Centers for Medicare and Medicaid Services;

9. Shall establish standards and maintain a process for designation of levels or categories of care in neonatal services according to an applicable national or state-developed evaluation system. Such standards may be differentiated for various levels or categories of care and may include, but need not be limited to, requirements for staffing credentials, staff/patient ratios, equipment, and medical protocols;

10. Shall require that each nursing home and certified nursing facility train all employees who are mandated to report adult abuse, neglect, or exploitation pursuant to § 63.2-1606 on such reporting procedures and the consequences for failing to make a required report;

11. Shall permit hospital personnel, as designated in medical staff bylaws, rules and regulations, or hospital policies and procedures, to accept emergency telephone and other verbal orders for medication or treatment for hospital patients from physicians, and other persons lawfully authorized by state statute to give patient orders, subject to a requirement that such verbal order be signed, within a reasonable period of time not to exceed 72 hours as specified in the hospital's medical staff bylaws, rules and regulations or hospital policies and procedures, by the person giving the order, or, when such person is not available within the period of time specified, co-signed by another physician or other person authorized to give the order;

12. Shall require, unless the vaccination is medically contraindicated or the resident declines the offer of the vaccination, that each certified nursing facility and nursing home provide or arrange for the administration to its residents of (i) an annual vaccination against influenza and (ii) a pneumococcal vaccination, in accordance with the most recent recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention;

13. Shall require that each nursing home and certified nursing facility register with the Department of State Police to receive notice of the registration, reregistration, or verification of registration information of any person required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 within the same or a contiguous zip code area in which the home or facility is located, pursuant to § 9.1-914;

14. Shall require that each nursing home and certified nursing facility ascertain, prior to admission, whether a potential patient is required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, if the home or facility anticipates the potential patient will have a length of stay greater than three days or in fact stays longer than three days;

15. Shall require that each licensed hospital include in its visitation policy a provision allowing each adult patient to receive visits from any individual from whom the patient desires to receive visits, subject to other restrictions contained in the visitation policy including, but not limited to, those related to the patient's medical condition and the number of visitors permitted in the patient's room simultaneously;

16. Shall require that each nursing home and certified nursing facility shall, upon the request of the facility's family council, send notices and information about the family council mutually developed by the family council and the administration of the nursing home or certified nursing facility, and provided to the facility for such purpose, to the listed responsible party or a contact person of the resident's choice up to six times per year. Such notices may be included together with a monthly billing statement or other regular communication. Notices and information shall also be posted in a designated location within the nursing home or certified nursing facility. No family member of a resident or other resident representative shall be restricted from participating in meetings in the facility with the families or resident representatives of other residents in the facility;

17. Shall require that each nursing home and certified nursing facility maintain liability insurance coverage in a minimum amount of \$1 million, and professional liability coverage in an amount at least equal to the recovery limit set forth in § 8.01-581.15, to compensate patients or individuals for injuries and losses resulting from the negligent or criminal acts of the facility. Failure to maintain such minimum insurance shall result in revocation of the facility's license;

18. Shall require each hospital that provides obstetrical services to establish policies to follow when a stillbirth, as defined in § 32.1-69.1, occurs that meet the guidelines pertaining to counseling patients and their families and other aspects of managing stillbirths as may be specified by the Board in its regulations;

19. Shall require each nursing home to provide a full refund of any unexpended patient funds on deposit with the facility following the discharge or death of a patient, other than entrance-related fees paid to a continuing care provider as defined in § 38.2-4900, within 30 days of a written request for such funds by the discharged patient or, in the case of the death of a patient, the person administering the person's estate in accordance with the Virginia Small Estates Act (§ 64.2-600 et seq.);

20. Shall require that each hospital that provides inpatient psychiatric services establish a protocol that requires, for any refusal to admit (i) a medically stable patient referred to its psychiatric unit, direct verbal communication between the on-call physician in the psychiatric unit and the referring physician, if requested by such referring physician, and prohibits on-call physicians or other hospital staff from refusing a request for such direct verbal communication by a referring physician and (ii) a patient for whom there is a question regarding the medical stability or medical appropriateness of admission for inpatient psychiatric services due to a situation involving results of a toxicology screening, the on-call physician in the psychiatric unit to which the patient is sought to be transferred to participate in direct verbal communication, either in person or via telephone, with a clinical toxicologist or other person who is a Certified Specialist in Poison Information employed by a poison control center that is accredited by the American Association of Poison Control Centers to review the results of the toxicology screen and determine whether a medical reason for refusing admission to the psychiatric unit related to the results of the toxicology screen exists, if requested by the referring physician;

21. Shall require that each hospital that is equipped to provide life-sustaining treatment shall develop a policy governing determination of the medical and ethical appropriateness of proposed medical care, which shall include (i) a process for obtaining a second opinion regarding the medical and ethical appropriateness of proposed medical care in cases in which a physician has determined proposed care to be medically or ethically inappropriate; (ii) provisions for review of the determination that proposed medical care is medically or ethically inappropriate by an interdisciplinary medical review committee and a determination by the interdisciplinary medical review committee regarding the medical and ethical appropriateness of the proposed health care; and (iii) requirements for a written explanation of the decision reached by the interdisciplinary medical review committee, which shall be included in the patient's medical record. Such policy shall ensure that the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 (a) are informed of the patient's right to obtain his medical record and to obtain an independent medical opinion and (b) afforded reasonable opportunity to participate in the medical review committee meeting. Nothing in such policy shall prevent the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 from obtaining legal counsel to represent the patient or from seeking other remedies available at law, including seeking court review, provided that the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986, or legal counsel provides written notice to the chief executive officer of the hospital within 14 days of the date on which the physician's determination that proposed medical treatment is medically or ethically inappropriate is documented in the patient's medical record;

22. Shall require every hospital with an emergency department to establish protocols to ensure that security personnel of the emergency department, if any, receive training appropriate to the populations served by the emergency department, which may include training based on a trauma-informed approach in identifying and safely addressing situations involving patients or other persons who pose a risk of harm to themselves or others due to mental illness or substance abuse or who are experiencing a mental health crisis;

23. Shall require that each hospital establish a protocol requiring that, before a health care provider arranges for air medical transportation services for a patient who does not have an emergency medical condition as defined in 42 U.S.C. § 1395dd(e)(1), the hospital shall provide the patient or his authorized representative with written or electronic notice that the patient (i) may have a choice of transportation by an air medical transportation provider or medically appropriate ground transportation by an emergency medical services provider and (ii) will be responsible for charges incurred for such

transportation in the event that the provider is not a contracted network provider of the patient's health insurance carrier or such charges are not otherwise covered in full or in part by the patient's health insurance plan;

24. Shall establish an exemption, for a period of no more than 30 days, from the requirement to obtain a license to add temporary beds in an existing hospital or nursing home when the Commissioner has determined that a natural or man-made disaster has caused the evacuation of a hospital or nursing home and that a public health emergency exists due to a shortage of hospital or nursing home beds;

25. Shall establish protocols to ensure that any patient scheduled to receive an elective surgical procedure for which the patient can reasonably be expected to require outpatient physical therapy as a follow-up treatment after discharge is informed that he (i) is expected to require outpatient physical therapy as a follow-up treatment and (ii) will be required to select a physical therapy provider prior to being discharged from the hospital;

26. Shall permit nursing home staff members who are authorized to possess, distribute, or administer medications to residents to store, dispense, or administer cannabis oil to a resident who has been issued a valid written certification for the use of cannabis oil in accordance with subsection B of § 54.1-3408.3 and has registered with the Board of Pharmacy; ~~and~~

27. Shall require each hospital with an emergency department to establish a protocol for treatment of individuals experiencing a substance use-related emergency to include the completion of appropriate assessments or screenings to identify medical interventions necessary for the treatment of the individual in the emergency department. The protocol may also include a process for patients that are discharged directly from the emergency department for the recommendation of follow-up care following discharge for any identified substance use disorder, depression, or mental health disorder, as appropriate, which may include instructions for distribution of naloxone, referrals to peer recovery specialists and community-based providers of behavioral health services, or referrals for pharmacotherapy for treatment of drug or alcohol dependence or mental health diagnoses; *and*

28. *During a public health emergency related to COVID-19, shall require each nursing home and certified nursing facility to establish a protocol to allow each patient to receive visits, consistent with guidance from the Centers for Disease Control and Prevention and as directed by the Centers for Medicare and Medicaid Services and the Board. Such protocol shall include provisions describing (i) the conditions, including conditions related to the presence of COVID-19 in the nursing home, certified nursing facility, and community, under which in-person visits will be allowed and under which in-person visits will not be allowed and visits will be required to be virtual; (ii) the requirements with which in-person visitors will be required to comply to protect the health and safety of the patients and staff of the nursing home or certified nursing facility; (iii) the types of technology, including interactive audio or video technology, and the staff support necessary to ensure visits are provided as required by this subdivision; and (iv) the steps the nursing home or certified nursing facility will take in the event of a technology failure, service interruption, or documented emergency that prevents visits from occurring as required by this subdivision. Such protocol shall also include (a) a statement of the frequency with which visits, including virtual and in-person, where appropriate, will be allowed, which shall be at least once every 10 calendar days for each patient; (b) a provision authorizing a patient or the patient's personal representative to waive or limit visitation, provided that such waiver or limitation is included in the patient's health record; and (c) a requirement that each nursing home and certified nursing facility publish on its website or communicate to each patient or the patient's authorized representative, in writing or via electronic means, the nursing home's or certified nursing facility's plan for providing visits to patients as required by this subdivision.*

C. Upon obtaining the appropriate license, if applicable, licensed hospitals, nursing homes, and certified nursing facilities may operate adult day care centers.

D. All facilities licensed by the Board pursuant to this article which provide treatment or care for hemophiliacs and, in the course of such treatment, stock clotting factors, shall maintain records of all lot numbers or other unique identifiers for such clotting factors in order that, in the event the lot is found to be contaminated with an infectious agent, those hemophiliacs who have received units of this contaminated clotting factor may be apprised of this contamination. Facilities which have identified a lot that is known to be contaminated shall notify the recipient's attending physician and request that he notify the recipient of the contamination. If the physician is unavailable, the facility shall notify by mail, return receipt requested, each recipient who received treatment from a known contaminated lot at the individual's last known address.

§ 32.1-162.5. Regulations.

A. The Board shall prescribe such regulations governing the activities and services provided by hospices as may be necessary to protect the public health, safety and welfare. Such regulations shall include, but not be limited to, the requirements for: the qualifications and supervision of licensed and nonlicensed personnel; the standards for the care, treatment, health, safety, welfare, and comfort of patients and their families served by the program; the management, operation, staffing and equipping of the hospice program or hospice facility; clinical and business records kept by the hospice or hospice facility; and procedures for the review of utilization and quality of care. To avoid duplication in regulations, the Board shall incorporate regulations applicable to facilities licensed as hospitals or nursing homes under Article 1 (§ 32.1-123 et seq.) and to organizations licensed as home ~~health agencies~~ *care organizations* under Article 7.1 (§ 32.1-162.7 et seq.) of Chapter 5 of this title which ~~that~~ are also applicable to hospice programs in the regulations to govern hospices. A person who seeks a license to establish or operate a hospice and who has a preexisting valid license to operate a hospital, nursing home, or home ~~health agency~~ *care organization* shall be considered in compliance with those regulations ~~which~~ *that* are applicable to both a hospice and the facility for which it has a license.

B. Notwithstanding any law or regulation to the contrary, regulations for hospice facilities shall include minimum standards for design and construction consistent with the Hospice Care section of the current edition of the Guidelines for Design and Construction of *Hospital and Health Care Facilities* issued by the American Institute of Architects Academy of Architecture for Health.

C. Regulations for hospices shall require each hospice facility to establish a protocol to allow each patient to receive visits, consistent with guidance from the Centers for Disease Control and Prevention and as directed by the Centers for Medicare and Medicaid Services and the Board, during a public health emergency related to COVID-19. Such protocol shall include provisions describing (i) the conditions, including conditions related to the presence of COVID-19 in the hospice facility and community, under which in-person visits will be allowed and under which in-person visits will not be allowed and visits will be required to be virtual; (ii) the requirements with which in-person visitors will be required to comply to protect the health and safety of patients and staff of the hospice facility; (iii) the types of technology, including interactive audio or video technology, and the staff support necessary to ensure visits are provided as required by this subsection; and (iv) the steps the hospice facility will take in the event of a technology failure, service interruption, or documented emergency that prevents visits from occurring as required by this subsection. Such protocol shall also include (a) a statement of the frequency with which visits, including virtual and in-person, where appropriate, will be allowed, which shall be at least once every 10 calendar days for each patient; (b) a provision authorizing a patient or the patient's personal representative to waive or limit visitation, provided that such waiver or limitation is included in the patient's health record; and (c) a requirement that each hospice facility publish on its website or communicate to patients or their personal representatives, in writing or via electronic means, the hospice facility's plan for providing visits to patients as required by this subsection.

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

3. That the Department of Health shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

CHAPTER 12

An Act to amend the Code of Virginia by adding a section numbered 32.1-37.01, relating to outbreaks of communicable disease of public health threat; posting of information; emergency.

[H 5048]

Approved October 21, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 32.1-37.01 as follows:

§ 32.1-37.01. Posting of information about cases of communicable disease of public health threat.

A. As used in this section:

"Reporting entity" means a medical care facility, residential or day program, service or facility licensed or operated by any agency of the Commonwealth, school, or summer camp required to report an outbreak of a communicable disease pursuant to § 32.1-37.

B. Upon declaration of an emergency by the Governor pursuant to § 44-146.17 in response to a communicable disease of public health threat, the Department shall make information regarding outbreaks of such communicable disease of public health threat reported pursuant to § 32.1-37 available to the public on a website maintained by the Department, provided the release of such information does not violate the provisions of § 32.1-41. Such information shall include (i) the name of the reporting entity at which an outbreak of such communicable disease of public health threat has been reported; (ii) the number of confirmed cases of such communicable disease of public health threat reported by such reporting entity; and (iii) the number of deaths resulting from such communicable disease of public health threat reported by such reporting entity.

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

CHAPTER 13

An Act to direct the Commissioner of Health to make certain COVID-19-related data available to the public.

[S 5090]

Approved October 21, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. For the duration of the emergency declared by the Governor pursuant to § 44-146.17 of the Code of Virginia in response to COVID-19, the Commissioner of Health shall make available to the public on a website maintained by the Department of Health information about confirmed cases of COVID-19 in the Commonwealth, by week and by health district, including (i) the total number of confirmed cases of COVID-19; (ii) the number of confirmed cases by age group and by race and ethnicity; and (iii) the percentage of cases that are known to be associated with a nursing home, assisted living facility, or correctional facility, provided that the release of such information does not violate the provisions of § 32.1-41 of the Code of Virginia.

§ 2. For the duration of the emergency declared by the Governor pursuant to § 44-146.17 of the Code of Virginia in response to COVID-19, the Commissioner of Health shall make available to the public on a website maintained by the Department of Health information about and analyses of data required to be made available to the public pursuant to § 1 to facilitate better understanding of such data.

§ 3. For the duration of the emergency declared by the Governor pursuant to § 44-146.17 of the Code of Virginia in response to COVID-19, the Commissioner of Health shall develop and make available to the public on a website maintained by the Department of Health COVID-19 indicators with thresholds to include case incidence rate, percentage of polymerase chain reaction (PCR) tests that are positive, rate of COVID-like illness visits to emergency departments, rate of current confirmed COVID-19 intensive care unit hospitalizations, and percentage of hospital beds that are currently occupied.

CHAPTER 14

An Act to amend and reenact § 44-146.17 of the Code of Virginia, relating to Emergency Services and Disaster Law; powers and duties of the Governor; executive orders; penalty.

[H 5093]

Approved October 21, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 44-146.17 of the Code of Virginia is amended and reenacted as follows:

§ 44-146.17. Powers and duties of Governor.

The Governor shall be Director of Emergency Management. He shall take such action from time to time as is necessary for the adequate promotion and coordination of state and local emergency services activities relating to the safety and welfare of the Commonwealth in time of disasters.

The Governor shall have, in addition to his powers hereinafter or elsewhere prescribed by law, the following powers and duties:

(1) To proclaim and publish such rules and regulations and to issue such orders as may, in his judgment, be necessary to accomplish the purposes of this chapter including, but not limited to such measures as are in his judgment required to control, restrict, allocate or regulate the use, sale, production and distribution of food, fuel, clothing and other commodities, materials, goods, services and resources under any state or federal emergency services programs.

He may adopt and implement the Commonwealth of Virginia Emergency Operations Plan, which provides for state-level emergency operations in response to any type of disaster or large-scale emergency affecting Virginia and that provides the needed framework within which more detailed emergency plans and procedures can be developed and maintained by state agencies, local governments and other organizations.

He may direct and compel evacuation of all or part of the populace from any stricken or threatened area if this action is deemed necessary for the preservation of life, implement emergency mitigation, preparedness, response or recovery actions; prescribe routes, modes of transportation and destination in connection with evacuation; and control ingress and egress at an emergency area, including the movement of persons within the area and the occupancy of premises therein.

Executive orders, to include those declaring a state of emergency and directing evacuation, shall have the force and effect of law and the violation thereof shall be punishable as a civil penalty of not more than \$500 or as a Class 1 misdemeanor in every case where the executive order declares that its violation shall have such force and effect. *Where an executive order declares a violation shall be punishable as a civil penalty, such violation shall be charged by summons and may be executed by a law-enforcement officer when such violation is observed by the officer. The summons used by a law-enforcement officer pursuant to this section shall be, in form, the same as the uniform summons for motor vehicle law violations as prescribed pursuant to § 46.2-388. The proceeds of such civil penalties collected pursuant to this section shall be paid and collected only in lawful money of the United States and paid into the state treasury to the credit of the Literary Fund.*

Such executive orders declaring a state of emergency may address exceptional circumstances that exist relating to an order of quarantine or an order of isolation concerning a communicable disease of public health threat that is issued by the State Health Commissioner for an affected area of the Commonwealth pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 of Title 32.1.

Except as to emergency plans issued to prescribe actions to be taken in the event of disasters and emergencies, no rule, regulation, or order issued under this section shall have any effect beyond June 30 next following the next adjournment of the regular session of the General Assembly but the same or a similar rule, regulation, or order may thereafter be issued again if not contrary to law;

(2) To appoint a State Coordinator of Emergency Management and authorize the appointment or employment of other personnel as is necessary to carry out the provisions of this chapter, and to remove, in his discretion, any and all persons serving hereunder;

(3) To procure supplies and equipment, to institute training and public information programs relative to emergency management and to take other preparatory steps including the partial or full mobilization of emergency management organizations in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces in time of need;

(4) To make such studies and surveys of industries, resources, and facilities in the Commonwealth as may be necessary to ascertain the capabilities of the Commonwealth and to plan for the most efficient emergency use thereof;

(5) On behalf of the Commonwealth enter into mutual aid arrangements with other states and to coordinate mutual aid plans between political subdivisions of the Commonwealth. After a state of emergency is declared in another state and the Governor receives a written request for assistance from the executive authority of that state, the Governor may authorize the use in the other state of personnel, equipment, supplies, and materials of the Commonwealth, or of a political subdivision, with the consent of the chief executive officer or governing body of the political subdivision;

(6) To delegate any administrative authority vested in him under this chapter, and to provide for the further delegation of any such authority, as needed;

(7) Whenever, in the opinion of the Governor, the safety and welfare of the people of the Commonwealth require the exercise of emergency measures due to a threatened or actual disaster, he may declare a state of emergency to exist;

(8) To request a major disaster declaration from the President, thereby certifying the need for federal disaster assistance and ensuring the expenditure of a reasonable amount of funds of the Commonwealth, its local governments, or other agencies for alleviating the damage, loss, hardship, or suffering resulting from the disaster;

(9) To provide incident command system guidelines for state agencies and local emergency response organizations; and

(10) Whenever, in the opinion of the Governor or his designee, an employee of a state or local public safety agency responding to a disaster has suffered an extreme personal or family hardship in the affected area, such as the destruction of a personal residence or the existence of living conditions that imperil the health and safety of an immediate family member of the employee, the Governor may direct the Comptroller of the Commonwealth to issue warrants not to exceed \$2,500 per month, for up to three calendar months, to the employee to assist the employee with the hardship.

2. That the provisions of this act shall expire on June 30, 2023.

CHAPTER 15

An Act to amend and reenact § 44-146.17 of the Code of Virginia, relating to Emergency Services and Disaster Law; powers and duties of the Governor; executive orders; penalty.

[S 5117]

Approved October 21, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 44-146.17 of the Code of Virginia is amended and reenacted as follows:

§ 44-146.17. Powers and duties of Governor.

The Governor shall be Director of Emergency Management. He shall take such action from time to time as is necessary for the adequate promotion and coordination of state and local emergency services activities relating to the safety and welfare of the Commonwealth in time of disasters.

The Governor shall have, in addition to his powers hereinafter or elsewhere prescribed by law, the following powers and duties:

(1) To proclaim and publish such rules and regulations and to issue such orders as may, in his judgment, be necessary to accomplish the purposes of this chapter including, but not limited to such measures as are in his judgment required to control, restrict, allocate or regulate the use, sale, production and distribution of food, fuel, clothing and other commodities, materials, goods, services and resources under any state or federal emergency services programs.

He may adopt and implement the Commonwealth of Virginia Emergency Operations Plan, which provides for state-level emergency operations in response to any type of disaster or large-scale emergency affecting Virginia and that provides the needed framework within which more detailed emergency plans and procedures can be developed and maintained by state agencies, local governments and other organizations.

He may direct and compel evacuation of all or part of the populace from any stricken or threatened area if this action is deemed necessary for the preservation of life, implement emergency mitigation, preparedness, response or recovery actions; prescribe routes, modes of transportation and destination in connection with evacuation; and control ingress and egress at an emergency area, including the movement of persons within the area and the occupancy of premises therein.

Executive orders, to include those declaring a state of emergency and directing evacuation, shall have the force and effect of law and the violation thereof shall be punishable *as a civil penalty of not more than \$500 or as a Class 1 misdemeanor* in every case where the executive order declares that its violation shall have such force and effect. *Where an executive order declares a violation shall be punishable as a civil penalty, such violation shall be charged by summons and may be executed by a law-enforcement officer when such violation is observed by the officer. The summons used by a law-enforcement officer pursuant to this section shall be, in form, the same as the uniform summons for motor vehicle law violations as prescribed pursuant to § 46.2-388. The proceeds of such civil penalties collected pursuant to this section shall be paid and collected only in lawful money of the United States and paid into the state treasury to the credit of the Literary Fund.*

Such executive orders declaring a state of emergency may address exceptional circumstances that exist relating to an order of quarantine or an order of isolation concerning a communicable disease of public health threat that is issued by the

State Health Commissioner for an affected area of the Commonwealth pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 of Title 32.1.

Except as to emergency plans issued to prescribe actions to be taken in the event of disasters and emergencies, no rule, regulation, or order issued under this section shall have any effect beyond June 30 next following the next adjournment of the regular session of the General Assembly but the same or a similar rule, regulation, or order may thereafter be issued again if not contrary to law;

(2) To appoint a State Coordinator of Emergency Management and authorize the appointment or employment of other personnel as is necessary to carry out the provisions of this chapter, and to remove, in his discretion, any and all persons serving hereunder;

(3) To procure supplies and equipment, to institute training and public information programs relative to emergency management and to take other preparatory steps including the partial or full mobilization of emergency management organizations in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces in time of need;

(4) To make such studies and surveys of industries, resources, and facilities in the Commonwealth as may be necessary to ascertain the capabilities of the Commonwealth and to plan for the most efficient emergency use thereof;

(5) On behalf of the Commonwealth enter into mutual aid arrangements with other states and to coordinate mutual aid plans between political subdivisions of the Commonwealth. After a state of emergency is declared in another state and the Governor receives a written request for assistance from the executive authority of that state, the Governor may authorize the use in the other state of personnel, equipment, supplies, and materials of the Commonwealth, or of a political subdivision, with the consent of the chief executive officer or governing body of the political subdivision;

(6) To delegate any administrative authority vested in him under this chapter, and to provide for the further delegation of any such authority, as needed;

(7) Whenever, in the opinion of the Governor, the safety and welfare of the people of the Commonwealth require the exercise of emergency measures due to a threatened or actual disaster, he may declare a state of emergency to exist;

(8) To request a major disaster declaration from the President, thereby certifying the need for federal disaster assistance and ensuring the expenditure of a reasonable amount of funds of the Commonwealth, its local governments, or other agencies for alleviating the damage, loss, hardship, or suffering resulting from the disaster;

(9) To provide incident command system guidelines for state agencies and local emergency response organizations; and

(10) Whenever, in the opinion of the Governor or his designee, an employee of a state or local public safety agency responding to a disaster has suffered an extreme personal or family hardship in the affected area, such as the destruction of a personal residence or the existence of living conditions that imperil the health and safety of an immediate family member of the employee, the Governor may direct the Comptroller of the Commonwealth to issue warrants not to exceed \$2,500 per month, for up to three calendar months, to the employee to assist the employee with the hardship.

2. That the provisions of this act shall expire on June 30, 2023.

CHAPTER 16

An Act to amend and reenact §§ 59.1-526 and 59.1-527 of the Code of Virginia, relating to the Virginia Post-Disaster Anti-Price Gouging Act; manufacturers and distributors.

[H 5047]

Approved October 21, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 59.1-526 and 59.1-527 of the Code of Virginia are amended and reenacted as follows:

§ 59.1-526. Definitions.

As used in this chapter:

"Disaster" means any "disaster," "emergency," or "major disaster," as those terms are used and defined in § 44-146.16, that results in the declaration of a state of emergency by the Governor or the President of the United States.

~~"Goods," "Consumer transaction," "goods," and "services," and "supplier"~~ have the same meanings as are set forth for those terms in § 59.1-198.

"Necessary goods and services" means any necessary good or service for which consumer demand does, or is likely to, increase as a consequence of the disaster, and includes; ~~but is not limited to~~, water, ice, consumer food items or supplies, property or services for emergency cleanup, emergency supplies, communication supplies and services, medical supplies and services, home heating fuel, building materials and services, tree removal supplies and services, freight, storage services, housing, lodging, transportation, and motor fuels.

"Supplier" means a seller, lessor, licensor, or professional who advertises, solicits, or engages in consumer transactions, or a manufacturer, distributor, or licensor who sells, leases, or licenses goods or services to be resold, leased, or sublicensed by other persons in consumer transactions. However, a manufacturer, distributor, or licensor who sells, leases, or licenses agricultural goods or services to be resold, leased, or sublicensed by other persons in consumer transactions shall not be considered a "supplier" unless such manufacturer, distributor, or licensor advertises such agricultural goods or services.

"Time of disaster" means the shorter of (i) the period of time when a state of emergency declared by the Governor or the President of the United States as the result of a disaster, emergency, or major disaster, as those terms are used and defined in § 44-146.16, is in effect or (ii) 30 days after the occurrence of the disaster, emergency, or major disaster that resulted in the declaration of the state of emergency; however, if the state of emergency is extended or renewed within 30 days after such an occurrence, then such period shall be extended to include the 30 days following the date the state of emergency was extended or renewed.

§ 59.1-527. Prohibitions.

During any time of disaster, it shall be unlawful for any supplier to sell, lease, or license, or to offer to sell, lease, or license, any necessary goods and services at an unconscionable price within the area for which the state of emergency is declared. Actual sales at the increased price shall not be required for the increase to be considered unconscionable. In determining whether a price increase is unconscionable, the following shall be considered:

1. Whether the price charged by the supplier grossly exceeded the price charged by the supplier for the same or similar goods or services during the 10 days immediately prior to the time of disaster, provided that, with respect to any supplier who was offering a good or service at a reduced price immediately prior to the time of disaster, the price at which the supplier usually offers the good or service shall be used as the benchmark for these purposes;

2. Whether the price charged by the supplier grossly exceeded the price at which the same or similar goods or services were readily obtainable by ~~consumers~~ purchasers in the trade area during the 10 days immediately prior to the time of disaster;

3. Whether the increase in the amount charged by the supplier was attributable solely to additional costs incurred by the supplier in connection with the sale of the goods or services, including additional costs imposed by the supplier's source. Proof that the supplier incurred such additional costs during the time of disaster shall be prima facie evidence that the price increase *by that supplier* was not unconscionable; and

4. Whether the increase in the amount charged by the supplier was attributable solely to a regular seasonal or holiday adjustment in the price charged for the good or service. Proof that the supplier regularly increased the price for a particular good or service during portions of the period covered by the time of disaster would be prima facie evidence that the price increase was not unconscionable during those periods.

CHAPTER 17

An Act to amend and reenact §§ 2.2-4343 and 44-146.17 of the Code of Virginia, relating to Emergency Services and Disaster Law; powers and duties of Governor; purchase of personal protective equipment during a disaster caused by a communicable disease of public health threat.

[S 5039]

Approved October 21, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-4343 and 44-146.17 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-4343. Exemption from operation of chapter for certain transactions.

A. The provisions of this chapter shall not apply to:

1. The Virginia Port Authority in the exercise of any of its powers in accordance with Chapter 10 (§ 62.1-128 et seq.) of Title 62.1, provided the Authority implements, by policy or regulation adopted by the Board of Commissioners, procedures to ensure fairness and competitiveness in the procurement of goods and services and in the administration of its capital outlay program. This exemption shall be applicable only so long as such policies and procedures meeting the requirements remain in effect.

2. The Virginia Retirement System for selection of services related to the management, purchase or sale of authorized investments, actuarial services, and disability determination services. Selection of these services shall be governed by the standard set forth in § 51.1-124.30.

3. The State Treasurer in the selection of investment management services related to the external management of funds shall be governed by the standard set forth in § 2.2-4514, and shall be subject to competitive guidelines and policies that are set by the Commonwealth Treasury Board and approved by the Department of General Services.

4. The Department of Social Services or local departments of social services for the acquisition of motor vehicles for sale or transfer to Temporary Assistance to Needy Families (TANF) recipients.

5. The College of William and Mary in Virginia, Virginia Commonwealth University, the University of Virginia, and Virginia Polytechnic Institute and State University in the selection of services related to the management and investment of their endowment funds, endowment income, gifts, all other nongeneral fund reserves and balances, or local funds of or held by the respective public institution of higher education pursuant to § 23.1-2210, 23.1-2306, 23.1-2604, or 23.1-2803. However, selection of these services shall be governed by the Uniform Prudent Management of Institutional Funds Act (§ 64.2-1100 et seq.) as required by §§ 23.1-2210, 23.1-2306, 23.1-2604, and 23.1-2803.

6. The Board of the Virginia College Savings Plan for the selection of services related to the operation and administration of the Plan, including, but not limited to, contracts or agreements for the management, purchase, or sale of

authorized investments or actuarial, record keeping, or consulting services. However, such selection shall be governed by the standard set forth in § 23.1-706.

7. Public institutions of higher education for the purchase of items for resale at retail bookstores and similar retail outlets operated by such institutions. However, such purchase procedures shall provide for competition where practicable.

8. The purchase of goods and services by agencies of the legislative branch that may be specifically exempted therefrom by the Chairman of the Committee on Rules of either the House of Delegates or the Senate. Nor shall the contract review provisions of § 2.2-2012 apply to such procurements. The exemption shall be in writing and kept on file with the agency's disbursement records.

9. Any town with a population of less than 3,500, except as stipulated in the provisions of §§ 2.2-4305, 2.2-4311, 2.2-4315, 2.2-4330, 2.2-4333 through 2.2-4338, 2.2-4343.1, and 2.2-4367 through 2.2-4377 and Chapter 43.1 (§ 2.2-4378 et seq.).

10. Any county, city or town whose governing body has adopted, by ordinance or resolution, alternative policies and procedures which are (i) based on competitive principles and (ii) generally applicable to procurement of goods and services by such governing body and its agencies, except as stipulated in subdivision 12.

This exemption shall be applicable only so long as such policies and procedures, or other policies and procedures meeting the requirements of § 2.2-4300, remain in effect in such county, city or town. Such policies and standards may provide for incentive contracting that offers a contractor whose bid is accepted the opportunity to share in any cost savings realized by the locality when project costs are reduced by such contractor, without affecting project quality, during construction of the project. The fee, if any, charged by the project engineer or architect for determining such cost savings shall be paid as a separate cost and shall not be calculated as part of any cost savings.

11. Any school division whose school board has adopted, by policy or regulation, alternative policies and procedures that are (i) based on competitive principles and (ii) generally applicable to procurement of goods and services by the school board, except as stipulated in subdivision 12.

This exemption shall be applicable only so long as such policies and procedures, or other policies or procedures meeting the requirements of § 2.2-4300, remain in effect in such school division. This provision shall not exempt any school division from any centralized purchasing ordinance duly adopted by a local governing body.

12. (Effective until January 1, 2021) Notwithstanding the exemptions set forth in subdivisions 9 through 11, the provisions of subsections B, C, and D of § 2.2-4303, §§ 2.2-4305, 2.2-4311, 2.2-4315, 2.2-4317, 2.2-4330, 2.2-4333 through 2.2-4338, 2.2-4342, 2.2-4343.1, and 2.2-4367 through 2.2-4377, and Chapter 43.1 (§ 2.2-4378 et seq.) shall apply to all counties, cities, and school divisions, and to all towns having a population greater than 3,500 in the Commonwealth.

The method for procurement of professional services through competitive negotiation set forth in §§ 2.2-4302.2, 2.2-4303.1, and 2.2-4303.2 shall also apply to all counties, cities, and school divisions, and to all towns having a population greater than 3,500, where the cost of the professional service is expected to exceed \$80,000 in the aggregate or for the sum of all phases of a contract or project. A school board that makes purchases through its public school foundation or purchases educational technology through its educational technology foundation, either as may be established pursuant to § 22.1-212.2:2 shall be exempt from the provisions of this chapter, except, relative to such purchases, the school board shall comply with the provisions of §§ 2.2-4311 and 2.2-4367 through 2.2-4377.

12. (Effective January 1, 2021) Notwithstanding the exemptions set forth in subdivisions 9 through 11, the provisions of subsections B, C, and D of § 2.2-4303, §§ 2.2-4305, 2.2-4311, 2.2-4315, 2.2-4317, 2.2-4330, 2.2-4333 through 2.2-4338, 2.2-4342, 2.2-4343.1, and 2.2-4367 through 2.2-4377, Chapter 43.1 (§ 2.2-4378 et seq.), and § 58.1-1902 shall apply to all counties, cities, and school divisions and to all towns having a population greater than 3,500 in the Commonwealth.

The method for procurement of professional services through competitive negotiation set forth in §§ 2.2-4302.2, 2.2-4303.1, and 2.2-4303.2 shall also apply to all counties, cities, and school divisions, and to all towns having a population greater than 3,500, where the cost of the professional service is expected to exceed \$80,000 in the aggregate or for the sum of all phases of a contract or project. A school board that makes purchases through its public school foundation or purchases educational technology through its educational technology foundation, either as may be established pursuant to § 22.1-212.2:2 shall be exempt from the provisions of this chapter, except, relative to such purchases, the school board shall comply with the provisions of §§ 2.2-4311 and 2.2-4367 through 2.2-4377.

13. A public body that is also a utility operator may purchase services through or participate in contracts awarded by one or more utility operators that are not public bodies for utility marking services as required by the Underground Utility Damage Prevention Act (§ 56-265.14 et seq.). A purchase of services under this subdivision may deviate from the procurement procedures set forth in this chapter upon a determination made in advance by the public body and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, and the contract is awarded based on competitive principles.

14. Procurement of any construction or planning and design services for construction by a Virginia nonprofit corporation or organization not otherwise specifically exempted when (i) the planning, design or construction is funded by state appropriations of \$10,000 or less or (ii) the Virginia nonprofit corporation or organization is obligated to conform to procurement procedures that are established by federal statutes or regulations, whether those federal procedures are in conformance with the provisions of this chapter.

15. Purchases, exchanges, gifts or sales by the Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion.

16. The Eastern Virginia Medical School in the selection of services related to the management and investment of its endowment and other institutional funds. The selection of these services shall, however, be governed by the Uniform Prudent Management of Institutional Funds Act (§ 64.2-1100 et seq.).

17. The Department of Corrections in the selection of pre-release and post-incarceration services and the Department of Juvenile Justice in the selection of pre-release and post-commitment services.

18. The University of Virginia Medical Center to the extent provided by subdivision A 3 of § 23.1-2213.

19. The purchase of goods and services by a local governing body or any authority, board, department, instrumentality, institution, agency or other unit of state government when such purchases are made under a remedial plan established by the Governor pursuant to subsection C of § 2.2-4310 or by a chief administrative officer of a county, city or town pursuant to § 15.2-965.1.

20. The contract by community services boards or behavioral health authorities with an administrator or management body pursuant to a joint agreement authorized by § 37.2-512 or 37.2-615.

21. [Expired].

22. The purchase of Virginia-grown food products for use by a public body where the annual cost of the product is not expected to exceed \$100,000, provided that the procurement is accomplished by (i) obtaining written informal solicitation of a minimum of three bidders or offerors if practicable and (ii) including a written statement regarding the basis for awarding the contract.

23. The Virginia Industries for the Blind when procuring components, materials, supplies, or services for use in commodities and services furnished to the federal government in connection with its operation as an AbilityOne Program-qualified nonprofit agency for the blind under the Javits-Wagner-O'Day Act, 41 U.S.C. §§ 8501-8506, provided that the procurement is accomplished using procedures that ensure that funds are used as efficiently as practicable. Such procedures shall require documentation of the basis for awarding contracts. Notwithstanding the provisions of § 2.2-1117, no public body shall be required to purchase such components, materials, supplies, services, or commodities.

24. *The purchase of personal protective equipment for private, nongovernmental entities by the Governor pursuant to subdivision (11) of § 44-146.17 during a disaster caused by a communicable disease of public health threat for which a state of emergency has been declared. However, such purchase shall provide for competition where practicable and include a written statement regarding the basis for awarding any contract.*

B. Where a procurement transaction involves the expenditure of federal assistance or contract funds, the receipt of which is conditioned upon compliance with mandatory requirements in federal laws or regulations not in conformance with the provisions of this chapter, a public body may comply with such federal requirements, notwithstanding the provisions of this chapter, only upon the written determination of the Governor, in the case of state agencies, or the governing body, in the case of political subdivisions, that acceptance of the grant or contract funds under the applicable conditions is in the public interest. Such determination shall state the specific provision of this chapter in conflict with the conditions of the grant or contract.

§ 44-146.17. Powers and duties of Governor.

The Governor shall be Director of Emergency Management. He shall take such action from time to time as is necessary for the adequate promotion and coordination of state and local emergency services activities relating to the safety and welfare of the Commonwealth in time of disasters.

The Governor shall have, in addition to his powers hereinafter or elsewhere prescribed by law, the following powers and duties:

(1) To proclaim and publish such rules and regulations and to issue such orders as may, in his judgment, be necessary to accomplish the purposes of this chapter including, but not limited to such measures as are in his judgment required to control, restrict, allocate or regulate the use, sale, production and distribution of food, fuel, clothing and other commodities, materials, goods, services and resources under any state or federal emergency services programs.

He may adopt and implement the Commonwealth of Virginia Emergency Operations Plan, which provides for state-level emergency operations in response to any type of disaster or large-scale emergency affecting Virginia and that provides the needed framework within which more detailed emergency plans and procedures can be developed and maintained by state agencies, local governments and other organizations.

He may direct and compel evacuation of all or part of the populace from any stricken or threatened area if this action is deemed necessary for the preservation of life, implement emergency mitigation, preparedness, response or recovery actions; prescribe routes, modes of transportation and destination in connection with evacuation; and control ingress and egress at an emergency area, including the movement of persons within the area and the occupancy of premises therein.

Executive orders, to include those declaring a state of emergency and directing evacuation, shall have the force and effect of law and the violation thereof shall be punishable as a Class 1 misdemeanor in every case where the executive order declares that its violation shall have such force and effect.

Such executive orders declaring a state of emergency may address exceptional circumstances that exist relating to an order of quarantine or an order of isolation concerning a communicable disease of public health threat that is issued by the State Health Commissioner for an affected area of the Commonwealth pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 of Title 32.1.

Except as to emergency plans issued to prescribe actions to be taken in the event of disasters and emergencies, no rule, regulation, or order issued under this section shall have any effect beyond June 30 next following the next adjournment of

the regular session of the General Assembly but the same or a similar rule, regulation, or order may thereafter be issued again if not contrary to law;

(2) To appoint a State Coordinator of Emergency Management and authorize the appointment or employment of other personnel as is necessary to carry out the provisions of this chapter, and to remove, in his discretion, any and all persons serving hereunder;

(3) To procure supplies and equipment, to institute training and public information programs relative to emergency management and to take other preparatory steps, including the partial or full mobilization of emergency management organizations in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces in time of need;

(4) To make such studies and surveys of industries, resources, and facilities in the Commonwealth as may be necessary to ascertain the capabilities of the Commonwealth and to plan for the most efficient emergency use thereof;

(5) On behalf of the Commonwealth to enter into mutual aid arrangements with other states and to coordinate mutual aid plans between political subdivisions of the Commonwealth. After a state of emergency is declared in another state and the Governor receives a written request for assistance from the executive authority of that state, the Governor may authorize the use in the other state of personnel, equipment, supplies, and materials of the Commonwealth, or of a political subdivision, with the consent of the chief executive officer or governing body of the political subdivision;

(6) To delegate any administrative authority vested in him under this chapter, and to provide for the further delegation of any such authority, as needed;

(7) Whenever, in the opinion of the Governor, the safety and welfare of the people of the Commonwealth require the exercise of emergency measures due to a threatened or actual disaster, ~~he may~~ to declare a state of emergency to exist;

(8) To request a major disaster declaration from the President, thereby certifying the need for federal disaster assistance and ensuring the expenditure of a reasonable amount of funds of the Commonwealth, its local governments, or other agencies for alleviating the damage, loss, hardship, or suffering resulting from the disaster;

(9) To provide incident command system guidelines for state agencies and local emergency response organizations; ~~and~~

(10) Whenever, in the opinion of the Governor or his designee, an employee of a state or local public safety agency responding to a disaster has suffered an extreme personal or family hardship in the affected area, such as the destruction of a personal residence or the existence of living conditions that imperil the health and safety of an immediate family member of the employee, ~~the Governor may~~ to direct the Comptroller of the Commonwealth to issue warrants not to exceed \$2,500 per month, for up to three calendar months, to the employee to assist the employee with the hardship; *and*

(11) *During a disaster caused by a communicable disease of public health threat for which a state of emergency has been declared pursuant to subdivision (7), to establish a program through which the Governor may purchase PPE for private, nongovernmental entities and distribute the PPE to such private, nongovernmental entities. If federal funding is available to establish and fund the program, the Governor, if necessary to comply with any conditions attached to such federal funding, shall be entitled to seek reimbursement for such purchases from the private, nongovernmental entities and may establish and charge fees to recover the cost of administering the program, including the cost of procuring and distributing the PPE. However, if federal funding is not available to establish and fund the program, the Governor shall, prior to making such purchases, receive a contract for payment for purchase from the private nongovernmental entities for the full cost of procuring and distributing the PPE, which shall include any amortized costs of administering the program. Any purchase made by the Governor pursuant to this subdivision shall be exempt from the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.), except the Governor shall be encouraged to comply with the provisions of § 2.2-4310 when possible. The Governor shall also provide for competition where practicable and include a written statement regarding the basis for awarding any contract. Prior to implementing such a program, the Department of Emergency Management shall consult with and survey private, nongovernmental entities in order to assess demand for participation in the program as well as the quantity and types of personal protective equipment such entities would like to procure.*

As used in this subdivision, "personal protective equipment" or "PPE" means equipment or supplies worn or employed to minimize exposure to hazards that cause serious workplace injuries and illnesses and may include items such as gloves, safety glasses and shoes, earplugs or muffs, hard hats, respirators, coveralls, vests, full body suits, hand sanitizer, plastic shields, or testing for the communicable disease of public health threat.

CHAPTER 18

An Act to amend and reenact § 2.2-520 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-511.1, relating to law-enforcement misconduct.

[H 5072]

Approved October 21, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-520 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-511.1 as follows:

§ 2.2-511.1. Public integrity; law-enforcement misconduct.

A. *As used in this section:*

"Law-enforcement officer" means the same as that term is defined in § 9.1-101.

"Locality" shall be construed to mean a county, city, or town as the context may require.

B. It is unlawful for the Commonwealth or any locality, or any agent thereof, or any person acting on behalf of the Commonwealth or any locality, to engage in a pattern or practice of conduct by law-enforcement officers of any agency of the Commonwealth or any locality that deprives persons of rights, privileges, or immunities secured or protected by the laws of the United States and the Commonwealth.

C. Whenever the Attorney General has reasonable cause to believe that a violation of subsection B has occurred, the Attorney General, for or in the name of the Commonwealth, may (i) file a civil action to obtain appropriate equitable and declaratory relief to eliminate the pattern or practice or (ii) inquire into or seek to conciliate any unlawful pattern and practice pursuant to § 2.2-520. The Attorney General may file a civil action to obtain appropriate relief to enforce a conciliation agreement arising out of such inquiry or conciliation. The Attorney General may include, as part of a conciliation agreement, a provision that the locality shall be ineligible for funding under Article 8 (§ 9.1-165 et seq.) of Chapter 1 of Title 9.1 upon a finding by any court of the Commonwealth that such locality is failing to comply with the conciliation agreement. Upon such a finding, the court shall declare the locality ineligible for funding until the locality comes into compliance with the conciliation agreement.

D. Whenever the Attorney General has reasonable cause to believe that a violation of subsection B has occurred, the Attorney General is empowered to issue a civil investigative demand. The provisions of § 59.1-9.10 shall apply mutatis mutandis to civil investigative demands issued pursuant to this section.

§ 2.2-520. Division of Human Rights created; duties.

A. There is created in the Department of Law a Division of Human Rights (the Division) to assist in the prevention of and relief from alleged unlawful discriminatory practices.

B. The powers and duties of the Division shall be to:

1. Receive, investigate, seek to conciliate, refer to another agency, hold hearings pursuant to the Virginia Administrative Process Act (§ 2.2-4000 et seq.), and make findings and recommendations upon complaints alleging unlawful discriminatory practices, including complaints alleging a pattern and practice of unlawful discriminatory practices, pursuant to the Virginia Human Rights Act (§ 2.2-3900 et seq.);

2. Adopt, promulgate, amend, and rescind regulations consistent with this article and the provisions of the Virginia Human Rights Act (§ 2.2-3900 et seq.) pursuant to the Virginia Administrative Process Act (§ 2.2-4000 et seq.). However, the Division shall not have the authority to adopt regulations on a substantive matter when another state agency is authorized to adopt such regulations;

3. Inquire into incidents that may constitute unlawful acts of discrimination or unfounded charges of unlawful discrimination under state or federal law and take such action within the Division's authority designed to prevent such acts;

4. Seek through appropriate enforcement authorities, prevention of or relief from an alleged unlawful discriminatory practice;

5. Appoint and compensate qualified hearing officers from the list of hearing officers maintained by the Executive Secretary of the Supreme Court of Virginia;

6. Promote creation of local commissions to aid in effectuating the policies of this article and to enter into cooperative worksharing or other agreements with federal agencies or local commissions, including the deferral of complaints of discrimination to federal agencies or local commissions;

7. Make studies and appoint advisory councils to effectuate the purposes and policies of the article and to make the results thereof available to the public;

8. Accept public grants or private gifts, bequests, or other payments, as appropriate; ~~and~~

9. Receive complaints, seek to conciliate, and inquire into incidents that may constitute an unlawful pattern or practice of conduct by law-enforcement officers that deprives persons of rights, privileges, or immunities secured or protected by the laws of the United States and the Commonwealth and take such action within the Division's authority, including requesting the Attorney General to issue a civil investigative demand pursuant to subsection D of § 2.2-511.1, designed to prevent such conduct; and

10. Furnish technical assistance upon request of persons subject to this article to further comply with the article or an order issued thereunder.

CHAPTER 19

An Act to amend and reenact § 2.2-520 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-511.1, relating to law-enforcement misconduct.

[S 5024]

Approved October 21, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-520 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-511.1 as follows:

§ 2.2-511.1. Public integrity; law-enforcement misconduct.

A. As used in this section:

"Law-enforcement officer" means the same as that term is defined in § 9.1-101.

"Locality" shall be construed to mean a county, city, or town as the context may require.

B. It is unlawful for the Commonwealth or any locality, or any agent thereof, or any person acting on behalf of the Commonwealth or any locality, to engage in a pattern or practice of conduct by law-enforcement officers of any agency of the Commonwealth or any locality that deprives persons of rights, privileges, or immunities secured or protected by the laws of the United States and the Commonwealth.

C. Whenever the Attorney General has reasonable cause to believe that a violation of subsection B has occurred, the Attorney General, for or in the name of the Commonwealth, may (i) file a civil action to obtain appropriate equitable and declaratory relief to eliminate the pattern or practice or (ii) inquire into or seek to conciliate any unlawful pattern and practice pursuant to § 2.2-520. The Attorney General may file a civil action to obtain appropriate relief to enforce a conciliation agreement arising out of such inquiry or conciliation. The Attorney General may include, as part of a conciliation agreement, a provision that the locality shall be ineligible for funding under Article 8 (§ 9.1-165 et seq.) of Chapter 1 of Title 9.1 upon a finding by any court of the Commonwealth that such locality is failing to comply with the conciliation agreement. Upon such a finding, the court shall declare the locality ineligible for funding until the locality comes into compliance with the conciliation agreement.

D. Whenever the Attorney General has reasonable cause to believe that a violation of subsection B has occurred, the Attorney General is empowered to issue a civil investigative demand. The provisions of § 59.1-9.10 shall apply mutatis mutandis to civil investigative demands issued pursuant to this section.

§ 2.2-520. Division of Human Rights created; duties.

A. There is created in the Department of Law a Division of Human Rights (the Division) to assist in the prevention of and relief from alleged unlawful discriminatory practices.

B. The powers and duties of the Division shall be to:

1. Receive, investigate, seek to conciliate, refer to another agency, hold hearings pursuant to the Virginia Administrative Process Act (§ 2.2-4000 et seq.), and make findings and recommendations upon complaints alleging unlawful discriminatory practices, including complaints alleging a pattern and practice of unlawful discriminatory practices, pursuant to the Virginia Human Rights Act (§ 2.2-3900 et seq.);

2. Adopt, promulgate, amend, and rescind regulations consistent with this article and the provisions of the Virginia Human Rights Act (§ 2.2-3900 et seq.) pursuant to the Virginia Administrative Process Act (§ 2.2-4000 et seq.). However, the Division shall not have the authority to adopt regulations on a substantive matter when another state agency is authorized to adopt such regulations;

3. Inquire into incidents that may constitute unlawful acts of discrimination or unfounded charges of unlawful discrimination under state or federal law and take such action within the Division's authority designed to prevent such acts;

4. Seek through appropriate enforcement authorities, prevention of or relief from an alleged unlawful discriminatory practice;

5. Appoint and compensate qualified hearing officers from the list of hearing officers maintained by the Executive Secretary of the Supreme Court of Virginia;

6. Promote creation of local commissions to aid in effectuating the policies of this article and to enter into cooperative worksharing or other agreements with federal agencies or local commissions, including the deferral of complaints of discrimination to federal agencies or local commissions;

7. Make studies and appoint advisory councils to effectuate the purposes and policies of the article and to make the results thereof available to the public;

8. Accept public grants or private gifts, bequests, or other payments, as appropriate; ~~and~~

9. Receive complaints, seek to conciliate, and inquire into incidents that may constitute an unlawful pattern or practice of conduct by law-enforcement officers that deprives persons of rights, privileges, or immunities secured or protected by the laws of the United States and the Commonwealth and take such action within the Division's authority, including requesting the Attorney General to issue a civil investigative demand pursuant to subsection D of § 2.2-511.1, designed to prevent such conduct; and

10. Furnish technical assistance upon request of persons subject to this article to further comply with the article or an order issued thereunder.

CHAPTER 20

An Act to amend and reenact § 19.2-265.6 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 19.2-298.02, relating to court authority in criminal cases; prosecutorial discretion to dispose of a criminal case.

[S 5033]

Approved October 21, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-265.6 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 19.2-298.02 as follows:

§ 19.2-265.6. Dismissal of criminal charges on Commonwealth's motion; effect of dismissal of criminal charges.

A. Upon motion of the Commonwealth to dismiss a charge, whether with or without prejudice, and with the consent of the defendant, a court shall grant the motion unless the court finds by clear and convincing evidence that the motion was made as the result of (i) bribery or (ii) bias or prejudice toward a victim as defined in § 19.2-11.01 because of the race, religious conviction, gender, disability, gender identity, sexual orientation, color, or national origin of the victim.

B. No dismissal of any criminal charge by a court shall bar subsequent prosecution of the charge unless jeopardy attached at the earlier proceeding or unless the dismissal order explicitly states that the dismissal is with prejudice.

§ 19.2-298.02. Deferred disposition in a criminal case.

A. A trial court presiding in a criminal case may, with the agreement of the defendant and the Commonwealth, after any plea or trial, with or without a determination, finding, or pronouncement of guilt, and notwithstanding the entry of a conviction order, upon consideration of the facts and circumstances of the case, including (i) mitigating factors relating to the defendant or the offense, (ii) the request of the victim, or (iii) any other appropriate factors, defer proceedings, defer entry of a conviction order, if none, or defer entry of a final order, and continue the case for final disposition, on such reasonable terms and conditions as may be agreed upon by the parties and placed on the record, or if there is no agreement, as may be imposed by the court. Final disposition may include (a) conviction of the original charge, (b) conviction of an alternative charge, or (c) dismissal of the proceedings.

B. Upon violation of a term or condition, the court may enter an adjudication of guilt, if not already entered, and make any final disposition of the case provided by subsection A. Upon fulfillment of the terms and conditions, the court shall adjudicate the matter consistent with the agreement of the parties or, if none, by conviction of an alternative charge or dismissal of the case.

C. By consenting to and receiving a deferral of proceedings or a deferral of entry of a final order of guilt and fulfilling the conditions as specified by the court as provided by subsection A, the defendant waives his right to appeal such entry of a final order of guilt.

Prior to granting a deferral of proceedings, a deferral of entry of a conviction order, if none, or a deferral of a final order, the court shall notify the defendant that he would be waiving his rights to appeal any final order of guilt if such deferral is granted.

D. Upon agreement of all parties, a charge that is dismissed pursuant to this section may be considered as otherwise dismissed for purposes of expungement of police and court records in accordance with § 19.2-392.2, and such agreement of all parties and expungement eligibility shall be indicated in the final disposition order.

CHAPTER 21

An Act to amend and reenact §§ 16.1-69.48:1, 17.1-275.1, 17.1-275.2, 17.1-275.7, 19.2-265.6, 19.2-303.4, 19.2-335, and 19.2-336 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 19.2-298.02, relating to court authority in criminal cases; prosecutorial discretion to dispose of a criminal case.

[H 5062]

Approved October 21, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-69.48:1, 17.1-275.1, 17.1-275.2, 17.1-275.7, 19.2-265.6, 19.2-303.4, 19.2-335, and 19.2-336 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 19.2-298.02 as follows:

§ 16.1-69.48:1. Fixed fee for misdemeanors, traffic infractions and other violations in district court; additional fees to be added.

A. Assessment of the fees provided for in this section shall be based on (i) an appearance for court hearing in which there has been a finding of guilty; (ii) a written appearance with waiver of court hearing and entry of guilty plea; (iii) for a defendant failing to appear, a trial in his or her absence resulting in a finding of guilty; (iv) an appearance for court hearing in which the court requires that the defendant successfully complete traffic school, a mature driver motor vehicle crash prevention course, or a driver improvement clinic, in lieu of a finding of guilty; (v) a deferral of proceedings pursuant to § 4.1-305, 16.1-278.8, 16.1-278.9, 18.2-57.3, 18.2-251, 19.2-298.02, 19.2-303.2, or 19.2-303.6; or (vi) proof of compliance with law under §§ 46.2-104, 46.2-324, 46.2-613, 46.2-646, 46.2-711, 46.2-715, 46.2-716, 46.2-752, 46.2-1000, 46.2-1003, 46.2-1052, 46.2-1053, and 46.2-1158.02.

In addition to any other fee prescribed by this section, a fee of \$35 shall be taxed as costs whenever a defendant fails to appear, unless, after a hearing requested by such person, good cause is shown for such failure to appear. No defendant with multiple charges arising from a single incident shall be taxed the applicable fixed fee provided in subsection B, C, or D more than once for a single appearance or trial in absence related to that incident. However, when a defendant who has multiple charges arising from the same incident and who has been assessed a fixed fee for one of those charges is later convicted of another charge that arises from that same incident and that has a higher fixed fee, he shall be assessed the difference between the fixed fee earlier assessed and the higher fixed fee.

A defendant with charges which arise from separate incidents shall be taxed a fee for each incident even if the charges from the multiple incidents are disposed of in a single appearance or trial in absence.

In addition to the fixed fees assessed pursuant to this section, in the appropriate cases, the clerk shall also assess any costs otherwise specifically provided by statute.

B. In misdemeanors tried in district court, except for those proceedings provided for in subsection C, there shall be assessed as court costs a fixed fee of \$61. The amount collected, in whole or in part, for the fixed fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated:

1. Processing fee (General Fund) (.573770);
2. Virginia Crime Victim-Witness Fund (.049180);
3. Regional Criminal Justice Training Academies Fund (.016393);
4. Courthouse Construction/Maintenance Fund (.032787);
5. Criminal Injuries Compensation Fund (.098361);
6. Intensified Drug Enforcement Jurisdiction Fund (.065574);
7. Sentencing/supervision fee (General Fund) (.131148); and
8. Virginia Sexual and Domestic Violence Victim Fund (.032787).

C. In criminal actions and proceedings in district court for a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, there shall be assessed as court costs a fixed fee of \$136. The amount collected, in whole or in part, for the fixed fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated:

1. Processing fee (General Fund) (.257353);
2. Virginia Crime Victim-Witness Fund (.022059);
3. Regional Criminal Justice Training Academies Fund (.007353);
4. Courthouse Construction/Maintenance Fund (.014706);
5. Criminal Injuries Compensation Fund (.044118);
6. Intensified Drug Enforcement Jurisdiction Fund (.029412);
7. Drug Offender Assessment and Treatment Fund (.551471);
8. Forensic laboratory fee and sentencing/supervision fee (General Fund) (.058824); and
9. Virginia Sexual and Domestic Violence Victim Fund (.014706).

D. In traffic infractions tried in district court, there shall be assessed as court costs a fixed fee of \$51. The amount collected, in whole or in part, for the fixed fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated:

1. Processing fee (General Fund) (.764706);
2. Virginia Crime Victim-Witness Fund (.058824);
3. Regional Criminal Justice Training Academies Fund (.019608);
4. Courthouse Construction/Maintenance Fund (.039216);
5. Intensified Drug Enforcement Jurisdiction Fund (.078431); and
6. Virginia Sexual and Domestic Violence Victim Fund (.039216).

§ 17.1-275.1. Fixed felony fee.

Upon conviction of any and each felony charge or upon a deferred disposition of proceedings in circuit court in the case of any and each felony disposition deferred pursuant to the terms and conditions of § 16.1-278.8, 16.1-278.9, 18.2-61, 18.2-67.1, ~~or 18.2-251, 19.2-298.02, or 19.2-303.6~~, there shall be assessed as court costs a fee of \$375, to be known as the fixed felony fee.

The amount collected, in whole or in part, for the fixed felony fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated:

1. Sentencing/supervision fee (General Fund) (.4705067);
2. Forensic science fund (.1033333);
3. Court reporter fund (.0887200);
4. Witness expenses/expert witness fund (.0053333);
5. Virginia Crime Victim-Witness Fund (.0080000);
6. Intensified Drug Enforcement Jurisdiction Fund (.0106667);
7. Criminal Injuries Compensation Fund (.0800000);
8. Commonwealth's attorney fund (state share) (.0533333);
9. Commonwealth's attorney fund (local share) (.0533333);
10. Regional Criminal Justice Academy Training Fund (.0026667);
11. Warrant fee (.0320000);
12. Courthouse construction/maintenance fund (.0053333); and
13. Clerk of the circuit court (.0867733).

§ 17.1-275.2. Fixed fee for felony reduced to misdemeanor.

In circuit court, upon the conviction of a person of any and each misdemeanor reduced from a felony charge, or upon a deferred disposition of proceedings in the case of any and each misdemeanor reduced from a felony charge and deferred pursuant to the terms and conditions of § 4.1-305, 16.1-278.8, 16.1-278.9, 18.2-57.3, 19.2-298.02, 19.2-303.2, or 19.2-303.6, there shall be assessed as court costs a fee of \$227, to be known as the fixed fee for felony reduced to misdemeanor. However, this section shall not apply to those proceedings provided for in § 17.1-275.8.

The amount collected, in whole or in part, for the fixed fee for felony reduced to misdemeanor shall be apportioned to the following funds in the fractional amounts designated:

1. Sentencing/supervision fee (General Fund) (.1695154);
2. Forensic science fund (.1707048);
3. Court reporter fund (.1465639);
4. Witness expenses/expert witness fund (.0088106);
5. Virginia Crime Victim-Witness Fund (.0132159);
6. Intensified Drug Enforcement Jurisdiction Fund (.0176211);
7. Criminal Injuries Compensation Fund (.0881057);
8. Commonwealth's attorney fund (state share) (.0881057);
9. Commonwealth's attorney fund (local share) (.0881057);
10. Regional Criminal Justice Academy Training Fund (.0044053);
11. Warrant fee (.0528634);
12. Courthouse construction/maintenance fund (.0088106); and
13. Clerk of the circuit court (.1431718).

§ 17.1-275.7. Fixed misdemeanor fee.

In circuit court, upon (i) conviction of any and each misdemeanor, not originally charged as a felony; (ii) a deferred disposition of proceedings in the case of any and each misdemeanor not originally charged as a felony and deferred pursuant to the terms and conditions of § 4.1-305, 16.1-278.8, 16.1-278.9, 18.2-57.3, 19.2-298.02, 19.2-303.2, or 19.2-303.6; (iii) any and each conviction of a traffic infraction or referral to a driver improvement clinic or traffic school in lieu of a finding of guilt for a traffic infraction; or (iv) proof of compliance with law under §§ 46.2-104 and 46.2-1158.02, there shall be assessed as court costs a fee of \$80, to be known as the fixed misdemeanor fee. However, this section shall not apply to those proceedings provided for in § 17.1-275.8. This fee shall be in addition to any fee assessed in the district court.

The amount collected, in whole or in part, for the fixed misdemeanor fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated:

1. Sentencing/supervision fee (General Fund) (.0125000);
2. Witness expenses/expert witness fee (General Fund) (.0250000);
3. Virginia Crime Victim-Witness Fund (.0375000);
4. Intensified Drug Enforcement Jurisdiction Fund (.0500000);
5. Criminal Injuries Compensation Fund (.2500000);
6. Commonwealth's Attorney Fund (state share) (.0937500);
7. Commonwealth's Attorney Fund (local share) (.0937500);
8. Regional Criminal Justice Academy Training Fund (.0125000);
9. Warrant fee, as prescribed by § 17.1-272 (.1500000);
10. Courthouse Construction/Maintenance Fund (.0250000); and
11. Clerk of the circuit court (.2500000).

§ 19.2-265.6. Dismissal of criminal charges on Commonwealth's motion; effect of dismissal of criminal charges.

A. Upon motion of the Commonwealth to dismiss a charge, whether with or without prejudice, and with the consent of the defendant, a court shall grant the motion unless the court finds by clear and convincing evidence that the motion was made as the result of (i) bribery or (ii) bias or prejudice toward a victim as defined in § 19.2-11.01 because of the race, religious conviction, gender, disability, gender identity, sexual orientation, color, or national origin of the victim.

B. No dismissal of any criminal charge by a court shall bar subsequent prosecution of the charge unless jeopardy attached at the earlier proceeding or unless the dismissal order explicitly states that the dismissal is with prejudice.

§ 19.2-298.02. Deferred disposition in a criminal case.

A. A trial court presiding in a criminal case may, with the agreement of the defendant and the Commonwealth, after any plea or trial, with or without a determination, finding, or pronouncement of guilt, and notwithstanding the entry of a conviction order, upon consideration of the facts and circumstances of the case, including (i) mitigating factors relating to the defendant or the offense, (ii) the request of the victim, or (iii) any other appropriate factors, defer proceedings, defer entry of a conviction order, if none, or defer entry of a final order, and continue the case for final disposition, on such reasonable terms and conditions as may be agreed upon by the parties and placed on the record, or if there is no agreement, as may be imposed by the court. Final disposition may include (a) conviction of the original charge, (b) conviction of an alternative charge, or (c) dismissal of the proceedings.

B. Upon violation of a term or condition, the court may enter an adjudication of guilt, if not already entered, and make any final disposition of the case provided by subsection A. Upon fulfillment of the terms and conditions, the court shall adjudicate the matter consistent with the agreement of the parties or, if none, by conviction of an alternative charge or dismissal of the case.

C. By consenting to and receiving a deferral of proceedings or a deferral of entry of a final order of guilt and fulfilling the conditions as specified by the court as provided by subsection A, the defendant waives his right to appeal such entry of a final order of guilt.

Prior to granting a deferral of proceedings, a deferral of entry of a conviction order, if none, or a deferral of a final order, the court shall notify the defendant that he would be waiving his rights to appeal any final order of guilt if such deferral is granted.

D. Upon agreement of all parties, a charge that is dismissed pursuant to this section may be considered as otherwise dismissed for purposes of expungement of police and court records in accordance with § 19.2-392.2, and such agreement of all parties and expungement eligibility shall be indicated in the final disposition order.

§ 19.2-303.4. Payment of costs when proceedings deferred and defendant placed on probation.

A circuit or district court, which has deferred further proceedings, without entering a judgment of guilt, and placed a defendant on probation subject to terms and conditions pursuant to § 4.1-305, 16.1-278.8, 16.1-278.9, 18.2-57.3, 18.2-61, 18.2-67.1, 18.2-67.2, 18.2-251, 19.2-298.02, 19.2-303.2, or 19.2-303.6 shall impose upon the defendant costs.

§ 19.2-335. Judge of district court to certify to clerk of circuit court costs of proceedings in criminal cases before him.

A judge of a district court before whom there is any proceeding in a criminal case, including any proceeding that has been deferred upon probation of the defendant pursuant to § 16.1-278.8, 16.1-278.9, 18.2-61, 18.2-67.1, 18.2-67.2, 18.2-251, 19.2-298.02, 19.2-303.2, or 19.2-303.6, shall certify to the clerk of the circuit court of his county or city, and a judge or court before whom there is, in a criminal case, any proceeding preliminary to conviction in another court, upon receiving information of the conviction from the clerk of the court wherein it is, shall certify to such clerk, all the expenses incident to such proceedings which are payable out of the state treasury.

§ 19.2-336. Clerk to make up statement of whole cost, and issue execution therefor.

In every criminal case the clerk of the circuit court in which the accused is found guilty or is placed on probation during deferral of the proceedings pursuant to § 16.1-278.8, 16.1-278.9, 18.2-61, 18.2-67.1, 18.2-67.2, 18.2-251, 19.2-298.02, 19.2-303.2, or 19.2-303.6 or, if the conviction is in a district court, the clerk to which the judge thereof certifies as aforesaid, shall, as soon as may be, make up a statement of all the expenses incident to the prosecution, including such as are certified under § 19.2-335, and execution for the amount of such expenses shall be issued and proceeded with. Chapter 21 (§ 19.2-339 et seq.) shall apply thereto in like manner as if, on the day of completing the statement, there was a judgment in such court in favor of the Commonwealth against the accused for such amount as a fine. However, in any case in which an accused waives trial by jury, at least 10 days before trial, but the Commonwealth or the court trying the case refuses to so waive, then the cost of the jury shall not be included in such statement or judgment recorded pursuant to § 17.1-275.5.

CHAPTER 22

An Act to amend and reenact § 18.2-461 of the Code of Virginia, relating to hate crime; falsely summoning or giving false reports to law-enforcement officials; penalty.

[H 5098]

Approved October 21, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-461 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-461. Falsely summoning or giving false reports to law-enforcement officials.

It shall be unlawful for any person (i) to knowingly give a false report as to the commission of any crime to any law-enforcement official with intent to mislead; (ii) to knowingly, with the intent to mislead a law-enforcement agency, cause another to give a false report to any law-enforcement official by publicly simulating a violation of Chapter 4 (§ 18.2-30 et seq.) or Chapter 5 (§ 18.2-77 et seq.); or (iii) without just cause and with intent to interfere with the operations of any law-enforcement official, to call or summon any law-enforcement official by telephone or other means, including engagement or activation of an automatic emergency alarm. Violation of the provisions of this section shall be punishable as a Class 1 misdemeanor. *However, if a person intentionally gives a false report as to the commission of any crime to any law-enforcement official, causes another to give a false report to any law-enforcement official, or calls or summons any law-enforcement official against another person because of his race, religious conviction, gender, disability, gender identity, sexual orientation, color, or national origin, the person is guilty of a Class 6 felony.*

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 1289 of the Acts of Assembly of 2020 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 23

An Act to amend and reenact § 53.1-1 of the Code of Virginia, relating to local correctional facility; definition.

[S 5017]

Approved October 21, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 53.1-1 of the Code of Virginia is amended and reenacted as follows:****§ 53.1-1. Definitions.**

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

"Board" or "State Board" means the State Board of Local and Regional Jails.

"Community correctional facility" means any group home, halfway house or other physically unrestricting facility used for the housing, treatment or care of adult offenders established or operated with funds appropriated to the Department of Corrections from the state treasury and maintained or operated by any political subdivision, combination of political subdivisions or privately operated agency within the Commonwealth.

"Community supervision" means probation, parole, postrelease supervision, programs authorized under the Comprehensive Community Corrections Act for local responsible offenders, and programs authorized under Article 7 (§ 53.1-128 et seq.) of Chapter 3.

"Correctional officer" means a duly sworn employee of the Department of Corrections whose normal duties relate to maintaining immediate control, supervision and custody of prisoners confined in any state correctional facility.

"Department" means the Department of Corrections.

"Deputy sheriff" means a duly sworn officer appointed by a sheriff pursuant to § 15.2-1603 whose normal duties include, but are not limited to, maintaining immediate control, supervision and custody of prisoners confined in any local correctional facility and may include those duties of a jail officer.

"Director" means the Director of the Department of Corrections.

"Jail officer" means a duly sworn employee of a local correctional facility, except for deputy sheriffs, whose normal duties relate to maintaining immediate control, supervision and custody of prisoners confined in any local correctional facility. This definition in no way limits any authority otherwise granted to a duly sworn deputy sheriff whose duties may include those of a jail officer.

"Local correctional facility" means any jail, jail farm or other place used for the detention or incarceration of adult offenders, excluding a lock-up, which is owned, maintained, or operated by any political subdivision or combination of political subdivisions of the Commonwealth. *For the purposes of subsection B of § 53.1-68 and §§ 53.1-69, 53.1-69.1, and 53.1-127, "local correctional facility" also includes any facility owned, maintained, or operated by any political subdivision or combination of political subdivisions of the Commonwealth that is used for the detention or incarceration of people pursuant to a contract or third-party contract with the federal government or any agency or contractor thereof.*

"Lock-up" means a facility whose primary use is to detain persons for a short period of time as determined by the Board.

"State correctional facility" means any correctional center or correctional field unit used for the incarceration of adult offenders established and operated by the Department of Corrections, or operated under contract pursuant to § 53.1-262. This term shall include "penitentiary" whenever used in this title or other titles of the Code.

CHAPTER 24

An Act to amend the Code of Virginia by adding a section numbered 32.1-37.01, relating to outbreaks of communicable disease of public health threat; posting of information; emergency.

[S 5081]

Approved October 28, 2020

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 32.1-37.01 as follows:****§ 32.1-37.01. Posting of information about cases of communicable disease of public health threat.**

A. As used in this section:

"Reporting entity" means a medical care facility, residential or day program, service or facility licensed or operated by any agency of the Commonwealth, school, or summer camp required to report an outbreak of a communicable disease pursuant to § 32.1-37.

B. Upon declaration of an emergency by the Governor pursuant to § 44-146.17 in response to a communicable disease of public health threat, the Department shall make information regarding outbreaks of such communicable disease of public health threat reported pursuant to § 32.1-37 available to the public on a website maintained by the Department, provided the release of such information does not violate the provisions of § 32.1-41. Such information shall include (i) the name of the reporting entity at which an outbreak of such communicable disease of public health threat has been reported; (ii) the

number of confirmed cases of such communicable disease of public health threat reported by such reporting entity; and (iii) the number of deaths resulting from such communicable disease of public health threat reported by such reporting entity.

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

CHAPTER 25

An Act to amend the Code of Virginia by adding in Title 19.2 a chapter numbered 7.1, consisting of sections numbered 19.2-83.3, 19.2-83.4, and 19.2-83.5, relating to law-enforcement officer; failure to intervene in use of excessive force; penalties.

[H 5029]

Approved October 28, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 19.2 a chapter numbered 7.1, consisting of sections numbered 19.2-83.3, 19.2-83.4, and 19.2-83.5, as follows:

CHAPTER 7.1.

LAW-ENFORCEMENT OFFICER CONDUCT DURING AN ARREST OR DETENTION.

§ 19.2-83.3. Definitions.

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

"Excessive force" means any force that is objectively unreasonable given the totality of the circumstances, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

§ 19.2-83.4. Failure of a law-enforcement officer to intervene in use of excessive force.

A. Any law-enforcement officer who, while in the performance of his official duties, witnesses another law-enforcement officer engaging or attempting to engage in the use of excessive force against another person shall intervene, when such intervention is feasible, to end the use of excessive force or attempted use of excessive force, or to prevent the further use of excessive force. A law-enforcement officer shall also render aid, as circumstances objectively permit, to any person injured as the result of the use of excessive force.

B. Any law-enforcement officer who intervenes pursuant to subsection A or who witnesses another law-enforcement officer engaging or attempting to engage in the use of excessive force against another person shall report such intervention or use of excessive force in accordance with the law-enforcement officer's employing agency's policies and procedures for reporting misconduct committed by a law-enforcement officer. No employing agency shall retaliate, threaten to retaliate, or take or threaten to take any disciplinary action against a law-enforcement officer who intervenes pursuant to subsection A or makes a report pursuant to this subsection.

§ 19.2-83.5. Penalties for violations of this chapter.

In addition to any other penalty authorized by law, any law-enforcement officer who knowingly violates the provisions of this chapter shall be subject to disciplinary action, including dismissal, demotion, suspension, or transfer of the law-enforcement officer or decertification as provided in subsection D of § 15.2-1707.

CHAPTER 26

An Act to amend and reenact § 18.2-64.2 of the Code of Virginia, relating to carnal knowledge of a person detained or arrested by a law-enforcement officer or an inmate, parolee, probationer, juvenile detainee, or pretrial defendant or posttrial offender; local or state law-enforcement officer; penalty.

[H 5045]

Approved October 28, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-64.2 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-64.2. Carnal knowledge of a person detained or arrested by a law-enforcement officer or an inmate, parolee, probationer, juvenile detainee, or pretrial defendant or posttrial offender; penalty.

A. An accused is guilty of carnal knowledge of a person detained or arrested by a law-enforcement officer or an inmate, parolee, probationer, juvenile detainee, or pretrial defendant or posttrial offender if he is a law-enforcement officer or an employee or contractual employee of, or a volunteer with, a state or local correctional facility or regional jail, the Department of Corrections, the Department of Juvenile Justice, a secure facility or detention home, as defined in § 16.1-228, a state or local court services unit, as defined in § 16.1-235, a local community-based probation services agency, or a pretrial services agency; is in a position of authority over the person detained or arrested by a law-enforcement officer, inmate, probationer, parolee, juvenile detainee, or a pretrial defendant or posttrial offender; knows that the person detained or arrested by a law-enforcement officer, inmate, probationer, parolee, juvenile detainee, or pretrial defendant or posttrial offender is in the custody of a private, local, or state law-enforcement agency or under the jurisdiction of the a state or local correctional facility, a or regional jail, the Department of Corrections, the Department of Juvenile Justice, a secure facility

or detention home; as defined in § 16.1-228, a state or local court services unit; as defined in § 16.1-235, a local community-based probation services agency, or a pretrial services agency; and carnally knows, without the use of force, threat, or intimidation, (i) an inmate who has been committed to jail or convicted and sentenced to confinement in a state or local correctional facility or regional jail or (ii) a *person detained or arrested by a law-enforcement officer*, probationer, parolee, *juvenile detainee*, or a pretrial defendant or posttrial offender *in the custody of a private, local, or state law-enforcement agency* or under the jurisdiction of the Department of Corrections, the Department of Juvenile Justice, a secure facility or detention home; as defined in § 16.1-228, a state or local court services unit; as defined in § 16.1-235, a local community-based probation services agency, a pretrial services agency, a local or regional jail for the purposes of imprisonment, a work program, or any other parole/probationary or pretrial services program or agency. Such offense is a Class 6 felony.

An accused is guilty of carnal knowledge of a pretrial defendant or posttrial offender if he (a) is an owner or employee of the bail bond company that posted the pretrial defendant's or posttrial offender's bond; (b) has the authority to revoke the pretrial defendant's or posttrial offender's bond; and (c) carnally knows, without use of force, threat, or intimidation, a pretrial defendant or posttrial offender. Such offense is a Class 6 felony.

B. For the purposes of this section, ~~"carnal"~~:

"Carnal knowledge" includes the acts of sexual intercourse, cunnilingus, fellatio, anilingus, anal intercourse, and animate or inanimate object sexual penetration.

"Law-enforcement officer" means the same as that term is defined in § 9.1-101.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 1289 of the Acts of Assembly of 2020 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 27

An Act to amend and reenact §§ 9.1-102 and 15.2-1707 of the Code of Virginia, relating to decertification of law-enforcement officer.

[H 5051]

Approved October 28, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-102 and 15.2-1707 of the Code of Virginia are amended and reenacted as follows:

§ 9.1-102. Powers and duties of the Board and the Department.

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions, and (ii) temporary or probationary status, and establish the time required for completion of such training;

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;

4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;

5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;

6. [Repealed];

7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;

8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;

9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies and correctional officers employed by the Department of Corrections under the provisions of Title 53.1. For correctional officers employed by the Department of Corrections, such standards shall include training on the general care of pregnant women, the impact of restraints on pregnant inmates and fetuses, the impact of being placed in restrictive housing or solitary confinement on pregnant inmates, and the impact of body cavity searches on pregnant inmates;

10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;

12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and institutions of higher education within or outside the Commonwealth, concerning the development of police training schools and programs or courses of instruction;

13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the holding of any such school whether approved or not;

14. Establish and maintain police training programs through such agencies and institutions as the Board deems appropriate;

15. Establish compulsory minimum qualifications of certification and recertification for instructors in criminal justice training schools approved by the Department;

16. Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement;

17. Make recommendations concerning any matter within its purview pursuant to this chapter;

18. Coordinate its activities with those of any interstate system for the exchange of criminal history record information, nominate one or more of its members to serve upon the council or committee of any such system, and participate when and as deemed appropriate in any such system's activities and programs;

19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to submit information, reports, and statistical data with respect to its policy and operation of information systems or with respect to its collection, storage, dissemination, and usage of criminal history record information and correctional status information, and such criminal justice agencies shall submit such information, reports, and data as are reasonably required;

20. Conduct audits as required by § 9.1-131;

21. Conduct a continuing study and review of questions of individual privacy and confidentiality of criminal history record information and correctional status information;

22. Advise criminal justice agencies and initiate educational programs for such agencies with respect to matters of privacy, confidentiality, and security as they pertain to criminal history record information and correctional status information;

23. Maintain a liaison with any board, commission, committee, or other body which may be established by law, executive order, or resolution to regulate the privacy and security of information collected by the Commonwealth or any political subdivision thereof;

24. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination of criminal history record information and correctional status information, and the privacy, confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and court orders;

25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal justice information system, produce reports, provide technical assistance to state and local criminal justice data system users, and provide analysis and interpretation of criminal justice statistical information;

26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the Commonwealth, and periodically update that plan;

27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, including planning district commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other activities for improving law enforcement and the administration of criminal justice throughout the Commonwealth, including allocating and subgranting funds for these purposes;

28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and activities for the Commonwealth and units of general local government, or combinations thereof, in the Commonwealth, designed to

strengthen and improve law enforcement and the administration of criminal justice at every level throughout the Commonwealth;

29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or alterations to such programs, projects, and activities for the purpose of improving law enforcement and the administration of criminal justice;

30. Coordinate the activities and projects of the state departments, agencies, and boards of the Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;

31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

32. Receive, administer, and expend all funds and other assistance available to the Board and the Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

33. Apply for and accept grants from the United States government or any other source in carrying out the purposes of this chapter and accept any and all donations both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall have the power to comply with conditions and execute such agreements as may be necessary;

34. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including but not limited to, contracts with the United States, units of general local government or combinations thereof, in Virginia or other states, and with agencies and departments of the Commonwealth;

35. Adopt and administer reasonable regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to units of general local government, and for carrying out the purposes of this chapter and the powers and duties set forth herein;

36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;

37. Establish training standards and publish and periodically update model policies for law-enforcement personnel in the following subjects:

a. The handling of family abuse, domestic violence, sexual assault, and stalking cases, including standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall provide technical support and assistance to law-enforcement agencies in carrying out the requirements set forth in subsection A of § 9.1-1301;

b. Communication with and facilitation of the safe return of individuals diagnosed with Alzheimer's disease;

c. Sensitivity to and awareness of cultural diversity and the potential for biased policing;

d. Protocols for local and regional sexual assault response teams;

e. Communication of death notifications;

f. The questioning of individuals suspected of driving while intoxicated concerning the physical location of such individual's last consumption of an alcoholic beverage and the communication of such information to the Virginia Alcoholic Beverage Control Authority;

g. Vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls;

h. Criminal investigations that embody current best practices for conducting photographic and live lineups;

i. Sensitivity to and awareness of human trafficking offenses and the identification of victims of human trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or street patrol duties; and

j. Missing children, missing adults, and search and rescue protocol;

38. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to ensure sensitivity to and awareness of cultural diversity and the potential for biased policing;

39. Review and evaluate community-policing programs in the Commonwealth, and recommend where necessary statewide operating procedures, guidelines, and standards which strengthen and improve such programs, including sensitivity to and awareness of cultural diversity and the potential for biased policing;

40. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with Virginia law-enforcement agencies, provide technical assistance and administrative support, including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may provide accreditation assistance and training, resource material, and research into methods and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;

41. Promote community policing philosophy and practice throughout the Commonwealth by providing community policing training and technical assistance statewide to all law-enforcement agencies, community groups, public and private organizations and citizens; developing and distributing innovative policing curricula and training tools on general community policing philosophy and practice and contemporary critical issues facing Virginia communities; serving as a

consultant to Virginia organizations with specific community policing needs; facilitating continued development and implementation of community policing programs statewide through discussion forums for community policing leaders, development of law-enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide information source on the subject of community policing including, but not limited to periodic newsletters, a website and an accessible lending library;

42. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, including school security officers described in clause (b) of § 22.1-280.2:1, which training and certification shall be administered by the Virginia Center for School and Campus Safety (VCSCS) pursuant to § 9.1-184. Such training standards shall be specific to the role and responsibility of school security officers and shall include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques such as a physical alternative to restraint; (v) disaster and emergency response; (vi) awareness of cultural diversity and implicit bias; (vii) working with students with disabilities, mental health needs, substance abuse disorders, and past traumatic experiences; and (viii) student behavioral dynamics, including child and adolescent development and brain research. The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of the standards and certification requirements in this subdivision. The Department shall require any school security officer who carries a firearm in the performance of his duties to provide proof that he has completed a training course provided by a federal, state, or local law-enforcement agency that includes training in active shooter emergency response, emergency evacuation procedure, and threat assessment;

43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11 (§ 9.1-185 et seq.);

44. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

45. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal justice agencies regarding the investigation, registration, and dissemination of information requirements as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and (iii) certification requirements for campus security officers. Such training standards shall include, but not be limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and personal liability issues, security awareness in the campus environment, and disaster and emergency response. The Department shall provide technical support and assistance to campus police departments and campus security departments on the establishment and implementation of policies and procedures, including but not limited to: the management of such departments, investigatory procedures, judicial referrals, the establishment and management of databases for campus safety and security information sharing, and development of uniform record keeping for disciplinary records and statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of college administrators, college police chiefs, college security department chiefs, and local law-enforcement officials to assist in the development of the standards and certification requirements and training pursuant to this subdivision;

47. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established pursuant to § 9.1-187;

48. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia;

49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of § 46.2-117;

50. Administer the activities of the Virginia Sexual and Domestic Violence Program Professional Standards Committee by providing technical assistance and administrative support, including staffing, for the Committee;

51. In accordance with § 9.1-102.1, design and approve the issuance of photo-identification cards to private security services registrants registered pursuant to Article 4 (§ 9.1-138 et seq.);

52. In consultation with the State Council of Higher Education for Virginia and the Virginia Association of Campus Law Enforcement Administrators, develop multidisciplinary curricula on trauma-informed sexual assault investigation;

53. In consultation with the Department of Behavioral Health and Developmental Services, develop a model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail officers, administrators, or superintendents in any local or regional jail. Such program shall be based on any existing addiction recovery programs that are being administered by any local or regional jails in the Commonwealth. Participation in the model addiction recovery program shall be voluntary, and such program may address aspects of the recovery process, including medical and clinical recovery, peer-to-peer support, availability of mental health resources, family dynamics, and aftercare aspects of the recovery process;

54. Establish compulsory minimum training standards for certification and recertification of law-enforcement officers serving as school resource officers. Such training shall be specific to the role and responsibility of a law-enforcement officer working with students in a school environment and shall include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques; (v) disaster and emergency response; (vi) awareness of cultural diversity and implicit bias;

(vii) working with students with disabilities, mental health needs, substance abuse disorders, or past traumatic experiences; and (viii) student behavioral dynamics, including current child and adolescent development and brain research;

55. Establish a model policy for the operation of body-worn camera systems as defined in § 15.2-1723.1 that also addresses the storage and maintenance of body-worn camera system records;

56. Establish compulsory minimum training standards for detector canine handlers employed by the Department of Corrections, standards for the training and retention of detector canines used by the Department of Corrections, and a central database on the performance and effectiveness of such detector canines that requires the Department of Corrections to submit comprehensive information on each canine handler and detector canine, including the number and types of calls and searches, substances searched for and whether or not detected, and the number of false positives, false negatives, true positives, and true negatives;

57. Establish compulsory training standards for basic training of law-enforcement officers for recognizing and managing stress, self-care techniques, and resiliency; ~~and~~

58. *Adopt statewide professional standards of conduct applicable to all certified law-enforcement officers and certified jail officers and appropriate due process procedures for decertification based on serious misconduct in violation of those standards; and*

59. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

§ 15.2-1707. Decertification of law-enforcement officers.

A. The sheriff, chief of police, or agency administrator shall notify the Criminal Justice Services Board (*the Board*) in writing within 48 hours of becoming aware that any certified law-enforcement or jail officer currently employed by his agency has (i) been convicted of or pled guilty or no contest to a felony or any offense that would be a felony if committed in the Commonwealth; (ii) been convicted of or pled guilty or no contest to a Class 1 misdemeanor involving moral turpitude or any offense that would be any misdemeanor involving moral turpitude, including but not limited to petit larceny under § 18.2-96, or any offense involving moral turpitude that would be a misdemeanor if committed in the Commonwealth; (iii) been convicted of or pled guilty or no contest to any misdemeanor sex offense in the Commonwealth, another state, or the United States, including but not limited to sexual battery under § 18.2-67.4 or consensual sexual intercourse with a minor 15 *years of age* or older under clause (ii) of § 18.2-371; (iv) been convicted of or pled guilty or no contest to domestic assault under § 18.2-57.2 or any offense that would be domestic assault under the laws of another state or the United States; (v) failed to comply with or maintain compliance with mandated training requirements; or (vi) refused to submit to a drug screening or has produced a positive result on a drug screening reported to the employing agency, where the positive result cannot be explained to the agency administrator's satisfaction.

~~Notification shall also be provided~~ B. *The sheriff, chief of police, or agency administrator shall notify the Board in writing within 48 hours of becoming aware that any employee who resigned or was if any certified law-enforcement or jail officer currently employed by his agency (i) is terminated or resigns in advance of being convicted or found guilty of an offense set forth in clause (i) of subsection A that requires decertification or who resigned or was, (ii) is terminated or resigns in advance of a pending drug screening, (iii) is terminated or resigns for a violation of state or federal law, (iv) is terminated or resigns for engaging in serious misconduct as defined in statewide professional standards of conduct adopted by the Board, (v) is terminated or resigns while such officer is the subject of a pending internal investigation involving serious misconduct as defined in statewide professional standards of conduct adopted by the Board, or (vi) is terminated or resigns for an act committed while in the performance of his duties that compromises an officer's credibility, integrity, honesty, or other characteristics that constitute exculpatory or impeachment evidence in a criminal case.*

C. The notification, where appropriate, shall be accompanied by a copy of the judgment of conviction.

D. Upon receiving such notice from the sheriff, chief of police, or agency administrator, or from an attorney for the Commonwealth, the ~~Criminal Justice Services~~ Board shall immediately decertify such law-enforcement or jail officer. Such officer shall not have the right to serve as a law-enforcement officer within the Commonwealth until his certification has been reinstated by the Board.

~~B-~~ E. When a conviction has not become final, the Board may decline to decertify the officer until the conviction becomes final, after considering the likelihood of irreparable damage to the officer if such officer is decertified during the pendency of an ultimately successful appeal, the likelihood of injury or damage to the public if the officer is not decertified, and the seriousness of the offense.

~~C-~~ F. The Department of Criminal Justice Services is hereby authorized to waive the requirements for decertification as set out in subsection A for good cause shown.

~~D-~~ G. The ~~Criminal Justice Services~~ Board may initiate decertification proceedings against any *current or former* law-enforcement or jail officer ~~whom if the Board has found to have been convicted of an offense that requires that any basis for the officer's decertification or who has failed to comply with or maintain compliance with mandated training requirements set forth in subsection A or B exists.~~

~~E-~~ H. Any conviction of a misdemeanor that has been appealed to a court of record shall not be considered a conviction for purposes of this section unless a final order of conviction is entered. *Any finding of misconduct listed in subsection B will not be considered final until all grievances or appeals have been exhausted or waived and the finding of misconduct is made final.*

2. That the Department of Criminal Justice Services (the Department) shall promulgate regulations to implement the provisions of § 15.2-1707 of the Code of Virginia, as amended by this act, within 280 days of the effective date of

this act. The Department shall report to the Chairman of the Senate Committee on the Judiciary and the Chairman of the House Committee for Courts of Justice by November 1, 2021, on the status of the regulations.

3. That the provisions of § 15.2-1707 of the Code of Virginia, as amended by this act, shall apply only to offenses or misconduct committed after the effective date of this act.

CHAPTER 28

An Act to amend and reenact §§ 9.1-108 and 9.1-112 of the Code of Virginia, relating to the Criminal Justice Services Board; Committee on Training; membership and responsibilities.

[H 5108]

Approved October 28, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-108 and 9.1-112 of the Code of Virginia are amended and reenacted as follows:

§ 9.1-108. Criminal Justice Services Board membership; terms; vacancies; members not disqualified from holding other offices; designation of chairmen; meetings; compensation.

A. The Criminal Justice Services Board is established as a policy board within the meaning of § 2.2-2100, in the executive branch of state government. The Board shall consist of ~~29~~ 32 members as follows: the Chief Justice of the Supreme Court of Virginia, or his designee; the Attorney General or his designee; the Superintendent of the Department of State Police; the Director of the Department of Corrections; the Director of the Department of Juvenile Justice; the Chairman of the Parole Board; the Executive Director of the Virginia Indigent Defense Commission or his designee; and the Executive Secretary of the Supreme Court of Virginia. In those instances in which the Executive Secretary of the Supreme Court of Virginia, the Superintendent of the Department of State Police, the Director of the Department of Corrections, the Director of the Department of Juvenile Justice, or the Chairman of the Parole Board will be absent from a Board meeting, he may appoint a member of his staff to represent him at the meeting.

~~Seventeen~~ Twenty members shall be appointed by the Governor from among citizens of the Commonwealth. At least one shall be a representative of a crime victims' organization or a victim of crime as defined in subsection B of § 19.2-11.01, *one shall be a representative of a social justice organization, one shall be a mental health service provider, and one* two shall represent community interests, *at least one of whom shall represent the community interests of minority individuals from one of the four groups defined in subsection F of § 2.2-4310.* The remainder shall be representative of the broad categories of state and local governments, criminal justice systems, and law-enforcement agencies, including but not limited to, police officials, sheriffs, attorneys for the Commonwealth, defense counsel, the judiciary, correctional and rehabilitative activities, and other locally elected and appointed administrative and legislative officials. Among these members there shall be two sheriffs representing the Virginia Sheriffs' Association selected from among names submitted by the Association; one member who is an active duty law-enforcement officer appointed after consideration of the names, if any, submitted by police or fraternal associations that have memberships of at least 1,000; two representatives of the Virginia Association of Chiefs of Police appointed after consideration of the names submitted by the Association, if any; one attorney for the Commonwealth appointed after consideration of the names submitted by the Virginia Association of Commonwealth's Attorneys, if any; one person who is a mayor, city or town manager, or member of a city or town council representing the Virginia Municipal League appointed after consideration of the names submitted by the League, if any; one person who is a county executive, manager, or member of a county board of supervisors representing the Virginia Association of Counties appointed after consideration of the names submitted by the Association, if any; one member representing the Virginia Association of Campus Law Enforcement Administrators appointed after consideration of the names submitted by the Association, if any; one member of the Private Security Services Advisory Board; and one representative of the Virginia Association of Regional Jails appointed after consideration of the names submitted by the Association, if any.

Four members of the Board shall be members of the General Assembly appointed as follows: one member of the House Committee on Appropriations appointed by the Speaker of House of Delegates after consideration of the recommendation by the committee's chairman; one member of the House Committee for Courts of Justice appointed by the Speaker of the House of Delegates after consideration of the recommendation by the committee's chairman; one member of the Senate Committee on Finance appointed by the Senate Committee on Rules after consideration of the recommendation of the chairman of the Senate Committee on Finance; and one member of the Senate Committee for Courts of Justice appointed by the Senate Committee on Rules after consideration of the recommendation of the chairman of the Senate Committee for Courts of Justice. The legislative members shall serve for terms coincident with their terms of office and shall serve as ex officio, nonvoting members. Legislative members may be reappointed for successive terms.

B. The members of the Board appointed by the Governor shall serve for terms of four years, provided that no member shall serve beyond the time when he holds the office or employment by reason of which he was initially eligible for appointment. Gubernatorial appointed members of the Board shall not be eligible to serve for more than two consecutive full terms. Three or more years within a four-year period shall be deemed a full term. Any vacancy on the Board shall be filled in the same manner as the original appointment, but for the unexpired term.

C. The Governor shall appoint a chairman of the Board for a two-year term. No member shall be eligible to serve more than two consecutive terms as chairman. The Board shall designate one or more vice-chairmen from among its members, who shall serve at the pleasure of the Board.

D. Notwithstanding any provision of any statute, ordinance, local law, or charter provision to the contrary, membership on the Board shall not disqualify any member from holding any other public office or employment, or cause the forfeiture thereof.

E. The Board shall hold no less than four regular meetings a year. Subject to the requirements of this subsection, the chairman shall fix the times and places of meetings, either on his own motion or upon written request of any five members of the Board.

F. The Board may adopt bylaws for its operation.

G. Legislative members of the Board shall receive such compensation as provided in § 30-19.12 and nonlegislative citizen members shall receive such compensation as provided in § 2.2-2813 for the performance of their duties. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Department of Criminal Justice Services.

§ 9.1-112. Committee on Training; membership.

There is created a permanent Committee on Training under the Board that shall be the policy-making body responsible to the Board for effecting the provisions of subdivisions 2 through 17 of § 9.1-102. The Committee on Training shall be composed of ~~15~~ 19 members of the Board as follows: the Superintendent of the Department of State Police; the Director of the Department of Corrections; a member of the Private Security Services Advisory Board; the Executive Secretary of the Supreme Court of Virginia; two sheriffs representing the Virginia State Sheriffs' Association; two representatives of the Virginia Association of Chiefs of Police Association; the active-duty law-enforcement officer representing police and fraternal associations; the attorney for the Commonwealth representing the Virginia Association of Commonwealth's Attorneys; an attorney representing the Virginia Indigent Defense Commission; a representative of the Virginia Municipal League; a representative of the Virginia Association of Counties; a mental health service provider; a regional jail superintendent representing the Virginia Association of Regional Jails; one citizen representing a social justice organization; two citizens representing community interests, at least one of whom shall represent the community interests of minority individuals from one of the four groups defined in subsection F of § 2.2-4310; and one member designated by the chairman of the Board from among the other appointments made by the Governor.

The Committee on Training shall annually elect its chairman from among its members.

The Committee on Training may appoint curriculum review committees to assist the Committee on Training in carrying out its duties under this section. Any curriculum review committee shall be composed of nine members appointed by the Committee on Training. At least one member shall be a representative from the Department of State Police Training Academy, one member shall be a representative of a regional criminal justice academy, one member shall be a representative of an independent criminal justice academy, and one member shall be a representative of a community-based organization. The remainder shall be selected from names submitted by the Department of individuals with relevant experience.

CHAPTER 29

An Act to amend and reenact §§ 9.1-507 and 15.2-1507 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 6 of Title 9.1 a section numbered 9.1-601, relating to law-enforcement civilian oversight bodies.

[H 5055]

Approved October 28, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-507 and 15.2-1507 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 6 of Title 9.1 a section numbered 9.1-601 as follows:

§ 9.1-507. Chapter accords minimum rights; exception.

A. The rights accorded law-enforcement officers in this chapter are minimum rights and all agencies, *unless otherwise provided in this section*, shall adopt grievance procedures that are consistent with this chapter. However, an agency may provide for additional rights of law-enforcement officers in its grievance procedure.

B. *The provisions of this chapter shall not apply to any law-enforcement officer or law-enforcement agency that serves under the authority of a locality that has established a law-enforcement civilian oversight body pursuant to § 9.1-601.*

§ 9.1-601. Law-enforcement civilian oversight bodies.

A. 1. *As used in this section, unless the context requires a different meaning:*

"Law-enforcement agency" means a police department established pursuant to § 15.2-1701 or a campus police department of any public institution of higher education of the Commonwealth employing a law-enforcement officer established pursuant to § 23.1-809.

"Law-enforcement officer" means any person, other than a chief of police, who in his official capacity (i) is authorized by law to make arrests and (ii) is a nonprobationary officer of a police department, bureau, or force of any political

subdivision, or a campus police department of any public institution of higher education of the Commonwealth, where such department, bureau, or force has three or more law-enforcement officers. "Law-enforcement officer" does not include a sheriff or deputy sheriff or any law-enforcement officer who has rights afforded to him pursuant to the provisions of Chapter 5 (§ 9.1-500 et seq.).

"Locality" shall be construed to mean a county or city as the context may require.

2. For the purposes of this section, a "law-enforcement agency serving under the authority of the locality" shall be construed to mean any law-enforcement agency established within the boundaries of a locality, including any town police departments or any campus police departments of any public institution of higher education of the Commonwealth established within such boundaries.

B. The governing body of a locality may establish a law-enforcement civilian oversight body. Any law-enforcement civilian oversight body established by the governing body of a locality shall reflect the demographic diversity of the locality.

C. A law-enforcement civilian oversight body established pursuant to this section may have the following duties regarding any law-enforcement agency established within the boundaries of such locality:

1. To receive, investigate, and issue findings on complaints from civilians regarding the conduct of law-enforcement officers and civilian employees of a law-enforcement agency serving under the authority of the locality;

2. To investigate and issue findings on incidents, including the use of force by a law-enforcement officer, death or serious injury to any person held in custody, serious abuse of authority or misconduct, allegedly discriminatory stops, and other incidents regarding the conduct of law-enforcement officers or civilian employees of a law-enforcement agency serving under the authority of the locality;

3. Concordant with any investigation conducted pursuant to subdivisions 1 and 2 and after consultation with such officer's or employee's direct supervisor or commander, to make binding disciplinary determinations in cases that involve serious breaches of departmental and professional standards, as defined by the locality. Such disciplinary determinations may include letters of reprimand, suspension without pay, suspension with pay, demotion within the department, reassignment within the department, termination, involuntary restitution, or mediation, any of which is to be implemented by the local government employee with ultimate supervisory authority over officers or employees of law-enforcement agencies serving under the authority of the locality;

4. To investigate policies, practices, and procedures of law-enforcement agencies serving under the authority of the locality and to make recommendations regarding changes to such policies, practices, and procedures. If the law-enforcement agency declines to implement any changes recommended by the law-enforcement civilian oversight body, such law-enforcement civilian oversight body may require the law-enforcement agency to create a written record, which shall be made available to the public, of its rationale for declining to implement a recommendation of the law-enforcement civilian oversight body;

5. To review all investigations conducted internally by law-enforcement agencies serving under the authority of the locality, including internal investigations of civilians employed by such law-enforcement agencies, and to issue findings regarding the accuracy, completeness, and impartiality of such investigations and the sufficiency of any discipline resulting from such investigations;

6. To request reports of the annual expenditures of the law-enforcement agencies serving under the authority of the locality and to make budgetary recommendations to the governing body of the locality concerning future appropriations;

7. To make public reports on the activities of the law-enforcement civilian oversight body, including investigations, hearings, findings, recommendations, determinations, and oversight activities; and

8. To undertake any other duties as reasonably necessary for the law-enforcement civilian oversight body to effectuate its lawful purpose as provided for in this section to effectively oversee the law-enforcement agencies serving under the authority of the locality.

D. The governing body of the locality shall establish the policies and procedures for the performance of duties by the law-enforcement civilian oversight body as set forth in this section. The law-enforcement civilian oversight body may hold hearings and, if after making a good faith effort to obtain, voluntarily, the attendance of witnesses and the production of books, papers, and other evidence necessary to perform its duties the law-enforcement civilian oversight body is unable to obtain such attendance or production, it may apply to the circuit court for the locality for a subpoena compelling the attendance of such witness or the production of such books, papers, and other evidence, and the court may, upon good cause shown, cause the subpoena to be issued. Any person so subpoenaed may apply to the court that issued such subpoena to quash it.

E. Any person currently employed as a law-enforcement officer as defined in § 9.1-101 is ineligible to serve on a law-enforcement civilian oversight body established pursuant to this section; however, a retired law-enforcement officer may serve on such law-enforcement civilian oversight body as an advisory, nonvoting *ex officio* member. Such retired law-enforcement officer shall not have been previously employed as a law-enforcement officer by a law-enforcement agency established within the boundaries of such locality but shall have been employed as a law-enforcement officer as defined in § 9.1-101 in a locality that is similar to the locality that established such law-enforcement civilian oversight body.

F. A law-enforcement officer who is subject to a binding disciplinary determination may file a grievance requesting a final hearing in accordance with § 15.2-1507, provided that such matter is a qualifying grievance under the locality's grievance procedures.

G. A law-enforcement civilian oversight body may retain legal counsel to represent such oversight body in all cases, hearings, controversies, or matters involving the interests of the oversight body. Such counsel shall be paid from funds appropriated by the locality.

§ 15.2-1507. Provision of grievance procedure; training programs.

A. If a local governing body fails to adopt a grievance procedure required by § 15.2-1506 or fails to certify it as provided in this section, the local governing body shall be deemed to have adopted a grievance procedure that is consistent with the provisions of Chapter 30 (§ 2.2-3000 et seq.) of Title 2.2 and any regulations adopted pursuant thereto for so long as the locality remains in noncompliance. The locality shall provide its employees with copies of the applicable grievance procedure upon request. The term "grievance" as used herein shall not be interpreted to mean negotiations of wages, salaries, or fringe benefits.

Each grievance procedure, and each amendment thereto, in order to comply with this section, shall be certified in writing to be in compliance by the city, town, or county attorney, and the chief administrative officer of the locality, and such certification filed with the clerk of the circuit court having jurisdiction in the locality in which the procedure is to apply. Local government grievance procedures in effect as of July 1, 1991, shall remain in full force and effect for 90 days thereafter, unless certified and filed as provided above within a shorter time period.

Each grievance procedure shall include the following components and features:

1. Definition of grievance. A grievance shall be a complaint or dispute by an employee relating to his employment, including (i) disciplinary actions, including dismissals, disciplinary demotions, and suspensions, provided that dismissals shall be grievable whenever resulting from formal discipline or unsatisfactory job performance; (ii) the application of personnel policies, procedures, rules, and regulations, including the application of policies involving matters referred to in clause (iii) of subdivision 2; (iii) discrimination on the basis of race, color, creed, religion, political affiliation, age, disability, national origin, sex, marital status, pregnancy, childbirth or related medical conditions, sexual orientation, gender identity, or status as a veteran; and (iv) acts of retaliation as the result of the use of or participation in the grievance procedure or because the employee has complied with any law of the United States or of the Commonwealth, has reported any violation of such law to a governmental authority, has sought any change in law before the Congress of the United States or the General Assembly, or has reported an incidence of fraud, abuse, or gross mismanagement. For the purposes of clause (iv), there shall be a rebuttable presumption that increasing the penalty that is the subject of the grievance at any level of the grievance shall be an act of retaliation.

2. Local government responsibilities. Local governments shall retain the exclusive right to manage the affairs and operations of government. Accordingly, the following complaints are nongrievable: (i) establishment and revision of wages or salaries, position classification, or general benefits; (ii) work activity accepted by the employee as a condition of employment or work activity that may reasonably be expected to be a part of the job content; (iii) the contents of ordinances, statutes, or established personnel policies, procedures, rules, and regulations; (iv) failure to promote except where the employee can show that established promotional policies or procedures were not followed or applied fairly; (v) the methods, means, and personnel by which work activities are to be carried on; (vi) except where such action affects an employee who has been reinstated within the previous six months as the result of the final determination of a grievance, termination, layoff, demotion, or suspension from duties because of lack of work, reduction in work force, or job abolition; (vii) the hiring, promotion, transfer, assignment, and retention of employees within the local government; and (viii) the relief of employees from duties of the local government in emergencies. In any grievance brought under the exception to clause (vi), the action shall be upheld upon a showing by the local government that (a) there was a valid business reason for the action and (b) the employee was notified of the reason in writing prior to the effective date of the action.

3. Coverage of personnel.

a. Unless otherwise provided by law, all nonprobationary local government permanent full-time and part-time employees are eligible to file grievances with the following exceptions:

- (1) Appointees of elected groups or individuals;
- (2) Officials and employees who by charter or other law serve at the will or pleasure of an appointing authority;
- (3) Deputies and executive assistants to the chief administrative officer of a locality;
- (4) Agency heads or chief executive officers of government operations;
- (5) Employees whose terms of employment are limited by law;
- (6) Temporary, limited term, and seasonal employees;

(7) Law-enforcement officers as defined in Chapter 5 (§ 9.1-500 et seq.) of Title 9.1 whose grievance is subject to the provisions of Chapter 5 (§ 9.1-500 et seq.) of Title 9.1 and who have elected to proceed pursuant to those provisions in the resolution of their grievance, or any other employee electing to proceed pursuant to any other existing procedure in the resolution of his grievance; *and*

(8) *Law-enforcement officers as defined in § 9.1-601 whose grievance is subject to the provisions of § 9.1-601 and relates to a binding disciplinary determination made by a law-enforcement civilian oversight body, except as permitted by subsection F of § 9.1-601.*

b. Notwithstanding the exceptions set forth in subdivision a, local governments, at their sole discretion, may voluntarily include employees in any of the excepted categories within the coverage of their grievance procedures.

c. The chief administrative officer of each local government, or his designee, shall determine the officers and employees excluded from the grievance procedure, and shall be responsible for maintaining an up-to-date list of the affected positions.

4. Grievance procedure availability and coverage for employees of community services boards, redevelopment and housing authorities, and regional housing authorities. Employees of community services boards, redevelopment and housing authorities created pursuant to § 36-4, and regional housing authorities created pursuant to § 36-40 shall be included in (i) a local governing body's grievance procedure or personnel system, if agreed to by the department, board, or authority and the locality or (ii) a grievance procedure established and administered by the department, board, or authority that is consistent with the provisions of Chapter 30 (§ 2.2-3000 et seq.) of Title 2.2 and any regulations promulgated pursuant thereto. If a department, board, or authority fails to establish a grievance procedure pursuant to clause (i) or (ii), it shall be deemed to have adopted a grievance procedure that is consistent with the provisions of Chapter 30 (§ 2.2-3000 et seq.) of Title 2.2 and any regulations adopted pursuant thereto for so long as it remains in noncompliance.

5. General requirements for procedures.

a. Each grievance procedure shall include not more than four steps for airing complaints at successively higher levels of local government management, and a final step providing for a panel hearing or a hearing before an administrative hearing officer upon the agreement of both parties.

b. Grievance procedures shall prescribe reasonable and specific time limitations for the grievant to submit an initial complaint and to appeal each decision through the steps of the grievance procedure.

c. Nothing contained in this section shall prohibit a local government from granting its employees rights greater than those contained herein, provided that such grant does not exceed or violate the general law or public policy of the Commonwealth.

6. Time periods.

a. It is intended that speedy attention to employee grievances be promoted, consistent with the ability of the parties to prepare for a fair consideration of the issues of concern.

b. The time for submitting an initial complaint shall not be less than 20 calendar days after the event giving rise to the grievance, but local governments may, at their option, allow a longer time period.

c. Limits for steps after initial presentation of grievance shall be the same or greater for the grievant than the time that is allowed for local government response in each comparable situation.

d. Time frames may be extended by mutual agreement of the local government and the grievant.

7. Compliance.

a. After the initial filing of a written grievance, failure of either party to comply with all substantial procedural requirements of the grievance procedure, including the panel or administrative hearing, without just cause shall result in a decision in favor of the other party on any grievable issue, provided the party not in compliance fails to correct the noncompliance within five workdays of receipt of written notification by the other party of the compliance violation. Such written notification by the grievant shall be made to the chief administrative officer, or his designee.

b. The chief administrative officer, or his designee, at his option, may require a clear written explanation of the basis for just cause extensions or exceptions. The chief administrative officer, or his designee, shall determine compliance issues. Compliance determinations made by the chief administrative officer shall be subject to judicial review by filing petition with the circuit court within 30 days of the compliance determination.

8. Management steps.

a. The first step shall provide for an informal, initial processing of employee complaints by the immediate supervisor through a nonwritten, discussion format.

b. Management steps shall provide for a review with higher levels of local government authority following the employee's reduction to writing of the grievance and the relief requested on forms supplied by the local government. Personal face-to-face meetings are required at all of these steps.

c. With the exception of the final management step, the only persons who may normally be present in the management step meetings are the grievant, the appropriate local government official at the level at which the grievance is being heard, and appropriate witnesses for each side. Witnesses shall be present only while actually providing testimony. At the final management step, the grievant, at his option, may have present a representative of his choice. If the grievant is represented by legal counsel, local government likewise has the option of being represented by counsel.

9. Qualification for panel or administrative hearing.

a. Decisions regarding grievability and access to the procedure shall be made by the chief administrative officer of the local government, or his designee, at any time prior to the panel hearing, at the request of the local government or grievant, within 10 calendar days of the request. No city, town, or county attorney, or attorney for the Commonwealth, shall be authorized to decide the question of grievability. A copy of the ruling shall be sent to the grievant. Decisions of the chief administrative officer of the local government, or his designee, may be appealed to the circuit court having jurisdiction in the locality in which the grievant is employed for a hearing on the issue of whether the grievance qualifies for a panel hearing. Proceedings for review of the decision of the chief administrative officer or his designee shall be instituted by the grievant by filing a notice of appeal with the chief administrative officer within 10 calendar days from the date of receipt of the decision and giving a copy thereof to all other parties. Within 10 calendar days thereafter, the chief administrative officer or his designee shall transmit to the clerk of the court to which the appeal is taken: a copy of the decision of the chief

administrative officer, a copy of the notice of appeal, and the exhibits. A list of the evidence furnished to the court shall also be furnished to the grievant. The failure of the chief administrative officer or his designee to transmit the record shall not prejudice the rights of the grievant. The court, on motion of the grievant, may issue a writ of certiorari requiring the chief administrative officer to transmit the record on or before a certain date.

b. Within 30 days of receipt of such records by the clerk, the court, sitting without a jury, shall hear the appeal on the record transmitted by the chief administrative officer or his designee and such additional evidence as may be necessary to resolve any controversy as to the correctness of the record. The court, in its discretion, may receive such other evidence as the ends of justice require. The court may affirm the decision of the chief administrative officer or his designee, or may reverse or modify the decision. The decision of the court shall be rendered no later than the fifteenth day from the date of the conclusion of the hearing. The decision of the court is final and is not appealable.

10. Final hearings.

a. Qualifying grievances shall advance to either a panel hearing or a hearing before an administrative hearing officer, as set forth in the locality's grievance procedure, as described below:

(1) If the grievance procedure adopted by the local governing body provides that the final step shall be an impartial panel hearing, the panel may, with the exception of those local governments covered by subdivision a (2), consist of one member appointed by the grievant, one member appointed by the agency head and a third member selected by the first two. In the event that agreement cannot be reached as to the final panel member, the chief judge of the circuit court of the jurisdiction wherein the dispute arose shall select the third panel member. The panel shall not be composed of any persons having direct involvement with the grievance being heard by the panel, or with the complaint or dispute giving rise to the grievance. Managers who are in a direct line of supervision of a grievant, persons residing in the same household as the grievant and the following relatives of a participant in the grievance process or a participant's spouse are prohibited from serving as panel members: spouse, parent, child, descendants of a child, sibling, niece, nephew and first cousin. No attorney having direct involvement with the subject matter of the grievance, nor a partner, associate, employee or co-employee of the attorney shall serve as a panel member.

(2) If the grievance procedure adopted by the local governing body provides for the final step to be an impartial panel hearing, local governments may retain the panel composition method previously approved by the Department of Human Resource Management and in effect as of the enactment of this statute. Modifications to the panel composition method shall be permitted with regard to the size of the panel and the terms of office for panel members, so long as the basic integrity and independence of panels are maintained. As used in this section, the term "panel" shall include all bodies designated and authorized to make final and binding decisions.

(3) When a local government elects to use an administrative hearing officer rather than a three-person panel for the final step in the grievance procedure, the administrative hearing officer shall be appointed by the Executive Secretary of the Supreme Court of Virginia. The appointment shall be made from the list of administrative hearing officers maintained by the Executive Secretary pursuant to § 2.2-4024 and shall be made from the appropriate geographical region on a rotating basis. In the alternative, the local government may request the appointment of an administrative hearing officer from the Department of Human Resource Management. If a local government elects to use an administrative hearing officer, it shall bear the expense of such officer's services.

(4) When the local government uses a panel in the final step of the procedure, there shall be a chairperson of the panel and, when panels are composed of three persons (one each selected by the respective parties and the third from an impartial source), the third member shall be the chairperson.

(5) Both the grievant and the respondent may call upon appropriate witnesses and be represented by legal counsel or other representatives at the hearing. Such representatives may examine, cross-examine, question and present evidence on behalf of the grievant or respondent before the panel or hearing officer without being in violation of the provisions of § 54.1-3904.

(6) The decision of the panel or hearing officer shall be final and binding and shall be consistent with provisions of law and written policy.

(7) The question of whether the relief granted by a panel or hearing officer is consistent with written policy shall be determined by the chief administrative officer of the local government, or his designee, unless such person has a direct personal involvement with the event or events giving rise to the grievance, in which case the decision shall be made by the attorney for the Commonwealth of the jurisdiction in which the grievance is pending.

b. Rules for panel and administrative hearings.

Unless otherwise provided by law, local governments shall adopt rules for the conduct of panel or administrative hearings as a part of their grievance procedures, or shall adopt separate rules for such hearings. Rules that are promulgated shall include the following provisions:

(1) That neither the panels nor the hearing officer have authority to formulate policies or procedures or to alter existing policies or procedures;

(2) That panels and the hearing officer have the discretion to determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing, and, at the request of either party, the hearing shall be private;

(3) That the local government provide the panel or hearing officer with copies of the grievance record prior to the hearing, and provide the grievant with a list of the documents furnished to the panel or hearing officer, and the grievant and

his attorney, at least 10 days prior to the scheduled hearing, shall be allowed access to and copies of all relevant files intended to be used in the grievance proceeding;

(4) That panels and hearing officers have the authority to determine the admissibility of evidence without regard to the burden of proof, or the order of presentation of evidence, so long as a full and equal opportunity is afforded to all parties for the presentation of their evidence;

(5) That all evidence be presented in the presence of the panel or hearing officer and the parties, except by mutual consent of the parties;

(6) That documents, exhibits and lists of witnesses be exchanged between the parties or hearing officer in advance of the hearing;

(7) That the majority decision of the panel or the decision of the hearing officer, acting within the scope of its or his authority, be final, subject to existing policies, procedures and law;

(8) That the panel or hearing officer's decision be provided within a specified time to all parties; and

(9) Such other provisions as may facilitate fair and expeditious hearings, with the understanding that the hearings are not intended to be conducted like proceedings in courts, and that rules of evidence do not necessarily apply.

11. Implementation of final hearing decisions.

Either party may petition the circuit court having jurisdiction in the locality in which the grievant is employed for an order requiring implementation of the hearing decision.

B. Notwithstanding the contrary provisions of this section, a final hearing decision rendered under the provisions of this section that would result in the reinstatement of any employee of a sheriff's office; who has been terminated for cause may be reviewed by the circuit court for the locality upon the petition of the locality. The review of the circuit court shall be limited to the question of whether the decision of the panel or hearing officer was consistent with provisions of law and written policy.

2. That the provisions of this act shall become effective on July 1, 2021.

CHAPTER 30

An Act to amend and reenact §§ 9.1-507 and 15.2-1507 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 6 of Title 9.1 a section numbered 9.1-601, relating to law-enforcement civilian oversight bodies.

[S 5035]

Approved October 28, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-507 and 15.2-1507 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 6 of Title 9.1 a section numbered 9.1-601 as follows:

§ 9.1-507. Chapter accords minimum rights; exception.

A. The rights accorded law-enforcement officers in this chapter are minimum rights and all agencies, *unless otherwise provided in this section*, shall adopt grievance procedures that are consistent with this chapter. However, an agency may provide for additional rights of law-enforcement officers in its grievance procedure.

B. *The provisions of this chapter shall not apply to any law-enforcement officer or law-enforcement agency that serves under the authority of a locality that has established a law-enforcement civilian oversight body pursuant to § 9.1-601.*

§ 9.1-601. Law-enforcement civilian oversight bodies.

A. 1. *As used in this section, the context requires a different meaning:*

"Law-enforcement agency" means a police department established pursuant to § 15.2-1701 or a campus police department of any public institution of higher education of the Commonwealth employing a law-enforcement officer established pursuant to § 23.1-809.

"Law-enforcement officer" means any person, other than a chief of police, who in his official capacity (i) is authorized by law to make arrests and (ii) is a nonprobationary officer of a police department, bureau, or force of any political subdivision, or a campus police department of any public institution of higher education of the Commonwealth, where such department, bureau, or force has three or more law-enforcement officers. "Law-enforcement officer" does not include a sheriff or deputy sheriff or any law-enforcement officer who has rights afforded to him pursuant to the provisions of Chapter 5 (§ 9.1-500 et seq.).

"Locality" shall be construed to mean a county or city as the context may require.

2. *For the purposes of this section, a "law-enforcement agency serving under the authority of the locality" shall be construed to mean any law-enforcement agency established within the boundaries of a locality, including any town police departments or any campus police departments of any public institution of higher education of the Commonwealth established within such boundaries.*

B. *The governing body of a locality may establish a law-enforcement civilian oversight body. Any law-enforcement civilian oversight body established by the governing body of a locality shall reflect the demographic diversity of the locality.*

C. *A law-enforcement civilian oversight body established pursuant to this section may have the following duties regarding any law-enforcement agency established within the boundaries of such locality:*

1. To receive, investigate, and issue findings on complaints from civilians regarding the conduct of law-enforcement officers and civilian employees of a law-enforcement agency serving under the authority of the locality;

2. To investigate and issue findings on incidents, including the use of force by a law-enforcement officer, death or serious injury to any person held in custody, serious abuse of authority or misconduct, allegedly discriminatory stops, and other incidents regarding the conduct of law-enforcement officers or civilian employees of a law-enforcement agency serving under the authority of the locality;

3. Concordant with any investigation conducted pursuant to subdivisions 1 and 2 and after consultation with such officer's or employee's direct supervisor or commander, to make binding disciplinary determinations in cases that involve serious breaches of departmental and professional standards, as defined by the locality. Such disciplinary determinations may include letters of reprimand, suspension without pay, suspension with pay, demotion within the department, reassignment within the department, termination, involuntary restitution, or mediation, any of which is to be implemented by the local government employee with ultimate supervisory authority over officers or employees of law-enforcement agencies serving under the authority of the locality;

4. To investigate policies, practices, and procedures of law-enforcement agencies serving under the authority of the locality and to make recommendations regarding changes to such policies, practices, and procedures. If the law-enforcement agency declines to implement any changes recommended by the law-enforcement civilian oversight body, such law-enforcement civilian oversight body may require the law-enforcement agency to create a written record, which shall be made available to the public, of its rationale for declining to implement a recommendation of the law-enforcement civilian oversight body;

5. To review all investigations conducted internally by law-enforcement agencies serving under the authority of the locality, including internal investigations of civilians employed by such law-enforcement agencies, and to issue findings regarding the accuracy, completeness, and impartiality of such investigations and the sufficiency of any discipline resulting from such investigations;

6. To request reports of the annual expenditures of the law-enforcement agencies serving under the authority of the locality and to make budgetary recommendations to the governing body of the locality concerning future appropriations;

7. To make public reports on the activities of the law-enforcement civilian oversight body, including investigations, hearings, findings, recommendations, determinations, and oversight activities; and

8. To undertake any other duties as reasonably necessary for the law-enforcement civilian oversight body to effectuate its lawful purpose as provided for in this section to effectively oversee the law-enforcement agencies serving under the authority of the locality.

D. The governing body of the locality shall establish the policies and procedures for the performance of duties by the law-enforcement civilian oversight body as set forth in this section. The law-enforcement civilian oversight body may hold hearings and, if after making a good faith effort to obtain, voluntarily, the attendance of witnesses and the production of books, papers, and other evidence necessary to perform its duties the law-enforcement civilian oversight body is unable to obtain such attendance or production, it may apply to the circuit court for the locality for a subpoena compelling the attendance of such witness or the production of such books, papers, and other evidence, and the court may, upon good cause shown, cause the subpoena to be issued. Any person so subpoenaed may apply to the court that issued such subpoena to quash it.

E. Any person currently employed as a law-enforcement officer as defined in § 9.1-101 is ineligible to serve on a law-enforcement civilian oversight body established pursuant to this section; however, a retired law-enforcement officer may serve on such law-enforcement civilian oversight body as an advisory, nonvoting *ex officio* member. Such retired law-enforcement officer shall not have been previously employed as a law-enforcement officer by a law-enforcement agency established within the boundaries of such locality but shall have been employed as a law-enforcement officer as defined in § 9.1-101 in a locality that is similar to the locality that established such law-enforcement civilian oversight body.

F. A law-enforcement officer who is subject to a binding disciplinary determination may file a grievance requesting a final hearing in accordance with § 15.2-1507, provided that such matter is a qualifying grievance under the locality's grievance procedure.

G. A law-enforcement civilian oversight body may retain legal counsel to represent such oversight body in all cases, hearings, controversies, or matters involving the interests of the oversight body. Such counsel shall be paid from funds appropriated by the locality.

§ 15.2-1507. Provision of grievance procedure; training programs.

A. If a local governing body fails to adopt a grievance procedure required by § 15.2-1506 or fails to certify it as provided in this section, the local governing body shall be deemed to have adopted a grievance procedure that is consistent with the provisions of Chapter 30 (§ 2.2-3000 et seq.) of Title 2.2 and any regulations adopted pursuant thereto for so long as the locality remains in noncompliance. The locality shall provide its employees with copies of the applicable grievance procedure upon request. The term "grievance" as used herein shall not be interpreted to mean negotiations of wages, salaries, or fringe benefits.

Each grievance procedure, and each amendment thereto, in order to comply with this section, shall be certified in writing to be in compliance by the city, town, or county attorney, and the chief administrative officer of the locality, and such certification filed with the clerk of the circuit court having jurisdiction in the locality in which the procedure is to

apply. Local government grievance procedures in effect as of July 1, 1991, shall remain in full force and effect for 90 days thereafter, unless certified and filed as provided above within a shorter time period.

Each grievance procedure shall include the following components and features:

1. Definition of grievance. A grievance shall be a complaint or dispute by an employee relating to his employment, including (i) disciplinary actions, including dismissals, disciplinary demotions, and suspensions, provided that dismissals shall be grievable whenever resulting from formal discipline or unsatisfactory job performance; (ii) the application of personnel policies, procedures, rules, and regulations, including the application of policies involving matters referred to in clause (iii) of subdivision 2; (iii) discrimination on the basis of race, color, creed, religion, political affiliation, age, disability, national origin, sex, marital status, pregnancy, childbirth or related medical conditions, sexual orientation, gender identity, or status as a veteran; and (iv) acts of retaliation as the result of the use of or participation in the grievance procedure or because the employee has complied with any law of the United States or of the Commonwealth, has reported any violation of such law to a governmental authority, has sought any change in law before the Congress of the United States or the General Assembly, or has reported an incidence of fraud, abuse, or gross mismanagement. For the purposes of clause (iv), there shall be a rebuttable presumption that increasing the penalty that is the subject of the grievance at any level of the grievance shall be an act of retaliation.

2. Local government responsibilities. Local governments shall retain the exclusive right to manage the affairs and operations of government. Accordingly, the following complaints are nongrievable: (i) establishment and revision of wages or salaries, position classification, or general benefits; (ii) work activity accepted by the employee as a condition of employment or work activity that may reasonably be expected to be a part of the job content; (iii) the contents of ordinances, statutes, or established personnel policies, procedures, rules, and regulations; (iv) failure to promote except where the employee can show that established promotional policies or procedures were not followed or applied fairly; (v) the methods, means, and personnel by which work activities are to be carried on; (vi) except where such action affects an employee who has been reinstated within the previous six months as the result of the final determination of a grievance, termination, layoff, demotion, or suspension from duties because of lack of work, reduction in work force, or job abolition; (vii) the hiring, promotion, transfer, assignment, and retention of employees within the local government; and (viii) the relief of employees from duties of the local government in emergencies. In any grievance brought under the exception to clause (vi), the action shall be upheld upon a showing by the local government that (a) there was a valid business reason for the action and (b) the employee was notified of the reason in writing prior to the effective date of the action.

3. Coverage of personnel.

a. Unless otherwise provided by law, all nonprobationary local government permanent full-time and part-time employees are eligible to file grievances with the following exceptions:

- (1) Appointees of elected groups or individuals;
- (2) Officials and employees who by charter or other law serve at the will or pleasure of an appointing authority;
- (3) Deputies and executive assistants to the chief administrative officer of a locality;
- (4) Agency heads or chief executive officers of government operations;
- (5) Employees whose terms of employment are limited by law;
- (6) Temporary, limited term, and seasonal employees;

(7) Law-enforcement officers as defined in Chapter 5 (§ 9.1-500 et seq.) of Title 9.1 whose grievance is subject to the provisions of Chapter 5 (§ 9.1-500 et seq.) of Title 9.1 and who have elected to proceed pursuant to those provisions in the resolution of their grievance, or any other employee electing to proceed pursuant to any other existing procedure in the resolution of his grievance; *and*

(8) *Law-enforcement officers as defined in § 9.1-601 whose grievance is subject to the provisions of § 9.1-601 and relates to a binding disciplinary determination made by a law-enforcement civilian oversight body, except as permitted by subsection F of § 9.1-601.*

b. Notwithstanding the exceptions set forth in subdivision a, local governments, at their sole discretion, may voluntarily include employees in any of the excepted categories within the coverage of their grievance procedures.

c. The chief administrative officer of each local government, or his designee, shall determine the officers and employees excluded from the grievance procedure, and shall be responsible for maintaining an up-to-date list of the affected positions.

4. Grievance procedure availability and coverage for employees of community services boards, redevelopment and housing authorities, and regional housing authorities. Employees of community services boards, redevelopment and housing authorities created pursuant to § 36-4, and regional housing authorities created pursuant to § 36-40 shall be included in (i) a local governing body's grievance procedure or personnel system, if agreed to by the department, board, or authority and the locality or (ii) a grievance procedure established and administered by the department, board, or authority that is consistent with the provisions of Chapter 30 (§ 2.2-3000 et seq.) of Title 2.2 and any regulations promulgated pursuant thereto. If a department, board, or authority fails to establish a grievance procedure pursuant to clause (i) or (ii), it shall be deemed to have adopted a grievance procedure that is consistent with the provisions of Chapter 30 (§ 2.2-3000 et seq.) of Title 2.2 and any regulations adopted pursuant thereto for so long as it remains in noncompliance.

5. General requirements for procedures.

a. Each grievance procedure shall include not more than four steps for airing complaints at successively higher levels of local government management, and a final step providing for a panel hearing or a hearing before an administrative hearing officer upon the agreement of both parties.

b. Grievance procedures shall prescribe reasonable and specific time limitations for the grievant to submit an initial complaint and to appeal each decision through the steps of the grievance procedure.

c. Nothing contained in this section shall prohibit a local government from granting its employees rights greater than those contained herein, provided that such grant does not exceed or violate the general law or public policy of the Commonwealth.

6. Time periods.

a. It is intended that speedy attention to employee grievances be promoted, consistent with the ability of the parties to prepare for a fair consideration of the issues of concern.

b. The time for submitting an initial complaint shall not be less than 20 calendar days after the event giving rise to the grievance, but local governments may, at their option, allow a longer time period.

c. Limits for steps after initial presentation of grievance shall be the same or greater for the grievant than the time that is allowed for local government response in each comparable situation.

d. Time frames may be extended by mutual agreement of the local government and the grievant.

7. Compliance.

a. After the initial filing of a written grievance, failure of either party to comply with all substantial procedural requirements of the grievance procedure, including the panel or administrative hearing, without just cause shall result in a decision in favor of the other party on any grievable issue, provided the party not in compliance fails to correct the noncompliance within five workdays of receipt of written notification by the other party of the compliance violation. Such written notification by the grievant shall be made to the chief administrative officer, or his designee.

b. The chief administrative officer, or his designee, at his option, may require a clear written explanation of the basis for just cause extensions or exceptions. The chief administrative officer, or his designee, shall determine compliance issues. Compliance determinations made by the chief administrative officer shall be subject to judicial review by filing petition with the circuit court within 30 days of the compliance determination.

8. Management steps.

a. The first step shall provide for an informal, initial processing of employee complaints by the immediate supervisor through a nonwritten, discussion format.

b. Management steps shall provide for a review with higher levels of local government authority following the employee's reduction to writing of the grievance and the relief requested on forms supplied by the local government. Personal face-to-face meetings are required at all of these steps.

c. With the exception of the final management step, the only persons who may normally be present in the management step meetings are the grievant, the appropriate local government official at the level at which the grievance is being heard, and appropriate witnesses for each side. Witnesses shall be present only while actually providing testimony. At the final management step, the grievant, at his option, may have present a representative of his choice. If the grievant is represented by legal counsel, local government likewise has the option of being represented by counsel.

9. Qualification for panel or administrative hearing.

a. Decisions regarding grievability and access to the procedure shall be made by the chief administrative officer of the local government, or his designee, at any time prior to the panel hearing, at the request of the local government or grievant, within 10 calendar days of the request. No city, town, or county attorney, or attorney for the Commonwealth, shall be authorized to decide the question of grievability. A copy of the ruling shall be sent to the grievant. Decisions of the chief administrative officer of the local government, or his designee, may be appealed to the circuit court having jurisdiction in the locality in which the grievant is employed for a hearing on the issue of whether the grievance qualifies for a panel hearing. Proceedings for review of the decision of the chief administrative officer or his designee shall be instituted by the grievant by filing a notice of appeal with the chief administrative officer within 10 calendar days from the date of receipt of the decision and giving a copy thereof to all other parties. Within 10 calendar days thereafter, the chief administrative officer or his designee shall transmit to the clerk of the court to which the appeal is taken: a copy of the decision of the chief administrative officer, a copy of the notice of appeal, and the exhibits. A list of the evidence furnished to the court shall also be furnished to the grievant. The failure of the chief administrative officer or his designee to transmit the record shall not prejudice the rights of the grievant. The court, on motion of the grievant, may issue a writ of certiorari requiring the chief administrative officer to transmit the record on or before a certain date.

b. Within 30 days of receipt of such records by the clerk, the court, sitting without a jury, shall hear the appeal on the record transmitted by the chief administrative officer or his designee and such additional evidence as may be necessary to resolve any controversy as to the correctness of the record. The court, in its discretion, may receive such other evidence as the ends of justice require. The court may affirm the decision of the chief administrative officer or his designee, or may reverse or modify the decision. The decision of the court shall be rendered no later than the fifteenth day from the date of the conclusion of the hearing. The decision of the court is final and is not appealable.

10. Final hearings.

a. Qualifying grievances shall advance to either a panel hearing or a hearing before an administrative hearing officer, as set forth in the locality's grievance procedure, as described below:

(1) If the grievance procedure adopted by the local governing body provides that the final step shall be an impartial panel hearing, the panel may, with the exception of those local governments covered by subdivision a (2), consist of one member appointed by the grievant, one member appointed by the agency head and a third member selected by the first two. In the event that agreement cannot be reached as to the final panel member, the chief judge of the circuit court of the jurisdiction wherein the dispute arose shall select the third panel member. The panel shall not be composed of any persons having direct involvement with the grievance being heard by the panel, or with the complaint or dispute giving rise to the grievance. Managers who are in a direct line of supervision of a grievant, persons residing in the same household as the grievant and the following relatives of a participant in the grievance process or a participant's spouse are prohibited from serving as panel members: spouse, parent, child, descendants of a child, sibling, niece, nephew and first cousin. No attorney having direct involvement with the subject matter of the grievance, nor a partner, associate, employee or co-employee of the attorney shall serve as a panel member.

(2) If the grievance procedure adopted by the local governing body provides for the final step to be an impartial panel hearing, local governments may retain the panel composition method previously approved by the Department of Human Resource Management and in effect as of the enactment of this statute. Modifications to the panel composition method shall be permitted with regard to the size of the panel and the terms of office for panel members, so long as the basic integrity and independence of panels are maintained. As used in this section, the term "panel" shall include all bodies designated and authorized to make final and binding decisions.

(3) When a local government elects to use an administrative hearing officer rather than a three-person panel for the final step in the grievance procedure, the administrative hearing officer shall be appointed by the Executive Secretary of the Supreme Court of Virginia. The appointment shall be made from the list of administrative hearing officers maintained by the Executive Secretary pursuant to § 2.2-4024 and shall be made from the appropriate geographical region on a rotating basis. In the alternative, the local government may request the appointment of an administrative hearing officer from the Department of Human Resource Management. If a local government elects to use an administrative hearing officer, it shall bear the expense of such officer's services.

(4) When the local government uses a panel in the final step of the procedure, there shall be a chairperson of the panel and, when panels are composed of three persons (one each selected by the respective parties and the third from an impartial source), the third member shall be the chairperson.

(5) Both the grievant and the respondent may call upon appropriate witnesses and be represented by legal counsel or other representatives at the hearing. Such representatives may examine, cross-examine, question and present evidence on behalf of the grievant or respondent before the panel or hearing officer without being in violation of the provisions of § 54.1-3904.

(6) The decision of the panel or hearing officer shall be final and binding and shall be consistent with provisions of law and written policy.

(7) The question of whether the relief granted by a panel or hearing officer is consistent with written policy shall be determined by the chief administrative officer of the local government, or his designee, unless such person has a direct personal involvement with the event or events giving rise to the grievance, in which case the decision shall be made by the attorney for the Commonwealth of the jurisdiction in which the grievance is pending.

b. Rules for panel and administrative hearings.

Unless otherwise provided by law, local governments shall adopt rules for the conduct of panel or administrative hearings as a part of their grievance procedures, or shall adopt separate rules for such hearings. Rules that are promulgated shall include the following provisions:

(1) That neither the panels nor the hearing officer have authority to formulate policies or procedures or to alter existing policies or procedures;

(2) That panels and the hearing officer have the discretion to determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing, and, at the request of either party, the hearing shall be private;

(3) That the local government provide the panel or hearing officer with copies of the grievance record prior to the hearing, and provide the grievant with a list of the documents furnished to the panel or hearing officer, and the grievant and his attorney, at least 10 days prior to the scheduled hearing, shall be allowed access to and copies of all relevant files intended to be used in the grievance proceeding;

(4) That panels and hearing officers have the authority to determine the admissibility of evidence without regard to the burden of proof, or the order of presentation of evidence, so long as a full and equal opportunity is afforded to all parties for the presentation of their evidence;

(5) That all evidence be presented in the presence of the panel or hearing officer and the parties, except by mutual consent of the parties;

(6) That documents, exhibits and lists of witnesses be exchanged between the parties or hearing officer in advance of the hearing;

(7) That the majority decision of the panel or the decision of the hearing officer, acting within the scope of its or his authority, be final, subject to existing policies, procedures and law;

(8) That the panel or hearing officer's decision be provided within a specified time to all parties; and

(9) Such other provisions as may facilitate fair and expeditious hearings, with the understanding that the hearings are not intended to be conducted like proceedings in courts, and that rules of evidence do not necessarily apply.

11. Implementation of final hearing decisions.

Either party may petition the circuit court having jurisdiction in the locality in which the grievant is employed for an order requiring implementation of the hearing decision.

B. Notwithstanding the contrary provisions of this section, a final hearing decision rendered under the provisions of this section that would result in the reinstatement of any employee of a sheriff's office, who has been terminated for cause may be reviewed by the circuit court for the locality upon the petition of the locality. The review of the circuit court shall be limited to the question of whether the decision of the panel or hearing officer was consistent with provisions of law and written policy.

2. That the provisions of this act shall become effective on July 1, 2021.

CHAPTER 31

An Act to amend and reenact § 19.2-56 of the Code of Virginia, relating to search warrants; provide notice of authority.

[H 5099]

Approved October 28, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-56 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-56. To whom search warrant directed; what it shall command; warrant to show date and time of issuance; copy of affidavit to be part of warrant and served therewith; warrants not executed within 15 days.

A. The judge, magistrate, or other official authorized to issue criminal warrants, shall issue a search warrant if he finds from the facts or circumstances recited in the affidavit that there is probable cause for the issuance thereof.

Every search warrant shall be directed ~~to~~ (i) to the sheriff, sergeant, or any policeman of the county, city, or town in which the place to be searched is located; (ii) to any law-enforcement officer or agent employed by the Commonwealth and vested with the powers of sheriffs and police; or (iii) jointly to any such sheriff, sergeant, policeman, or law-enforcement officer or agent and an agent, special agent, or officer of the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco and Firearms of the United States Treasury, the United States Naval Criminal Investigative Service, the United States Department of Homeland Security, any inspector, law-enforcement official, or police personnel of the United States Postal Service, or the Drug Enforcement Administration. The warrant shall (a) name the affiant, (b) recite the offense or the identity of the person to be arrested for whom a warrant or process for arrest has been issued in relation to which the search is to be made, (c) name or describe the place to be searched, (d) describe the property or person to be searched for, and (e) recite that the magistrate has found probable cause to believe that the property or person constitutes evidence of a crime (identified in the warrant) or tends to show that a person (named or described therein) has committed or is committing a crime or that the person to be arrested for whom a warrant or process for arrest has been issued is located at the place to be searched.

The warrant shall command that the place be forthwith searched, ~~either in day or night~~, and that the objects or persons described in the warrant, if found there, be seized. An inventory shall be produced before a court having jurisdiction of the offense or over the person to be arrested for whom a warrant or process for arrest has been issued in relation to which the warrant was issued as provided in § 19.2-57.

Any such warrant as provided in this section shall be executed by the policeman or other law-enforcement officer or agent into whose hands it shall come or be delivered. If the warrant is directed jointly to a sheriff, sergeant, policeman, or law-enforcement officer or agent of the Commonwealth and a federal agent or officer as otherwise provided in this section, the warrant may be executed jointly or by the policeman, law-enforcement officer, or agent into whose hands it is delivered. No other person may be permitted to be present during or participate in the execution of a warrant to search a place except (1) the owners and occupants of the place to be searched when permitted to be present by the officer in charge of the conduct of the search and (2) persons designated by the officer in charge of the conduct of the search to assist or provide expertise in the conduct of the search.

Any search warrant for records or other information pertaining to a subscriber to, or customer of, an electronic communication service or remote computing service, whether a domestic corporation or foreign corporation, that is transacting or has transacted any business in the Commonwealth, to be executed upon such service provider may be executed within or outside the Commonwealth by hand, United States mail, commercial delivery service, facsimile, or other electronic means upon the service provider. Notwithstanding the provisions of § 19.2-57, the officer executing a warrant pursuant to this paragraph shall endorse the date of execution thereon and shall file the warrant, with the inventory attached (or a notation that no property was seized) and the accompanying affidavit, unless such affidavit was made by voice or videotape recording, within three days after the materials ordered to be produced are received by the officer from the service provider. The return shall be made in the circuit court clerk's office for the jurisdiction wherein the warrant was (A) executed, if executed within the Commonwealth, and a copy of the return shall also be delivered to the clerk of the circuit court of the county or city where the warrant was issued; or (B) issued, if executed outside the Commonwealth. Saturdays, Sundays, or any federal or state legal holiday shall not be used in computing the three-day filing period.

Electronic communication service or remote computing service providers, whether a foreign or domestic corporation, shall also provide the contents of electronic communications pursuant to a search warrant issued under this section and § 19.2-70.3 using the same process described in the preceding paragraph.

Notwithstanding the provisions of § 19.2-57, any search warrant for records or other information pertaining to a customer of a financial institution as defined in § 6.2-604, money transmitter as defined in § 6.2-1900, commercial business providing credit history or credit reports, or issuer as defined in § 6.2-424 may be executed within the Commonwealth by hand, United States mail, commercial delivery service, facsimile, or other electronic means upon the financial institution, money transmitter, commercial business providing credit history or credit reports, or issuer. The officer executing such warrant shall endorse the date of execution thereon and shall file the warrant, with the inventory attached (or a notation that no property was seized) and the accompanying affidavit, unless such affidavit was made by voice or videotape recording, within three days after the materials ordered to be produced are received by the officer from the financial institution, money transmitter, commercial business providing credit history or credit reports, or issuer. The return shall be made in the circuit court clerk's office for the jurisdiction wherein the warrant was executed. Saturdays, Sundays, or any federal or state legal holiday shall not be used in computing the three-day filing period. For the purposes of this section, the warrant will be considered executed in the jurisdiction where the entity on which the warrant is served is located.

Every search warrant shall contain the date and time it was issued. However, the failure of any such search warrant to contain the date and time it was issued shall not render the warrant void, provided that the date and time of issuing of said warrant is established by competent evidence.

The judge, magistrate, or other official authorized to issue criminal warrants shall attach a copy of the affidavit required by § 19.2-54, which shall become a part of the search warrant and served therewith. However, this provision shall not be applicable in any case in which the affidavit is made by means of a voice or videotape recording or where the affidavit has been sealed pursuant to § 19.2-54.

Any search warrant not executed within 15 days after issuance thereof shall be returned to, and voided by, the officer who issued such search warrant.

B. No law-enforcement officer shall seek, execute, or participate in the execution of a no-knock search warrant. A search warrant authorized under this section shall require that a law-enforcement officer be recognizable and identifiable as a uniformed law-enforcement officer and provide audible notice of his authority and purpose reasonably expected to be heard by occupants of such place to be searched prior to the execution of such search warrant.

After entering and securing the place to be searched and prior to undertaking any search or seizure pursuant to the search warrant, the executing law-enforcement officer shall read and give a copy of the search warrant to the person to be searched or the owner of the place to be searched or, if the owner is not present, to any occupant of the place to be searched. If the place to be searched is unoccupied, the executing law-enforcement officer shall leave a copy of the search warrant suitably affixed to the place to be searched.

Search warrants authorized under this section shall be executed only in the daytime unless (i) a judge or magistrate, if a judge is not available, authorizes the execution of such search warrant at another time for good cause shown or (ii) the search warrant is for the withdrawal of blood. A search warrant for the withdrawal of blood may be executed at any time of day.

A law-enforcement officer shall make reasonable efforts to locate a judge before seeking authorization to execute the warrant at another time. Such reasonable efforts shall be documented in an affidavit and submitted to a magistrate when seeking such authorization.

Any evidence obtained from a search warrant in violation of this subsection shall not be admitted into evidence for the Commonwealth in any prosecution.

C. For the purposes of this section:

"Foreign corporation" means any corporation or other entity, whose primary place of business is located outside of the boundaries of the Commonwealth, that makes a contract or engages in a terms of service agreement with a resident of the Commonwealth to be performed in whole or in part by either party in the Commonwealth, or a corporation that has been issued a certificate of authority pursuant to § 13.1-759 to transact business in the Commonwealth. The making of the contract or terms of service agreement or the issuance of a certificate of authority shall be considered to be the agreement of the foreign corporation or entity that a search warrant or subpoena, which has been properly served on it, has the same legal force and effect as if served personally within the Commonwealth.

"Properly served" means delivery of a search warrant or subpoena by hand, by United States mail, by commercial delivery service, by facsimile or by any other manner to any officer of a corporation or its general manager in the Commonwealth, to any natural person designated by it as agent for the service of process, or if such corporation has designated a corporate agent, to any person named in the latest annual report filed pursuant to § 13.1-775.

CHAPTER 32

An Act to amend and reenact §§ 9.1-102, 15.2-1705, and 15.2-1709 of the Code of Virginia, relating to minimum qualifications for law-enforcement officer, etc.; disclosure of information.

[H 5104]

Approved October 28, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-102, 15.2-1705, and 15.2-1709 of the Code of Virginia are amended and reenacted as follows:

§ 9.1-102. Powers and duties of the Board and the Department.

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions, and (ii) temporary or probationary status, and establish the time required for completion of such training;

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;

4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;

5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;

6. [Repealed];

7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;

8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;

9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies and correctional officers employed by the Department of Corrections under the provisions of Title 53.1. For correctional officers employed by the Department of Corrections, such standards shall include training on the general care of pregnant women, the impact of restraints on pregnant inmates and fetuses, the impact of being placed in restrictive housing or solitary confinement on pregnant inmates, and the impact of body cavity searches on pregnant inmates;

10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;

12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and institutions of higher education within or outside the Commonwealth, concerning the development of police training schools and programs or courses of instruction;

13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the holding of any such school whether approved or not;

14. Establish and maintain police training programs through such agencies and institutions as the Board deems appropriate;

15. Establish compulsory minimum qualifications of certification and recertification for instructors in criminal justice training schools approved by the Department;

16. Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement;

17. Make recommendations concerning any matter within its purview pursuant to this chapter;

18. Coordinate its activities with those of any interstate system for the exchange of criminal history record information, nominate one or more of its members to serve upon the council or committee of any such system, and participate when and as deemed appropriate in any such system's activities and programs;

19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to submit information, reports, and statistical data with respect to its policy and operation of information systems or with respect to its collection, storage,

dissemination, and usage of criminal history record information and correctional status information, and such criminal justice agencies shall submit such information, reports, and data as are reasonably required;

20. Conduct audits as required by § 9.1-131;

21. Conduct a continuing study and review of questions of individual privacy and confidentiality of criminal history record information and correctional status information;

22. Advise criminal justice agencies and initiate educational programs for such agencies with respect to matters of privacy, confidentiality, and security as they pertain to criminal history record information and correctional status information;

23. Maintain a liaison with any board, commission, committee, or other body which may be established by law, executive order, or resolution to regulate the privacy and security of information collected by the Commonwealth or any political subdivision thereof;

24. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination of criminal history record information and correctional status information, and the privacy, confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and court orders;

25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal justice information system, produce reports, provide technical assistance to state and local criminal justice data system users, and provide analysis and interpretation of criminal justice statistical information;

26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the Commonwealth, and periodically update that plan;

27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, including planning district commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other activities for improving law enforcement and the administration of criminal justice throughout the Commonwealth, including allocating and subgranting funds for these purposes;

28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and activities for the Commonwealth and units of general local government, or combinations thereof, in the Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal justice at every level throughout the Commonwealth;

29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or alterations to such programs, projects, and activities for the purpose of improving law enforcement and the administration of criminal justice;

30. Coordinate the activities and projects of the state departments, agencies, and boards of the Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;

31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

32. Receive, administer, and expend all funds and other assistance available to the Board and the Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

33. Apply for and accept grants from the United States government or any other source in carrying out the purposes of this chapter and accept any and all donations both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall have the power to comply with conditions and execute such agreements as may be necessary;

34. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including but not limited to, contracts with the United States, units of general local government or combinations thereof, in Virginia or other states, and with agencies and departments of the Commonwealth;

35. Adopt and administer reasonable regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to units of general local government, and for carrying out the purposes of this chapter and the powers and duties set forth herein;

36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;

37. Establish training standards and publish and periodically update model policies for law-enforcement personnel in the following subjects:

a. The handling of family abuse, domestic violence, sexual assault, and stalking cases, including standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall provide technical support and assistance to law-enforcement agencies in carrying out the requirements set forth in subsection A of § 9.1-1301;

- b. Communication with and facilitation of the safe return of individuals diagnosed with Alzheimer's disease;
 - c. Sensitivity to and awareness of cultural diversity and the potential for biased policing;
 - d. Protocols for local and regional sexual assault response teams;
 - e. Communication of death notifications;
 - f. The questioning of individuals suspected of driving while intoxicated concerning the physical location of such individual's last consumption of an alcoholic beverage and the communication of such information to the Virginia Alcoholic Beverage Control Authority;
 - g. Vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls;
 - h. Criminal investigations that embody current best practices for conducting photographic and live lineups;
 - i. Sensitivity to and awareness of human trafficking offenses and the identification of victims of human trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or street patrol duties; and
 - j. Missing children, missing adults, and search and rescue protocol;
38. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to ensure sensitivity to and awareness of cultural diversity and the potential for biased policing;
39. Review and evaluate community-policing programs in the Commonwealth, and recommend where necessary statewide operating procedures, guidelines, and standards which strengthen and improve such programs, including sensitivity to and awareness of cultural diversity and the potential for biased policing;
40. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with Virginia law-enforcement agencies, provide technical assistance and administrative support, including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may provide accreditation assistance and training, resource material, and research into methods and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;
41. Promote community policing philosophy and practice throughout the Commonwealth by providing community policing training and technical assistance statewide to all law-enforcement agencies, community groups, public and private organizations and citizens; developing and distributing innovative policing curricula and training tools on general community policing philosophy and practice and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia organizations with specific community policing needs; facilitating continued development and implementation of community policing programs statewide through discussion forums for community policing leaders, development of law-enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide information source on the subject of community policing including, but not limited to periodic newsletters, a website and an accessible lending library;
42. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, including school security officers described in clause (b) of § 22.1-280.2:1, which training and certification shall be administered by the Virginia Center for School and Campus Safety (VCSCS) pursuant to § 9.1-184. Such training standards shall be specific to the role and responsibility of school security officers and shall include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques such as a physical alternative to restraint; (v) disaster and emergency response; (vi) awareness of cultural diversity and implicit bias; (vii) working with students with disabilities, mental health needs, substance abuse disorders, and past traumatic experiences; and (viii) student behavioral dynamics, including child and adolescent development and brain research. The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of the standards and certification requirements in this subdivision. The Department shall require any school security officer who carries a firearm in the performance of his duties to provide proof that he has completed a training course provided by a federal, state, or local law-enforcement agency that includes training in active shooter emergency response, emergency evacuation procedure, and threat assessment;
43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11 (§ 9.1-185 et seq.);
44. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);
45. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal justice agencies regarding the investigation, registration, and dissemination of information requirements as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);
46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and (iii) certification requirements for campus security officers. Such training standards shall include, but not be limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and personal liability issues, security awareness in the campus environment, and disaster and emergency response. The Department shall provide technical support and assistance to campus police departments and campus security departments on the establishment and implementation of policies and procedures, including but not limited to: the management of such departments, investigatory procedures, judicial referrals, the establishment and management of databases for campus safety and security information sharing, and development of uniform record keeping for disciplinary records and statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of college

administrators, college police chiefs, college security department chiefs, and local law-enforcement officials to assist in the development of the standards and certification requirements and training pursuant to this subdivision;

47. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established pursuant to § 9.1-187;

48. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia;

49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of § 46.2-117;

50. Administer the activities of the Virginia Sexual and Domestic Violence Program Professional Standards Committee by providing technical assistance and administrative support, including staffing, for the Committee;

51. In accordance with § 9.1-102.1, design and approve the issuance of photo-identification cards to private security services registrants registered pursuant to Article 4 (§ 9.1-138 et seq.);

52. In consultation with the State Council of Higher Education for Virginia and the Virginia Association of Campus Law Enforcement Administrators, develop multidisciplinary curricula on trauma-informed sexual assault investigation;

53. In consultation with the Department of Behavioral Health and Developmental Services, develop a model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail officers, administrators, or superintendents in any local or regional jail. Such program shall be based on any existing addiction recovery programs that are being administered by any local or regional jails in the Commonwealth. Participation in the model addiction recovery program shall be voluntary, and such program may address aspects of the recovery process, including medical and clinical recovery, peer-to-peer support, availability of mental health resources, family dynamics, and aftercare aspects of the recovery process;

54. Establish compulsory minimum training standards for certification and recertification of law-enforcement officers serving as school resource officers. Such training shall be specific to the role and responsibility of a law-enforcement officer working with students in a school environment and shall include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques; (v) disaster and emergency response; (vi) awareness of cultural diversity and implicit bias; (vii) working with students with disabilities, mental health needs, substance abuse disorders, or past traumatic experiences; and (viii) student behavioral dynamics, including current child and adolescent development and brain research;

55. Establish a model policy for the operation of body-worn camera systems as defined in § 15.2-1723.1 that also addresses the storage and maintenance of body-worn camera system records;

56. Establish compulsory minimum training standards for detector canine handlers employed by the Department of Corrections, standards for the training and retention of detector canines used by the Department of Corrections, and a central database on the performance and effectiveness of such detector canines that requires the Department of Corrections to submit comprehensive information on each canine handler and detector canine, including the number and types of calls and searches, substances searched for and whether or not detected, and the number of false positives, false negatives, true positives, and true negatives;

57. Establish compulsory training standards for basic training of law-enforcement officers for recognizing and managing stress, self-care techniques, and resiliency; ~~and~~

58. *Establish guidelines and standards for psychological examinations conducted pursuant to subsection C of 15.2-1705; and*

59. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

§ 15.2-1705. Minimum qualifications; waiver.

A. The chief of police and all police officers of any locality, all deputy sheriffs and jail officers in ~~this~~ the Commonwealth, and all law-enforcement officers as defined in § 9.1-101 who enter upon the duties of such office after July 1, 1994, are required to meet the following minimum qualifications for office. Such person shall (i) be a citizen of the United States; (ii) be required to undergo a background investigation including fingerprint-based criminal history records inquiries to both the Central Criminal Records Exchange and the Federal Bureau of Investigation; (iii) have a high school education or have passed a high school equivalency examination approved by the Board of Education; (iv) possess a valid driver's license if required by the duties of office to operate a motor vehicle; (v) undergo a physical examination, subsequent to a conditional offer of employment, conducted under the supervision of a licensed physician; (vi) be at least ~~eighteen~~ 18 years of age; (vii) not have been convicted of or pled guilty or no contest to a felony or any offense that would be a felony if committed in the Commonwealth; and (viii) not have produced a positive result on a pre-employment drug screening, if such screening is required by the hiring law-enforcement agency or jail, where the positive result cannot be explained to the law-enforcement agency or jail administrator's satisfaction. In addition, all such officers who enter upon the duties of such office on or after July 1, 2013, shall not have been convicted of or pled guilty or no contest to (a) any misdemeanor involving moral turpitude, including but not limited to petit larceny under § 18.2-96, or any offense involving moral turpitude that would be a misdemeanor if committed in the Commonwealth; (b) any misdemeanor sex offense in the Commonwealth, another state, or the United States, including but not limited to sexual battery under § 18.2-67.4 or consensual sexual intercourse with a minor 15 years of age or older under clause (ii) of § 18.2-371; or (c) domestic assault under § 18.2-57.2 or any offense that would be domestic assault under the laws of another state or the United States.

B. *In addition, if the police officer, deputy sheriff, or jail officer had been employed at any time by another law-enforcement agency or jail, the hiring law-enforcement agency or jail shall request from all prior employing*

law-enforcement agencies or jails any information (i) related to an arrest or prosecution of a former police officer, deputy sheriff, or jail officer, including any expunged arrest or criminal charge known to the agency or disclosed during the hiring process that would otherwise be prohibited from disclosure in accordance with § 19.2-392.4; (ii) related to a civil suit regarding a former police officer's, deputy sheriff's, or jail officer's employment or performance of his duties; (iii) obtained during the course of any internal investigation related to a former police officer's, deputy sheriff's, or jail officer's alleged criminal conduct, use of excessive force, or other official misconduct in violation of the state professional standards of conduct adopted by the Criminal Justice Services Board; and (iv) related to a former police officer, deputy sheriff, or jail officer's job performance that led to such officer's or deputy sheriff's resignation, dismissal, demotion, suspension, or transfer. The hiring agency or jail may request this information subsequent to a conditional offer of employment; however, no police officer, deputy sheriff, or jail officer may be employed in such position until the requested information is received from all prior employing law-enforcement agencies in the Commonwealth. The hiring agency or jail shall request that the police officer, deputy sheriff, or jail officer complete a waiver or release liability authorizing the hiring agency or jail to request such information as listed in this subsection from all prior employing law-enforcement agencies or jails, including law-enforcement agencies or jails located outside the Commonwealth. Any sheriff or chief of police in the Commonwealth, any director or chief executive of any law-enforcement agency or jail in the Commonwealth, and the Director of the Department of Criminal Justice Services or his designee who receives such request for information shall disclose such requested information within 14 days of receiving such request to the requesting hiring law-enforcement agency or jail.

C. In addition, the hiring law-enforcement agency or jail may require a candidate for employment to undergo a psychological examination, subsequent to a conditional offer of employment, conducted under the supervision of a licensed psychiatrist or a licensed clinical psychologist.

D. Upon request of a sheriff or chief of police, or the director or chief executive of any agency or department employing law-enforcement officers as defined in § 9.1-101, or jail officers as defined in § 53.1-1, the Department of Criminal Justice Services is hereby authorized to waive the requirements for qualification as set out in subsection A of this section for good cause shown.

§ 15.2-1709. Employer immunity from liability; disclosure of information regarding former deputy sheriffs and law-enforcement officers.

Any sheriff or chief of police, ~~the~~ any director or chief executive of any agency or department employing deputy sheriffs or law-enforcement officers as defined in § 9.1-101; or jail officers as defined in § 53.1-1, and the Director of the Department of Criminal Justice Services or his designee who discloses information about a former deputy sheriff's or law-enforcement officer's or jail officer's job performance or information requested pursuant to subsection B of § 15.2-1705 to a prospective law-enforcement or jail employer of the former appointee or employee is ~~presumed to be acting in good faith and, unless lack of good faith is shown by clear and convincing evidence,~~ is immune from civil liability for such disclosure or its consequences. ~~For purposes of this section, the presumption of good faith is rebutted upon a showing that~~ unless the information disclosed by the former employer was knowingly false or deliberately misleading, was rendered with malicious purpose, or violated any civil right of the former employee or appointee.

CHAPTER 33

An Act to amend the Code of Virginia by adding in Article 2 of Chapter 2 of Title 53.1 a section numbered 53.1-40.02, relating to conditional release of terminally ill prisoners.

[S 5018]

Approved October 28, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 2 of Chapter 2 of Title 53.1 a section numbered 53.1-40.02 as follows:

§ 53.1-40.02. Conditional release of terminally ill prisoners.

A. As used in this section, "terminally ill" means having a chronic or progressive medical condition caused by injury, disease, or illness where the medical prognosis is the person's death within 12 months.

B. Any person serving a sentence imposed upon a conviction for a felony offense, except as provided in subsection C, who is terminally ill may petition the Parole Board for conditional release.

C. A person who is terminally ill and is serving a sentence imposed upon a conviction for one of the following offenses shall not be eligible to petition the Parole Board for conditional release:

1. A Class I felony;

2. Any violation of § 18.2-32, 18.2-32.1, 18.2-32.2, or 18.2-33;

3. Any violation of § 18.2-40 or 18.2-45;

4. Any violation of § 18.2-46.5, subsection A or B of § 18.2-46.6, or § 18.2-46.7;

5. Any kidnapping or abduction felony under Article 3 (§ 18.2-47 et seq.) of Chapter 4 of Title 18.2, except for a violation of § 18.2-49.1;

6. Any malicious felonious assault or malicious bodily wounding under Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2, any violation of § 18.2-51.7, 18.2-54.1, or 18.2-54.2, or any felony violation of § 18.2-57.2;

7. Any felony violation of § 18.2-60.3;
 8. Any felony violation of § 16.1-253.2 or 18.2-60.4;
 9. Robbery under § 18.2-58 or carjacking under § 18.2-58.1;
 10. Criminal sexual assault punishable as a felony under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, except, when not committed against a minor, a violation of subdivision A 5 of § 18.2-67.3, § 18.2-67.4:1, subsection B of § 18.2-67.5, or § 18.2-67.5:1;
 11. Any violation of § 18.2-90 or 18.2-93;
 12. Any violation of § 18.2-289 or subsection A of § 18.2-300;
 13. Any felony offense in Article 3 (§ 18.2-346 et seq.) of Chapter 8 of Title 18.2 involving a minor victim;
 14. Any felony offense in Article 4 (§ 18.2-362 et seq.) of Chapter 8 of Title 18.2 involving a minor victim, except for a violation of § 18.2-362 or 18.2-370.5 or subsection B of § 18.2-371.1;
 15. Any felony offense in Article 5 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2 involving a minor victim, except for a violation of subsection A of § 18.2-374.1:1;
 16. Any violation of § 18.2-481, 40.1-100.2, or 40.1-103; or
 17. A second or subsequent felony violation of the following offenses when such offenses were not part of a common act, transaction, or scheme and such person has been at liberty as defined in § 53.1-151 between each conviction:
 - a. Voluntary or involuntary manslaughter under Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2 or any crime punishable as such;
 - b. Any violation of § 18.2-41 or 18.2-42.1;
 - c. Any violation of subsection C of § 18.2-46.6;
 - d. Any violation when done unlawfully but not maliciously of § 18.2-51 or 18.2-51.1;
 - e. Arson in violation of § 18.2-77 when the structure burned was occupied or a Class 3 felony violation of § 18.2-79;
 - f. Any violation of § 18.2-89 with the intent to commit any larceny or § 18.2-92;
 - g. Any violation of subsection A of § 18.2-374.1:1;
 - h. Any violation of § 18.2-423, 18.2-423.01, 18.2-423.1, 18.2-423.2, or 18.2-433.2; or
 - i. Any violation of subdivision E 2 of § 40.1-29.
- D. The Parole Board shall promulgate regulations to implement the provisions of this section.

CHAPTER 34

An Act to amend and reenact §§ 4.1-206 and 4.1-206.3 of the Code of Virginia, relating to alcoholic beverage control; local special events license; limitations on events during public health emergency.

[S 5036]

Approved October 28, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 4.1-206 and 4.1-206.3 of the Code of Virginia are amended and reenacted as follows:

§ 4.1-206. (Repealed effective July 1, 2021) Alcoholic beverage licenses.

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

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

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

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

4. Banquet facility licenses to volunteer fire departments and volunteer emergency medical services agencies, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the premises. Such premises shall be a volunteer fire or volunteer emergency medical services

agency station or both, regularly occupied as such and recognized by the governing body of the county, city, or town in which it is located. Under conditions as specified by Board regulation, such premises may be other than a volunteer fire or volunteer emergency medical services agency station, provided such other premises are occupied and under the control of the volunteer fire department or volunteer emergency medical services agency while the privileges of its license are being exercised.

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

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

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

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

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

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

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

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

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

14. Art instruction studio licenses, which shall authorize the licensee to serve wine or beer on the premises of the licensee to any such bona fide customer; however, the licensee shall not give more than two five-ounce glasses of wine or

one 12-ounce glass of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. The privileges of this license shall be limited to the premises of the art instruction studio regularly occupied and utilized as such.

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

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

17. Local special events license, which may be issued only to a locality, business improvement district, or nonprofit organization and which shall authorize (i) the licensee to permit the consumption of alcoholic beverages within the area designated by the Board for the special event and (ii) any permanent retail on-premises licensee that is located within the area designated by the Board for the special event to sell alcoholic beverages within the permanent retail location for consumption in the area designated for the special event, including sidewalks and the premises of businesses not licensed to sell alcoholic beverages at retail, upon approval of such businesses. In determining the designated area for the special event, the Board shall consult with the locality. Local special events licensees shall be limited to 16 special events per year, and the duration of any special event shall not exceed three consecutive days. *Such limitations on the number of special events that may be held shall not apply during the effective dates of any rule, regulation, or order that is issued by the Governor or State Health Commissioner to meet a public health emergency and that effectively reduces allowable restaurant seating capacity; however, local special events licensees shall be subject to all other applicable provisions of this title and Board regulations and shall provide notice to the Board regarding the days and times during which the privileges of the license will be exercised.* Only alcoholic beverages purchased from permanent retail on-premises licensees located within the designated area may be consumed at the special event, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers that clearly display the name or logo of the retail on-premises licensee from which the alcoholic beverage was purchased. Alcoholic beverages shall not be sold or charged for in any way by the local special events licensee. The local special events licensee shall post appropriate signage clearly demarcating for the public the boundaries of the special event; however, no physical barriers shall be required for this purpose. The local special events licensee shall provide adequate security for the special event to ensure compliance with the applicable provisions of this title and Board regulations.

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

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

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

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

§ 4.1-206.3. (Effective July 1, 2021) Retail licenses.

A. The Board may grant the following mixed beverages licenses:

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

If the restaurant is located on the premises of a hotel or motel with no fewer than four permanent bedrooms where food and beverage service is customarily provided by the restaurant in designated areas, bedrooms, and other private rooms of such hotel or motel, such licensee may (a) sell and serve mixed beverages for consumption in such designated areas, bedrooms, and other private rooms and (b) sell spirits packaged in original closed containers purchased from the Board for on-premises consumption to registered guests and at scheduled functions of such hotel or motel only in such bedrooms or private rooms. However, with regard to a hotel classified as a resort complex, the Board may authorize the sale and on-premises consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board. Nothing herein shall prohibit any person from keeping and consuming his own lawfully acquired spirits in bedrooms or private rooms.

If the restaurant is located on the premises of and operated by a private, nonprofit, or profit club exclusively for its members and their guests, or members of another private, nonprofit, or profit club in another city with which it has an agreement for reciprocal dining privileges, such license shall also authorize the licensees to (1) sell and serve mixed beverages for on-premises consumption and (2) sell spirits that are packaged in original closed containers with a maximum capacity of two fluid ounces or 50 milliliters and purchased from the Board for on-premises consumption. Where such club prepares no food in its restaurant but purchases its food requirements from a restaurant licensed by the Board and located on another portion of the premises of the same hotel or motel building, this fact shall not prohibit the granting of a license by the Board to such club qualifying in all other respects. The club's gross receipts from the sale of nonalcoholic beverages consumed on the premises and food resold to its members and guests and consumed on the premises shall amount to at least 45 percent of its gross receipts from the sale of mixed beverages and food. The food sales made by a restaurant to such a club shall be excluded in any consideration of the qualifications of such restaurant for a license from the Board.

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

If the restaurant is located on the premises of and operated by a culinary lodging resort, such license shall authorize the licensee to (A) sell alcoholic beverages for on-premises consumption, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, in areas upon the licensed premises approved by the Board and other designated areas of the resort, including outdoor areas under the control of the licensee, and (B) permit the possession and consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in bedrooms and private guest rooms.

The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

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

3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, not to exceed 12 gatherings

or events per year, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

4. Mixed beverage carrier licenses to persons operating a common carrier of passengers by train, boat, bus, or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in the Commonwealth to passengers while in transit aboard any such common carrier, and in designated rooms of establishments of air carriers at airports in the Commonwealth. For purposes of supplying its airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to load alcoholic beverages onto the same airplanes and to transport and store alcoholic beverages at or in close proximity to the airport where the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air carrier licensee shall (i) designate for purposes of its license all locations where the inventory of alcoholic beverages may be stored and from which the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier and (ii) maintain records of all alcoholic beverages to be transported, stored, and delivered by its authorized representative. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

5. Annual mixed beverage motor sports facility licenses, which shall authorize the licensee to sell mixed beverages, in paper, plastic, or similar disposable containers or in single original metal cans, during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas, or similar facilities, for on-premises consumption. Such license may be granted to persons operating food concessions at an outdoor motor sports facility that (i) is located on 1,200 acres of rural property bordering the Dan River and has a track surface of 3.27 miles in length or (ii) hosts a NASCAR national touring race. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

6. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs shall be combined with coffee or other nonalcoholic beverages, for consumption in dining areas of the restaurant. Such license may be granted only to persons who operate a restaurant and in no event shall the sale of such wine or liqueur-based drinks, together with the sale of any other alcoholic beverages, exceed 10 percent of the total annual gross sales of all food and alcoholic beverages. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

7. Annual mixed beverage performing arts facility licenses, which shall (i) authorize the licensee to sell, on the dates of performances or events, alcoholic beverages in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption in all seating areas, concourses, walkways, concession areas, similar facilities, and other areas upon the licensed premises approved by the Board and (ii) automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Such licenses may be granted to the following:

a. Corporations or associations operating a performing arts facility, provided the performing arts facility (i) is owned by a governmental entity; (ii) is occupied by a for-profit entity under a bona fide lease, the original term of which was for more than one year's duration; and (iii) has been rehabilitated in accordance with historic preservation standards;

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

c. Persons operating food concessions at any performing arts facility located in the City of Waynesboro, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a total capacity in excess of 550 patrons; and (iii) has been rehabilitated in accordance with historic preservation standards;

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

premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants; and (iv) has a total capacity in excess of 900 patrons;

e. Persons operating food concessions at any multipurpose theater located in the historical district of the Town of Bridgewater, provided that the theater (i) is owned and operated by a governmental entity and (ii) has a total capacity in excess of 100 patrons;

f. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach;

g. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 5,000 persons and is located in the City of Alexandria or the City of Portsmouth; or

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

8. Combined mixed beverage restaurant and caterer's licenses, which may be granted to any restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to subdivision 1 and mixed beverage caterer pursuant to subdivision 2 for the same business location, and which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed beverage caterer at the same business premises designated in the license, with a common alcoholic beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision 1 and mixed beverage caterer's license pursuant to subdivision 2. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

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

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

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

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

13. Mixed beverage port restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons operating a business (i) that is primarily engaged in the sale of meals; (ii) that is located on property owned by the

United States government or an agency thereof and used as a port of entry to or egress from the United States; and (iii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

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

B. The Board may grant an on-and-off-premises wine and beer license to the following:

1. Hotels, restaurants, and clubs, which shall authorize the licensee to sell wine and beer (i) in closed containers for off-premises consumption or (ii) for on-premises consumption, either with or without meals, in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas. However, with regard to a hotel classified by the Board as (a) a resort complex, the Board may authorize the sale and consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board or (b) a limited service hotel, the Board may authorize the sale and consumption of alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, for on-premises consumption in such rooms or areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, provided that at least one meal is provided each day by the hotel to such guests. With regard to facilities registered in accordance with Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 as continuing care communities that are also licensed by the Board under this subdivision, any resident may, upon authorization of the licensee, keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas covered by the license. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

2. Hospitals, which shall authorize the licensee to sell wine and beer (i) in the rooms of patients for their on-premises consumption only in such rooms, provided the consent of the patient's attending physician is first obtained or (ii) in closed containers for off-premises consumption.

3. Rural grocery stores, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption. No license shall be granted unless (i) the grocery store is located in any town or in a rural area outside the corporate limits of any city or town and (ii) it appears affirmatively that a substantial public demand for such licensed establishment exists and that public convenience and the purposes of this title will be promoted by granting the license.

4. Coliseums, stadiums, and racetracks, which shall authorize the licensee to sell wine and beer during any event and immediately subsequent thereto to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at coliseums, stadiums, racetracks, or similar facilities.

5. Performing arts food concessionaires, which shall authorize the licensee to sell wine and beer during the performance of any event to patrons within all seating areas, concourses, walkways, or concession areas, or other areas approved by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that (a) has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach; (b) has seating or capacity for more than 3,500 persons and is located in the County of Albemarle,

Alleghany, Augusta, Nelson, Pittsylvania, or Rockingham or the City of Charlottesville, Danville, or Roanoke; or (c) has capacity for more than 9,500 persons and is located in Henrico County.

6. Exhibition halls, which shall authorize the licensee to sell wine and beer during the event to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at exhibition or exposition halls, convention centers, or similar facilities located in any county operating under the urban county executive form of government or any city that is completely surrounded by such county. For purposes of this subdivision, "exhibition or exposition hall" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

7. Concert and dinner-theaters, which shall authorize the licensee to sell wine and beer during events to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, dining areas, and such additional locations designated by the Board in such facilities, for on-premises consumption or in closed containers for off-premises consumption. Persons licensed pursuant to this subdivision shall serve food, prepared on or off premises, whenever wine or beer is served. Such licenses may be granted to persons operating concert or dinner-theater venues on property fronting Natural Bridge School Road in Natural Bridge Station and formerly operated as Natural Bridge High School.

8. Historic cinema houses, which shall authorize the licensee to sell wine and beer, either with or without meals, during any showing of a motion picture to patrons to whom alcoholic beverages may be lawfully sold, for on-premises consumption or in closed containers for off-premises consumption. The privileges of this license shall be limited to the premises of the historic cinema house regularly occupied and utilized as such.

9. Nonprofit museums, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption in areas approved by the Board. Such licenses may be granted to persons operating a nonprofit museum exempt from taxation under § 501(c)(3) of the Internal Revenue Code, located in the Town of Front Royal, and dedicated to educating the consuming public about historic beer products. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

C. The Board may grant the following off-premises wine and beer licenses:

1. Retail off-premises wine and beer licenses, which may be granted to a convenience grocery store, delicatessen, drugstore, gift shop, gourmet oyster house, gourmet shop, grocery store, or marina store as defined in § 4.1-100 and Board regulations. Such license shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption and, notwithstanding the provisions of § 4.1-308, to give to any person to whom wine or beer may be lawfully sold a sample of wine or beer for on-premises consumption; however, no single sample shall exceed four ounces of beer or two ounces of wine and no more than 12 ounces of beer or five ounces of wine shall be served to any person per day. The licensee may also give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. With the consent of the licensee, farm wineries, wineries, breweries, distillers, and wholesale licensees or authorized representatives of such licensees may participate in such tastings, including the pouring of samples. The licensee shall comply with any food inventory and sales volume requirements established by Board regulation.

2. Gourmet brewing shop licenses, which shall authorize the licensee to sell to any person to whom wine or beer may be lawfully sold, ingredients for making wine or brewing beer, including packaging, and to rent to such persons facilities for manufacturing, fermenting, and bottling such wine or beer, for off-premises consumption in accordance with subdivision 6 of § 4.1-200.

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

D. The Board may grant the following banquet, special event, and tasting licenses:

1. Per-day event licenses.

a. Banquet licenses to persons in charge of banquets, and to duly organized nonprofit corporations or associations in charge of special events, which shall authorize the licensee to sell or give wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Licensees who are nonprofit corporations or associations conducting fundraisers (i) shall also be authorized to sell wine, as part of any fundraising activity, in closed containers for off-premises consumption to persons to whom wine may be lawfully sold and (ii) shall be limited to no more than one such fundraiser per year. Except as provided in § 4.1-215, a separate license shall be required for each day of each banquet or special event. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Mixed beverage special events licenses to a duly organized nonprofit corporation or association in charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in areas

approved by the Board on the premises of the place designated in the license. A separate license shall be required for each day of each special event.

c. Mixed beverage club events licenses to a club holding a wine and beer club license, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption by club members and their guests in areas approved by the Board on the club premises. A separate license shall be required for each day of each club event. No more than 12 such licenses shall be granted to a club in any calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

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

2. Annual licenses.

a. Annual banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

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

c. Local special events licenses to a locality, business improvement district, or nonprofit organization, which shall authorize (i) the licensee to permit the consumption of alcoholic beverages within the area designated by the Board for the special event and (ii) any permanent retail on-premises licensee that is located within the area designated by the Board for the special event to sell alcoholic beverages within the permanent retail location for consumption in the area designated for the special event, including sidewalks and the premises of businesses not licensed to sell alcoholic beverages at retail, upon approval of such businesses. In determining the designated area for the special event, the Board shall consult with the locality. Local special events licensees shall be limited to 16 special events per year, and the duration of any special event shall not exceed three consecutive days. *Such limitations on the number of special events that may be held shall not apply during the effective dates of any rule, regulation, or order that is issued by the Governor or State Health Commissioner to meet a public health emergency and that effectively reduces allowable restaurant seating capacity; however, local special events licensees shall be subject to all other applicable provisions of this title and Board regulations and shall provide notice to the Board regarding the days and times during which the privileges of the license will be exercised.* Only alcoholic beverages purchased from permanent retail on-premises licensees located within the designated area may be consumed at the special event, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers that clearly display the name or logo of the retail on-premises licensee from which the alcoholic beverage was purchased. Alcoholic beverages shall not be sold or charged for in any way by the local special events licensee. The local special events licensee shall post appropriate signage clearly demarcating for the public the boundaries of the special event; however, no physical barriers shall be required for this purpose. The local special events licensee shall provide adequate security for the special event to ensure compliance with the applicable provisions of this title and Board regulations.

d. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

e. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt, and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be (i) limited to the premises of the licensee, regularly

occupied and utilized for equestrian, hunt, and steeplechase events, and (ii) exercised on no more than four calendar days per year.

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

E. The Board may grant a marketplace license to persons operating a business enterprise of which the primary function is not the sale of alcoholic beverages, which shall authorize the licensee to serve complimentary wine or beer to bona fide customers on the licensed premises subject to any limitations imposed by the Board; however, the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any customer per day, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. In order to be eligible for and retain a marketplace license, the applicant's business enterprise must (i) provide a single category of goods or services in a manner intended to create a personalized experience for the customer; (ii) employ staff with expertise in such goods or services; (iii) be ineligible for any other license granted by the Board; (iv) have an alcoholic beverage control manager on the licensed premises at all times alcohol is served; (v) ensure that all employees satisfy any training requirements imposed by the Board; and (vi) purchase all wine and beer to be served from a licensed wholesaler or the Authority and retain purchase records as prescribed by the Board. In determining whether to grant a marketplace license, the Board shall consider (a) the average amount of time customers spend at the business; (b) the business's hours of operation; (c) the amount of time that the business has been in operation; and (d) any other requirements deemed necessary by the Board to protect the public health, safety, and welfare.

F. The Board may grant the following shipper, bottler, and related licenses:

1. Wine and beer shipper licenses, which shall carry the privileges and limitations set forth in § 4.1-209.1.

2. Internet wine and beer retailer licenses, which shall authorize persons located within or outside the Commonwealth to sell and ship wine and beer, in accordance with § 4.1-209.1 and Board regulations, in closed containers to persons in the Commonwealth to whom wine and beer may be lawfully sold for off-premises consumption. Such licensee shall not be required to comply with the monthly food sale requirement established by Board regulations.

3. Bottler licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer in closed containers and to bottle, sell, and deliver or ship it, in accordance with Board regulations to (i) wholesale beer licensees for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

4. Fulfillment warehouse licenses, which shall authorize associations as defined in § 13.1-313 with a place of business located in the Commonwealth to (i) receive deliveries and shipments of wine or beer owned by holders of wine and beer shipper's licenses; (ii) store such wine or beer on behalf of the owner; and (iii) pick, pack, and ship such wine or beer as directed by the owner, all in accordance with Board regulations. No wholesale wine or wholesale beer licensee, whether licensed in the Commonwealth or not, or any person under common control of such licensee, shall acquire or hold any financial interest, direct or indirect, in the business for which any fulfillment warehouse license is issued.

5. Marketing portal licenses, which shall authorize agricultural cooperative associations organized under the provisions of the Agricultural Cooperative Association Act (§ 13.1-312 et seq.), with a place of business located in the Commonwealth, in accordance with Board regulations, to solicit and receive orders for wine or beer through the use of the Internet from persons in the Commonwealth to whom wine or beer may be lawfully sold, on behalf of holders of wine and beer shipper's licenses. Upon receipt of an order for wine or beer, the licensee shall forward it to a holder of a wine and beer shipper's license for fulfillment. Marketing portal licensees may also accept payment on behalf of the shipper.

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

CHAPTER 35

An Act to amend the Code of Virginia by adding in Title 19.2 a chapter numbered 7.1, consisting of sections numbered 19.2-83.3, 19.2-83.4, and 19.2-83.5, relating to law-enforcement officers; prohibition on the use of neck restraints.

[H 5069]

Approved October 28, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 19.2 a chapter numbered 7.1, consisting of sections numbered 19.2-83.3, 19.2-83.4, and 19.2-83.5, as follows:

CHAPTER 7.1.

LAW-ENFORCEMENT OFFICER CONDUCT DURING AN ARREST OR DETENTION.

§ 19.2-83.3. Definitions.

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

"Neck restraint" means the use of any body part or object to attempt to control or disable a person by applying pressure against the neck, including the trachea or carotid artery, with the purpose, intent, or effect of controlling or restricting the person's movement or restricting the person's blood flow or breathing, including chokeholds, carotid restraints, and lateral vascular neck restraints.

§ 19.2-83.4. Prohibited practices for law-enforcement officers during an arrest or detention.

The use of a neck restraint by a law-enforcement officer is prohibited unless the use of a neck restraint is immediately necessary to protect the law-enforcement officer or another person.

§ 19.2-83.5. Penalties for violations of this chapter.

In addition to any other penalty authorized by law, any law-enforcement officer who knowingly violates the provisions of this chapter shall be subject to disciplinary action, including dismissal, demotion, suspension, or transfer of the law-enforcement officer or decertification as provided in subsection D of § 15.2-1707.

CHAPTER 36

An Act to amend and reenact §§ 9.1-102 and 9.1-188 of the Code of Virginia, relating to minimum training standards for law-enforcement officers; crisis intervention team training.

[S 5014]

Approved October 28, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-102 and 9.1-188 of the Code of Virginia are amended and reenacted as follows:

§ 9.1-102. Powers and duties of the Board and the Department.

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter, including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions; and (ii) temporary or probationary status; and establish the time required for completion of such training. *Such compulsory minimum training standards shall include crisis intervention training in accordance with clause (i) of § 9.1-188;*

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;

4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;

5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;

6. [Repealed];

7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;

8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;

9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies and correctional officers employed by the Department of Corrections under the provisions of Title 53.1. For correctional officers employed by the Department of Corrections, such standards shall include training on the general care of pregnant women, the impact of restraints on pregnant inmates and fetuses, the impact of being placed in restrictive housing or solitary confinement on pregnant inmates, and the impact of body cavity searches on pregnant inmates;

10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;
12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and institutions of higher education within or outside the Commonwealth, concerning the development of police training schools and programs or courses of instruction;
13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the holding of any such school whether approved or not;
14. Establish and maintain police training programs through such agencies and institutions as the Board deems appropriate;
15. Establish compulsory minimum qualifications of certification and recertification for instructors in criminal justice training schools approved by the Department;
16. Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement;
17. Make recommendations concerning any matter within its purview pursuant to this chapter;
18. Coordinate its activities with those of any interstate system for the exchange of criminal history record information, nominate one or more of its members to serve upon the council or committee of any such system, and participate when and as deemed appropriate in any such system's activities and programs;
19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to submit information, reports, and statistical data with respect to its policy and operation of information systems or with respect to its collection, storage, dissemination, and usage of criminal history record information and correctional status information, and such criminal justice agencies shall submit such information, reports, and data as are reasonably required;
20. Conduct audits as required by § 9.1-131;
21. Conduct a continuing study and review of questions of individual privacy and confidentiality of criminal history record information and correctional status information;
22. Advise criminal justice agencies and initiate educational programs for such agencies with respect to matters of privacy, confidentiality, and security as they pertain to criminal history record information and correctional status information;
23. Maintain a liaison with any board, commission, committee, or other body which may be established by law, executive order, or resolution to regulate the privacy and security of information collected by the Commonwealth or any political subdivision thereof;
24. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination of criminal history record information and correctional status information, and the privacy, confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and court orders;
25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal justice information system, produce reports, provide technical assistance to state and local criminal justice data system users, and provide analysis and interpretation of criminal justice statistical information;
26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the Commonwealth, and periodically update that plan;
27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, including planning district commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other activities for improving law enforcement and the administration of criminal justice throughout the Commonwealth, including allocating and subgranting funds for these purposes;
28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and activities for the Commonwealth and units of general local government, or combinations thereof, in the Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal justice at every level throughout the Commonwealth;
29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or alterations to such programs, projects, and activities for the purpose of improving law enforcement and the administration of criminal justice;
30. Coordinate the activities and projects of the state departments, agencies, and boards of the Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;
31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

32. Receive, administer, and expend all funds and other assistance available to the Board and the Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

33. Apply for and accept grants from the United States government or any other source in carrying out the purposes of this chapter and accept any and all donations both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall have the power to comply with conditions and execute such agreements as may be necessary;

34. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including but not limited to, contracts with the United States, units of general local government or combinations thereof, in Virginia or other states, and with agencies and departments of the Commonwealth;

35. Adopt and administer reasonable regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to units of general local government, and for carrying out the purposes of this chapter and the powers and duties set forth herein;

36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;

37. Establish training standards and publish and periodically update model policies for law-enforcement personnel in the following subjects:

a. The handling of family abuse, domestic violence, sexual assault, and stalking cases, including standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall provide technical support and assistance to law-enforcement agencies in carrying out the requirements set forth in subsection A of § 9.1-1301;

b. Communication with and facilitation of the safe return of individuals diagnosed with Alzheimer's disease;

c. Sensitivity to and awareness of *systemic and individual racism*, cultural diversity, and the potential for ~~biased policing~~ *bias-based profiling as defined in § 52-30.1, which shall include recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability*;

d. Protocols for local and regional sexual assault response teams;

e. Communication of death notifications;

f. The questioning of individuals suspected of driving while intoxicated concerning the physical location of such individual's last consumption of an alcoholic beverage and the communication of such information to the Virginia Alcoholic Beverage Control Authority;

g. Vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls;

h. Criminal investigations that embody current best practices for conducting photographic and live lineups;

i. Sensitivity to and awareness of human trafficking offenses and the identification of victims of human trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or street patrol duties; and

j. Missing children, missing adults, and search and rescue protocol;

38. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to ensure (i) sensitivity to and awareness of *systemic and individual racism*, cultural diversity, and the potential for ~~biased policing~~ *bias-based profiling as defined in § 52-30.1, which shall include recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability*; (ii) training in *de-escalation techniques*; and (iii) training in the lawful use of force, including the use of deadly force only when necessary to protect the law-enforcement officer or another person;

39. Review and evaluate community-policing programs in the Commonwealth, and recommend where necessary statewide operating procedures, guidelines, and standards ~~which~~ *that* strengthen and improve such programs, including sensitivity to and awareness of *systemic and individual racism*, cultural diversity, and the potential for ~~biased policing~~ *bias-based profiling as defined in § 52-30.1, which shall include recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability*;

40. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with Virginia law-enforcement agencies, provide technical assistance and administrative support, including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may provide accreditation assistance and training, resource material, and research into methods and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;

41. Promote community policing philosophy and practice throughout the Commonwealth by providing community policing training and technical assistance statewide to all law-enforcement agencies, community groups, public and private organizations and citizens; developing and distributing innovative policing curricula and training tools on general community policing philosophy and practice and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia organizations with specific community policing needs; facilitating continued development and implementation of community policing programs statewide through discussion forums for community policing leaders, development of law-enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide information source on the subject of community policing including, but not limited to periodic newsletters, a website and an accessible lending library;

42. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, including school security officers described in clause (b) of § 22.1-280.2:1, which training and certification shall be administered by the Virginia Center for School and Campus Safety (VCSCS) pursuant to § 9.1-184. Such training standards shall be specific to the role and responsibility of school security officers and shall include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques such as a physical alternative to restraint; (v) disaster and emergency response; (vi) awareness of *systemic and individual racism*, cultural diversity, and implicit bias; (vii) working with students with disabilities, mental health needs, substance ~~abuse~~ *use* disorders, and past traumatic experiences; and (viii) student behavioral dynamics, including child and adolescent development and brain research. The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of the standards and certification requirements in this subdivision. The Department shall require any school security officer who carries a firearm in the performance of his duties to provide proof that he has completed a training course provided by a federal, state, or local law-enforcement agency that includes training in active shooter emergency response, emergency evacuation procedure, and threat assessment;

43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11 (§ 9.1-185 et seq.);

44. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

45. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal justice agencies regarding the investigation, registration, and dissemination of information requirements as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and (iii) certification requirements for campus security officers. Such training standards shall include, but not be limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and personal liability issues, security awareness in the campus environment, and disaster and emergency response. The Department shall provide technical support and assistance to campus police departments and campus security departments on the establishment and implementation of policies and procedures, including but not limited to: the management of such departments, investigatory procedures, judicial referrals, the establishment and management of databases for campus safety and security information sharing, and development of uniform record keeping for disciplinary records and statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of college administrators, college police chiefs, college security department chiefs, and local law-enforcement officials to assist in the development of the standards and certification requirements and training pursuant to this subdivision;

47. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established pursuant to § 9.1-187;

48. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia;

49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of § 46.2-117;

50. Administer the activities of the Virginia Sexual and Domestic Violence Program Professional Standards Committee by providing technical assistance and administrative support, including staffing, for the Committee;

51. In accordance with § 9.1-102.1, design and approve the issuance of photo-identification cards to private security services registrants registered pursuant to Article 4 (§ 9.1-138 et seq.);

52. In consultation with the State Council of Higher Education for Virginia and the Virginia Association of Campus Law Enforcement Administrators, develop multidisciplinary curricula on trauma-informed sexual assault investigation;

53. In consultation with the Department of Behavioral Health and Developmental Services, develop a model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail officers, administrators, or superintendents in any local or regional jail. Such program shall be based on any existing addiction recovery programs that are being administered by any local or regional jails in the Commonwealth. Participation in the model addiction recovery program shall be voluntary, and such program may address aspects of the recovery process, including medical and clinical recovery, peer-to-peer support, availability of mental health resources, family dynamics, and aftercare aspects of the recovery process;

54. Establish compulsory minimum training standards for certification and recertification of law-enforcement officers serving as school resource officers. Such training shall be specific to the role and responsibility of a law-enforcement officer working with students in a school environment and shall include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques; (v) disaster and emergency response; (vi) awareness of *systemic and individual racism*, cultural diversity, and implicit bias; (vii) working with students with disabilities, mental health needs, substance ~~abuse~~ *use* disorders, or past traumatic experiences; and (viii) student behavioral dynamics, including current child and adolescent development and brain research;

55. Establish a model policy for the operation of body-worn camera systems as defined in § 15.2-1723.1 that also addresses the storage and maintenance of body-worn camera system records;

56. Establish compulsory minimum training standards for detector canine handlers employed by the Department of Corrections, standards for the training and retention of detector canines used by the Department of Corrections, and a central database on the performance and effectiveness of such detector canines that requires the Department of Corrections to submit comprehensive information on each canine handler and detector canine, including the number and types of calls and searches, substances searched for and whether or not detected, and the number of false positives, false negatives, true positives, and true negatives;

57. Establish compulsory training standards for basic training of law-enforcement officers for recognizing and managing stress, self-care techniques, and resiliency; ~~and~~

58. *Establish compulsory in-service training standards for law-enforcement officers, which shall include (i) relevant state and federal laws; (ii) awareness of cultural diversity and the potential for bias-based profiling as defined in § 52-30.1; (iii) de-escalation techniques; (iv) working with individuals with disabilities, mental health needs, or substance use disorders; and (v) the lawful use of force, including the use of deadly force only when necessary to protect the law-enforcement officer or another person;*

59. *Establish compulsory training standards for basic training and the recertification of law-enforcement officers to include crisis intervention training in accordance with clause (ii) of § 9.1-188; and*

60. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

§ 9.1-188. Crisis intervention training program.

The Department, in consultation with the Department of Behavioral Health and Developmental Services, the Department for Aging and Rehabilitative Services, and law-enforcement, brain injury, and mental health stakeholders, shall develop a *crisis intervention training program divided into the following three categories: (i) a module of principles-based training to be included as a part of the compulsory minimum training standards subsequent to employment for all law-enforcement officers, (ii) a module of principles-based training to be included as a part of the basic training of and the recertification requirements for law-enforcement officers, and (iii) a comprehensive advanced training course for all persons involved in the crisis intervention team programs; and all team members shall receive this training. Every locality shall establish or be part of a crisis intervention team program in accordance with the provisions of this article.*

The curriculum for the basic training and recertification modules and the comprehensive advanced training course shall be approved for Department-certified in-service training credits for law-enforcement officers ~~from each crisis intervention team and~~. All law-enforcement officers involved in a crisis intervention team program shall complete the comprehensive advanced training course in accordance with clause (iii). The comprehensive advanced training course's curriculum developed in accordance with clause (iii) shall include a module on brain injury as part of the four hours of mandatory training in legal issues.

CHAPTER 37

An Act to amend and reenact §§ 9.1-101, 9.1-102, 9.1-108, 9.1-112, 15.2-1123.1, 15.2-1609.10, 15.2-1705, 15.2-1707, 15.2-1709, 15.2-1722.1, 18.2-64.2, 19.2-56, 19.2-201, 52-11.3, 52-30.2, 52-30.3, and 52-30.4 of the Code of Virginia and to amend the Code of Virginia by adding in Title 2.2 a chapter numbered 55.4, consisting of a section numbered 2.2-5515, by adding sections numbered 9.1-112.1 and 15.2-1721.1, and by adding in Title 19.2 a chapter numbered 7.1, consisting of sections numbered 19.2-83.3 through 19.2-83.7, relating to policing reform.

[S 5030]

Approved October 28, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-101, 9.1-102, 9.1-108, 9.1-112, 15.2-1123.1, 15.2-1609.10, 15.2-1705, 15.2-1707, 15.2-1709, 15.2-1722.1, 18.2-64.2, 19.2-56, 19.2-201, 52-11.3, 52-30.2, 52-30.3, and 52-30.4 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 2.2 a chapter numbered 55.4, consisting of a section numbered 2.2-5515, by adding sections numbered 9.1-112.1 and 15.2-1721.1, and by adding in Title 19.2 a chapter numbered 7.1, consisting of sections numbered 19.2-83.3 through 19.2-83.7, as follows:

CHAPTER 55.4.

LIMITATION ON ACQUISITION OF MILITARY PROPERTY.

§ 2.2-5515. Acquisition of military property.

A. No agency of the Commonwealth or director or chief executive of any agency or department employing law-enforcement officers as defined in § 9.1-101 shall acquire or purchase (i) weaponized unmanned aerial vehicles; (ii) aircraft that are configured for combat or are combat-coded and have no established commercial flight application; (iii) grenades or similar explosives or grenade launchers from a surplus program operated by the federal government; (iv) armored multi-wheeled vehicles that are mine-resistant, ambush-protected, and configured for combat, also known as MRAPs, from a surplus program operated by the federal government; (v) bayonets; (vi) firearms of .50 caliber or higher; (vii) ammunition of .50 caliber or higher; or (viii) weaponized tracked armored vehicles.

Nothing in this subsection shall restrict the acquisition or purchase of an armored high mobility multi-purpose wheeled vehicle, also known as HMMWVs, or preclude the seizure of any prohibited item in connection with a criminal investigation

or proceeding or subject to a civil forfeiture. Any property obtained by seizure shall be disposed of at the conclusion of any investigation or as otherwise provided by law.

B. Any agency of the Commonwealth or director or chief executive of any agency or department employing law-enforcement officers as defined in § 9.1-101 that has previously acquired any item listed in subsection A is prohibited from using such items unless such agency, director, or chief executive has received a waiver to use such items from the Criminal Justice Services Board. Any waiver request made to the Criminal Justice Services Board, except a waiver request from the Department of State Police, shall be limited to special weapons and tactics unit or other equivalent unit use only. The Department of State Police may seek a waiver for any of its units. The Criminal Justice Services Board may grant a waiver upon a showing of good cause by the requesting agency, director, or chief executive that the continued use of the item that is the subject of the waiver request has a bona fide public safety purpose.

Any agency, director, or chief executive that has filed a waiver request with the Criminal Justice Services Board may continue to use such prohibited items while such waiver request is pending before the Criminal Justice Services Board. If such waiver request is denied, the agency, director, or chief executive that filed such waiver shall no longer use such prohibited item.

C. Nothing in this section shall be construed as prohibiting the acquisition, purchase, or otherwise acceptance of any personal protective equipment, naloxone or other lifesaving medication, or any personal property that is not specifically prohibited pursuant to subsection A from the federal government.

D. The provisions of this section shall not apply to the Virginia National Guard or Virginia Defense Force.

§ 9.1-101. Definitions.

As used in this chapter or in Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, unless the context requires a different meaning:

"Administration of criminal justice" means performance of any activity directly involving the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders or the collection, storage, and dissemination of criminal history record information.

"Board" means the Criminal Justice Services Board.

"Conviction data" means information in the custody of any criminal justice agency relating to a judgment of conviction, and the consequences arising therefrom, in any court.

"Correctional status information" means records and data concerning each condition of a convicted person's custodial status, including probation, confinement, work release, study release, escape, or termination of custody through expiration of sentence, parole, pardon, or court decision.

"Criminal history record information" means records and data collected by criminal justice agencies on adult individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal charges, and any disposition arising therefrom. The term shall not include juvenile record information which is controlled by Chapter 11 (§ 16.1-226 et seq.) of Title 16.1, criminal justice intelligence information, criminal justice investigative information, or correctional status information.

"Criminal justice agency" means (i) a court or any other governmental agency or subunit thereof which as its principal function performs the administration of criminal justice and any other agency or subunit thereof which performs criminal justice activities, but only to the extent that it does so; (ii) for the purposes of Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, any private corporation or agency which, within the context of its criminal justice activities, employs special conservators of the peace appointed under Chapter 2 (§ 19.2-12 et seq.) of Title 19.2, provided that (a) such private corporation or agency requires its officers or special conservators to meet compulsory training standards established by the Criminal Justice Services Board and submits reports of compliance with the training standards and (b) the private corporation or agency complies with the provisions of Article 3 (§ 9.1-126 et seq.), but only to the extent that the private corporation or agency so designated as a criminal justice agency performs criminal justice activities; and (iii) the Office of the Attorney General, for all criminal justice activities otherwise permitted under clause (i) and for the purpose of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.).

"Criminal justice agency" includes any program certified by the Commission on VASAP pursuant to § 18.2-271.2.

"Criminal justice agency" includes the Department of Criminal Justice Services.

"Criminal justice agency" includes the Virginia Criminal Sentencing Commission.

"Criminal justice agency" includes the Virginia State Crime Commission.

"Criminal justice information system" means a system including the equipment, facilities, procedures, agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of criminal history record information. The operations of the system may be performed manually or by using electronic computers or other automated data processing equipment.

"Department" means the Department of Criminal Justice Services.

"Dissemination" means any transfer of information, whether orally, in writing, or by electronic means. The term shall not include access to the information by officers or employees of a criminal justice agency maintaining the information who have both a need and right to know the information.

"Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's office which is a part of or administered by the Commonwealth or any political subdivision thereof, or any full-time or part-time employee of a private police department, and who is responsible for the prevention and detection of crime and the

enforcement of the penal, traffic or highway laws of the Commonwealth, and shall include any (i) special agent of the Virginia Alcoholic Beverage Control Authority; (ii) police agent appointed under the provisions of § 56-353; (iii) officer of the Virginia Marine Police; (iv) conservation police officer who is a full-time sworn member of the enforcement division of the Department of Wildlife Resources; (v) investigator who is a sworn member of the security division of the Virginia Lottery; (vi) conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115; (vii) full-time sworn member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217; (viii) animal protection police officer employed under § 15.2-632 or 15.2-836.1; (ix) campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1; (x) member of the investigations unit designated by the State Inspector General pursuant to § 2.2-311 to investigate allegations of criminal behavior affecting the operations of a state or nonstate agency; (xi) employee with internal investigations authority designated by the Department of Corrections pursuant to subdivision 11 of § 53.1-10 or by the Department of Juvenile Justice pursuant to subdivision A 7 of § 66-3; or (xii) private police officer employed by a private police department. Part-time employees are those compensated officers who are not full-time employees as defined by the employing police department, sheriff's office, or private police department.

"Private police department" means any police department, other than a department that employs police agents under the provisions of § 56-353, that employs private police officers operated by an entity authorized by statute or an act of assembly to establish a private police department or such entity's successor in interest, provided it complies with the requirements set forth herein. No entity is authorized to operate a private police department or represent that it is a private police department unless such entity has been authorized by statute or an act of assembly or such entity is the successor in interest of an entity that has been authorized pursuant to this section, provided it complies with the requirements set forth herein. The authority of a private police department shall be limited to real property owned, leased, or controlled by the entity and, if approved by the local chief of police or sheriff, any contiguous property; such authority shall not supersede the authority, duties, or jurisdiction vested by law with the local police department or sheriff's office including as provided in §§ 15.2-1609 and 15.2-1704. The chief of police or sheriff who is the chief local law-enforcement officer shall enter into a memorandum of understanding with the private police department that addresses the duties and responsibilities of the private police department and the chief law-enforcement officer in the conduct of criminal investigations. Private police departments and private police officers shall be subject to and comply with the Constitution of the United States; the Constitution of Virginia; the laws governing municipal police departments, including the provisions of §§ 9.1-600, 15.2-1705 through 15.2-1708, 15.2-1719, 15.2-1721, *15.2-1721.1*, and 15.2-1722; and any regulations adopted by the Board that the Department designates as applicable to private police departments. Any person employed as a private police officer pursuant to this section shall meet all requirements, including the minimum compulsory training requirements, for law-enforcement officers pursuant to this chapter. A private police officer is not entitled to benefits under the Line of Duty Act (§ 9.1-400 et seq.) or under the Virginia Retirement System, is not a "qualified law enforcement officer" or "qualified retired law enforcement officer" within the meaning of the federal Law Enforcement Officers Safety Act, 18 U.S.C. § 926B et seq., and shall not be deemed an employee of the Commonwealth or any locality. An authorized private police department may use the word "police" to describe its sworn officers and may join a regional criminal justice academy created pursuant to Article 5 (§ 15.2-1747 et seq.) of Chapter 17 of Title 15.2. Any private police department in existence on January 1, 2013, that was not otherwise established by statute or an act of assembly and whose status as a private police department was recognized by the Department at that time is hereby validated and may continue to operate as a private police department as may such entity's successor in interest, provided it complies with the requirements set forth herein.

"School resource officer" means a certified law-enforcement officer hired by the local law-enforcement agency to provide law-enforcement and security services to Virginia public elementary and secondary schools.

"School security officer" means an individual who is employed by the local school board or a private or religious school for the singular purpose of maintaining order and discipline, preventing crime, investigating violations of the policies of the school board or the private or religious school, and detaining students violating the law or the policies of the school board or the private or religious school on school property, school buses, or at school-sponsored events and who is responsible solely for ensuring the safety, security, and welfare of all students, faculty, staff, and visitors in the assigned school.

"Unapplied criminal history record information" means information pertaining to criminal offenses submitted to the Central Criminal Records Exchange that cannot be applied to the criminal history record of an arrested or convicted person (i) because such information is not supported by fingerprints or other accepted means of positive identification or (ii) due to an inconsistency, error, or omission within the content of the submitted information.

§ 9.1-102. Powers and duties of the Board and the Department.

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions, and (ii) temporary or probationary status, and establish the time required for completion of such training;
3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;
4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;
5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;
6. [Repealed];
7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;
8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;
9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies and correctional officers employed by the Department of Corrections under the provisions of Title 53.1. For correctional officers employed by the Department of Corrections, such standards shall include training on the general care of pregnant women, the impact of restraints on pregnant inmates and fetuses, the impact of being placed in restrictive housing or solitary confinement on pregnant inmates, and the impact of body cavity searches on pregnant inmates;
10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;
11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;
12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and institutions of higher education within or outside the Commonwealth, concerning the development of police training schools and programs or courses of instruction;
13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the holding of any such school whether approved or not;
14. Establish and maintain police training programs through such agencies and institutions as the Board deems appropriate;
15. Establish compulsory minimum qualifications of certification and recertification for instructors in criminal justice training ~~schools~~ *academies* approved by the Department;
16. Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement;
17. Make recommendations concerning any matter within its purview pursuant to this chapter;
18. Coordinate its activities with those of any interstate system for the exchange of criminal history record information, nominate one or more of its members to serve upon the council or committee of any such system, and participate when and as deemed appropriate in any such system's activities and programs;
19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to submit information, reports, and statistical data with respect to its policy and operation of information systems or with respect to its collection, storage, dissemination, and usage of criminal history record information and correctional status information, and such criminal justice agencies shall submit such information, reports, and data as are reasonably required;
20. Conduct audits as required by § 9.1-131;
21. Conduct a continuing study and review of questions of individual privacy and confidentiality of criminal history record information and correctional status information;
22. Advise criminal justice agencies and initiate educational programs for such agencies with respect to matters of privacy, confidentiality, and security as they pertain to criminal history record information and correctional status information;
23. Maintain a liaison with any board, commission, committee, or other body which may be established by law, executive order, or resolution to regulate the privacy and security of information collected by the Commonwealth or any political subdivision thereof;

24. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination of criminal history record information and correctional status information, and the privacy, confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and court orders;

25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal justice information system, produce reports, provide technical assistance to state and local criminal justice data system users, and provide analysis and interpretation of criminal justice statistical information;

26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the Commonwealth, and periodically update that plan;

27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, including planning district commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other activities for improving law enforcement and the administration of criminal justice throughout the Commonwealth, including allocating and subgranting funds for these purposes;

28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and activities for the Commonwealth and units of general local government, or combinations thereof, in the Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal justice at every level throughout the Commonwealth;

29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or alterations to such programs, projects, and activities for the purpose of improving law enforcement and the administration of criminal justice;

30. Coordinate the activities and projects of the state departments, agencies, and boards of the Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;

31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

32. Receive, administer, and expend all funds and other assistance available to the Board and the Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

33. Apply for and accept grants from the United States government or any other source in carrying out the purposes of this chapter and accept any and all donations both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall have the power to comply with conditions and execute such agreements as may be necessary;

34. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including but not limited to, contracts with the United States, units of general local government or combinations thereof, in Virginia or other states, and with agencies and departments of the Commonwealth;

35. Adopt and administer reasonable regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to units of general local government, and for carrying out the purposes of this chapter and the powers and duties set forth herein;

36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;

37. Establish training standards and publish and periodically update model policies for law-enforcement personnel in the following subjects:

a. The handling of family abuse, domestic violence, sexual assault, and stalking cases, including standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall provide technical support and assistance to law-enforcement agencies in carrying out the requirements set forth in subsection A of § 9.1-1301;

b. Communication with and facilitation of the safe return of individuals diagnosed with Alzheimer's disease;

c. Sensitivity to and awareness of *racism*, cultural diversity, and the potential for *racially* biased policing, *which shall include recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability*;

d. Protocols for local and regional sexual assault response teams;

e. Communication of death notifications;

f. The questioning of individuals suspected of driving while intoxicated concerning the physical location of such individual's last consumption of an alcoholic beverage and the communication of such information to the Virginia Alcoholic Beverage Control Authority;

g. Vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls;

h. Criminal investigations that embody current best practices for conducting photographic and live lineups;

i. Sensitivity to and awareness of human trafficking offenses and the identification of victims of human trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or street patrol duties; ~~and~~

j. Missing children, missing adults, and search and rescue protocol; *and*

k. *The handling and use of tear gas or other gases and kinetic impact munitions, as defined in § 19.2-83.3, that embody current best practices for using such items as a crowd control measure or during an arrest or detention of another person;*

38. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to ensure (i) sensitivity to and awareness of *racism*, cultural diversity, and the potential for *racially* biased policing, *which shall include recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability;* (ii) *training in de-escalation techniques;* and (iii) *training in the lawful use of force, including the use of deadly force, as defined in § 19.2-83.3, only when necessary to protect the law-enforcement officer or another person;*

39. Review and evaluate community-policing programs in the Commonwealth, and recommend where necessary statewide operating procedures, guidelines, and standards ~~which~~ *that* strengthen and improve such programs, including sensitivity to and awareness of *racism*, cultural diversity, and the potential for *racially* biased policing, *which shall include recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability;*

40. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with Virginia law-enforcement agencies, provide technical assistance and administrative support, including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may provide accreditation assistance and training, resource material, and research into methods and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;

41. Promote community policing philosophy and practice throughout the Commonwealth by providing community policing training and technical assistance statewide to all law-enforcement agencies, community groups, public and private organizations and citizens; developing and distributing innovative policing curricula and training tools on general community policing philosophy and practice and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia organizations with specific community policing needs; facilitating continued development and implementation of community policing programs statewide through discussion forums for community policing leaders, development of law-enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide information source on the subject of community policing including, but not limited to periodic newsletters, a website and an accessible lending library;

42. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, including school security officers described in clause (b) of § 22.1-280.2:1, which training and certification shall be administered by the Virginia Center for School and Campus Safety (VCSCS) pursuant to § 9.1-184. Such training standards shall be specific to the role and responsibility of school security officers and shall include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques such as a physical alternative to restraint; (v) disaster and emergency response; (vi) awareness of *racism*, cultural diversity, and implicit bias; (vii) working with students with disabilities, mental health needs, substance ~~abuse~~ *use* disorders, and past traumatic experiences; and (viii) student behavioral dynamics, including child and adolescent development and brain research. The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of the standards and certification requirements in this subdivision. The Department shall require any school security officer who carries a firearm in the performance of his duties to provide proof that he has completed a training course provided by a federal, state, or local law-enforcement agency that includes training in active shooter emergency response, emergency evacuation procedure, and threat assessment;

43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11 (§ 9.1-185 et seq.);

44. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

45. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal justice agencies regarding the investigation, registration, and dissemination of information requirements as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and (iii) certification requirements for campus security officers. Such training standards shall include, but not be limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and personal liability issues, security awareness in the campus environment, and disaster and emergency response. The Department shall provide technical support and assistance to campus police departments and campus security departments on the establishment and implementation of policies and procedures, including but not limited to: the management of such departments, investigatory procedures, judicial referrals, the establishment and management of databases for campus safety and security information sharing, and development of uniform record keeping for disciplinary records and statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of college

administrators, college police chiefs, college security department chiefs, and local law-enforcement officials to assist in the development of the standards and certification requirements and training pursuant to this subdivision;

47. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established pursuant to § 9.1-187;

48. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia;

49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of § 46.2-117;

50. Administer the activities of the Virginia Sexual and Domestic Violence Program Professional Standards Committee by providing technical assistance and administrative support, including staffing, for the Committee;

51. In accordance with § 9.1-102.1, design and approve the issuance of photo-identification cards to private security services registrants registered pursuant to Article 4 (§ 9.1-138 et seq.);

52. In consultation with the State Council of Higher Education for Virginia and the Virginia Association of Campus Law Enforcement Administrators, develop multidisciplinary curricula on trauma-informed sexual assault investigation;

53. In consultation with the Department of Behavioral Health and Developmental Services, develop a model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail officers, administrators, or superintendents in any local or regional jail. Such program shall be based on any existing addiction recovery programs that are being administered by any local or regional jails in the Commonwealth. Participation in the model addiction recovery program shall be voluntary, and such program may address aspects of the recovery process, including medical and clinical recovery, peer-to-peer support, availability of mental health resources, family dynamics, and aftercare aspects of the recovery process;

54. Establish compulsory minimum training standards for certification and recertification of law-enforcement officers serving as school resource officers. Such training shall be specific to the role and responsibility of a law-enforcement officer working with students in a school environment and shall include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques; (v) disaster and emergency response; (vi) awareness of *racism*, cultural diversity, and implicit bias; (vii) working with students with disabilities, mental health needs, substance ~~abuse~~ *use* disorders, or past traumatic experiences; and (viii) student behavioral dynamics, including current child and adolescent development and brain research;

55. Establish a model policy for the operation of body-worn camera systems as defined in § 15.2-1723.1 that also addresses the storage and maintenance of body-worn camera system records;

56. Establish compulsory minimum training standards for detector canine handlers employed by the Department of Corrections, standards for the training and retention of detector canines used by the Department of Corrections, and a central database on the performance and effectiveness of such detector canines that requires the Department of Corrections to submit comprehensive information on each canine handler and detector canine, including the number and types of calls and searches, substances searched for and whether or not detected, and the number of false positives, false negatives, true positives, and true negatives;

57. Establish compulsory training standards for basic training of law-enforcement officers for recognizing and managing stress, self-care techniques, and resiliency; ~~and~~

58. *Establish guidelines and standards for psychological examinations conducted pursuant to subsection C of 15.2-1705;*

59. *Establish compulsory in-service training standards for law-enforcement officers in the following subjects: (i) relevant state and federal laws; (ii) awareness of cultural diversity and the potential for bias-based profiling as defined in § 52-30.1; (iii) de-escalation techniques; (iv) working with individuals with disabilities, mental health needs, or substance use disorders; and (v) the lawful use of force, including the use of deadly force, as defined in § 19.2-83.3, only when necessary to protect the law-enforcement officer or another person;*

60. *Develop a uniform curriculum and lesson plans for the compulsory minimum entry-level, in-service, and advanced training standards to be employed by criminal justice training academies approved by the Department when conducting training;*

61. *Adopt statewide professional standards of conduct applicable to all certified law-enforcement officers and certified jail officers and appropriate due process procedures for decertification based on serious misconduct in violation of those standards;*

62. *Establish and administer a waiver process, in accordance with §§ 2.2-5515 and 15.2-1721.1, for law-enforcement agencies to use certain military property. Any waivers granted by the Criminal Justice Services Board shall be published by the Department on the Department's website; and*

63. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

§ 9.1-108. Criminal Justice Services Board membership; terms; vacancies; members not disqualified from holding other offices; designation of chairmen; meetings; compensation.

A. The Criminal Justice Services Board is established as a policy board within the meaning of § 2.2-2100, in the executive branch of state government. The Board shall consist of ~~29~~ 32 members as follows: the Chief Justice of the Supreme Court of Virginia, or his designee; the Attorney General or his designee; the Superintendent of the Department of State Police; the Director of the Department of Corrections; the Director of the Department of Juvenile Justice; the Chairman of the Parole Board; the Executive Director of the Virginia Indigent Defense Commission or his designee; and the

Executive Secretary of the Supreme Court of Virginia. In those instances in which the Executive Secretary of the Supreme Court of Virginia, the Superintendent of the Department of State Police, the Director of the Department of Corrections, the Director of the Department of Juvenile Justice, or the Chairman of the Parole Board will be absent from a Board meeting, he may appoint a member of his staff to represent him at the meeting.

~~Seventeen~~ *Twenty* members shall be appointed by the Governor from among citizens of the Commonwealth. At least one shall be a representative of a crime victims' organization or a victim of crime as defined in subsection B of § 19.2-11.01, *one shall be a representative of a social justice organization, one shall be a mental health service provider, and one* ~~two~~ shall represent community interests, *at least one of whom shall represent the community interests of minority individuals from one of the four groups defined in subsection F of § 2.2-4310.* The remainder shall be representative of the broad categories of state and local governments, criminal justice systems, and law-enforcement agencies, including but not limited to, police officials, sheriffs, attorneys for the Commonwealth, defense counsel, the judiciary, correctional and rehabilitative activities, and other locally elected and appointed administrative and legislative officials. Among these members there shall be two sheriffs representing the Virginia Sheriffs' Association selected from among names submitted by the Association; one member who is an active duty law-enforcement officer appointed after consideration of the names, if any, submitted by police or fraternal associations that have memberships of at least 1,000; two representatives of the Virginia Association of Chiefs of Police appointed after consideration of the names submitted by the Association, if any; one attorney for the Commonwealth appointed after consideration of the names submitted by the Virginia Association of Commonwealth's Attorneys, if any; one person who is a mayor, city or town manager, or member of a city or town council representing the Virginia Municipal League appointed after consideration of the names submitted by the League, if any; one person who is a county executive, manager, or member of a county board of supervisors representing the Virginia Association of Counties appointed after consideration of the names submitted by the Association, if any; one member representing the Virginia Association of Campus Law Enforcement Administrators appointed after consideration of the names submitted by the Association, if any; one member of the Private Security Services Advisory Board; and one representative of the Virginia Association of Regional Jails appointed after consideration of the names submitted by the Association, if any.

Four members of the Board shall be members of the General Assembly appointed as follows: one member of the House Committee on Appropriations appointed by the Speaker of *the* House of Delegates after consideration of the recommendation by the committee's chairman; one member of the House Committee for Courts of Justice appointed by the Speaker of the House of Delegates after consideration of the recommendation by the committee's chairman; one member of the Senate Committee on Finance *and Appropriations* appointed by the Senate Committee on Rules after consideration of the recommendation of the chairman of the Senate Committee on Finance *and Appropriations*; and one member of the Senate Committee ~~for Courts of Justice on the Judiciary~~ appointed by the Senate Committee on Rules after consideration of the recommendation of the chairman of the Senate Committee ~~for Courts of Justice on the Judiciary~~. The legislative members shall serve ~~for~~ terms coincident with their terms of office and shall serve as ex officio, nonvoting members. Legislative members may be reappointed for successive terms.

B. The members of the Board appointed by the Governor shall serve for terms of four years, provided that no member shall serve beyond the time when he holds the office or employment by reason of which he was initially eligible for appointment. Gubernatorial appointed members of the Board shall not be eligible to serve for more than two consecutive full terms. Three or more years within a four-year period shall be deemed a full term. Any vacancy on the Board shall be filled in the same manner as the original appointment, but for the unexpired term.

C. The Governor shall appoint a chairman of the Board for a two-year term. No member shall be eligible to serve more than two consecutive terms as chairman. The Board shall designate one or more vice-chairmen from among its members, who shall serve at the pleasure of the Board.

D. Notwithstanding any provision of any statute, ordinance, local law, or charter provision to the contrary, membership on the Board shall not disqualify any member from holding any other public office or employment, or cause the forfeiture thereof.

E. The Board shall hold no less than four regular meetings a year. Subject to the requirements of this subsection, the chairman shall fix the times and places of meetings, either on his own motion or upon written request of any five members of the Board.

F. The Board may adopt bylaws for its operation.

G. Legislative members of the Board shall receive such compensation as provided in § 30-19.12 and nonlegislative citizen members shall receive such compensation as provided in § 2.2-2813 for the performance of their duties. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Department of Criminal Justice Services.

§ 9.1-112. Committee on Training; membership.

There is created a permanent Committee on Training under the Board that shall be the policy-making body responsible to the Board for effecting the provisions of subdivisions 2 through 17 of § 9.1-102. The Committee on Training shall be composed of ~~15~~ *19* members of the Board as follows: the Superintendent of the Department of State Police; the Director of the Department of Corrections; a member of the Private Security Services Advisory Board; the Executive Secretary of the Supreme Court of Virginia; two sheriffs representing the Virginia State Sheriffs' Association; two representatives of the *Virginia Association of Chiefs of Police Association*; the active-duty law-enforcement officer representing police and

fraternal associations; the attorney for the Commonwealth representing the Virginia Association of Commonwealth's Attorneys; *an attorney representing the Virginia Indigent Defense Commission*; a representative of the Virginia Municipal League; a representative of the Virginia Association of Counties; *a mental health service provider*; a regional jail superintendent representing the Virginia Association of Regional Jails; one citizen *representing a social justice organization*; *two citizens* representing community interests, *at least one of whom shall represent the community interests of minority individuals from one of the four groups defined in subsection F of § 2.2-4310*; and one member designated by the chairman of the Board from among the other appointments made by the Governor.

The Committee on Training shall annually elect its chairman from among its members.

The Committee on Training may appoint curriculum review committees to assist the Committee on Training in carrying out its duties under this section. Any curriculum review committee shall be composed of nine members appointed by the Committee on Training. At least one member shall be a representative from the Department of State Police Training Academy, one member shall be a representative of a regional criminal justice academy, one member shall be a representative of an independent criminal justice academy, and one member shall be a representative of a community-based organization. The remainder shall be selected from names submitted by the Department of individuals with relevant experience.

§ 9.1-112.1. Criminal justice training academies; curriculum.

A. Any criminal justice training academy approved by the Department shall employ the uniform curriculum and lesson plans developed by the Department pursuant to § 9.1-102 for all training offered at the academy intended to meet the compulsory minimum entry-level, in-service, and advanced training standards established by the Board pursuant to § 9.1-102. No credit shall be given toward the completion of the compulsory minimum training standards for any training that does not employ the uniform curriculum and lesson plans.

B. In addition to any audits or inspections conducted by the Department, the Department shall conduct an annual evaluation of each criminal justice training academy's compliance with the uniform curriculum and lesson plans. If the Department determines that a criminal justice training academy is deficient in employing the uniform curriculum and lesson plans, the Department shall provide assistance to the academy to ensure the academy's compliance and may take whatever enforcement action the Department deems appropriate, including revocation of the Department's approval of the academy.

C. Any approved criminal justice training academy may petition the Department for a waiver exempting compliance with any uniform curriculum and lesson plans requirement pursuant to § 9.1-102. Upon showing that an alternative curriculum and lesson plans developed by the petitioning criminal justice training academy meet and exceed the compulsory minimum training standards required by § 9.1-102 and substantially complies with the content of the uniform curriculum and lesson plans, then the Department shall issue a waiver for the use of the alternative curriculum and lesson plans. The Department shall conduct an evaluation of each criminal justice training academy's use of an alternative curriculum and lesson plans every third year during the criminal justice training academy's recertification to ensure compliance with the uniform curriculum and lesson plans content. If the Department determines that the criminal justice training academy is in substantial compliance with the uniform curriculum and lesson plans, the waiver shall be extended for three years. Any waiver issued to a criminal justice training academy may be revoked by the Department at any time if the Department determines that the criminal justice training academy is not in substantial compliance with the uniform curriculum and lesson plans.

§ 15.2-1123.1. Lynchburg Regional Airport police department.

The City of Lynchburg may by ordinance establish an airport police department at the Lynchburg Regional Airport. The authority of the airport police department shall be limited to real property owned, leased, or controlled by the Airport. Such authority shall not supersede the authority, duties, or jurisdiction vested by law with the local police department or sheriff's office, including as provided in §§ 15.2-1609 and 15.2-1704. The airport police department and airport police officers shall be subject to and comply with the Constitution of the United States; the Constitution of Virginia; the laws governing municipal police departments, including the provisions of §§ 9.1-600, 15.2-1705 through 15.2-1708, 15.2-1719, 15.2-1721, 15.2-1721.1, and 15.2-1722; and any regulations adopted by the Criminal Justice Services Board that the Department of Criminal Justice Services designates as applicable to private police departments. Any person employed as an airport police officer pursuant to this section shall meet all requirements, including the minimum compulsory training requirements, for law-enforcement officers pursuant to Chapter 1 (§ 9.1-100 et seq.) of Title 9.1. An airport police officer is not entitled to benefits under the Line of Duty Act (§ 9.1-400 et seq.) or under the Virginia Retirement System, is not a "qualified law-enforcement officer" or "qualified retired law-enforcement officer" within the meaning of the federal Law Enforcement Officers Safety Act, 18 U.S.C. § 926B et seq., and shall not be deemed an employee of the Commonwealth. The airport police department may use the word "police" to describe its sworn officers and may join a regional criminal justice academy created pursuant to Article 5 (§ 15.2-1747 et seq.) of Chapter 17 of Title 15.2.

§ 15.2-1609.10. Prohibited practices; collection of data.

A. No sheriff or deputy sheriff shall engage in bias-based profiling as defined in § 52-30.1 in the performance of his official duties.

B. The sheriff of every locality shall collect data pertaining to (i) *all investigatory motor vehicle or investigative stops*, (ii) *all stop-and-frisks of a person based on reasonable suspicion*, and (iii) *all other investigatory detentions that do not result in an arrest or the issuance of a summons* pursuant to § 52-30.2 and report such data to the Department of State Police

for inclusion in the Community Policing Reporting Database established pursuant to § 52-30.3. The sheriff of the locality shall be responsible for forwarding the data to the Superintendent of State Police.

C. The sheriff shall post the data that has been forwarded for inclusion in the Community Policing Reporting Database on a website that is maintained by the sheriff or on any other website on which the sheriff generally posts information and that is available to the public or that clearly describes how the public may access such data.

§ 15.2-1705. Minimum qualifications; waiver.

A. The chief of police and all police officers of any locality, all deputy sheriffs and jail officers in ~~this~~ the Commonwealth, and all law-enforcement officers as defined in § 9.1-101 who enter upon the duties of such office after July 1, 1994, are required to meet the following minimum qualifications for office. Such person shall (i) be a citizen of the United States; (ii) be required to undergo a background investigation including fingerprint-based criminal history records inquiries to both the Central Criminal Records Exchange and the Federal Bureau of Investigation; (iii) have a high school education or have passed a high school equivalency examination approved by the Board of Education; (iv) possess a valid driver's license if required by the duties of office to operate a motor vehicle; (v) undergo a physical examination, subsequent to a conditional offer of employment, conducted under the supervision of a licensed physician; (vi) be at least ~~eighteen~~ 18 years of age; (vii) not have been convicted of or pled guilty or no contest to a felony or any offense that would be a felony if committed in the Commonwealth; and (viii) not have produced a positive result on a pre-employment drug screening, if such screening is required by the hiring law-enforcement agency or jail, where the positive result cannot be explained to the law-enforcement agency or jail administrator's satisfaction. In addition, all such officers who enter upon the duties of such office on or after July 1, 2013, shall not have been convicted of or pled guilty or no contest to (a) any misdemeanor involving moral turpitude, including but not limited to petit larceny under § 18.2-96, or any offense involving moral turpitude that would be a misdemeanor if committed in the Commonwealth; (b) any misdemeanor sex offense in the Commonwealth, another state, or the United States, including but not limited to sexual battery under § 18.2-67.4 or consensual sexual intercourse with a minor 15 years of age or older under clause (ii) of § 18.2-371; or (c) domestic assault under § 18.2-57.2 or any offense that would be domestic assault under the laws of another state or the United States.

B. In addition, if the police officer, deputy sheriff, or jail officer had been employed at any time by another law-enforcement agency or jail, the hiring law-enforcement agency or jail shall request from all prior employing law-enforcement agencies or jails any information (i) related to an arrest or prosecution of a former police officer, deputy sheriff, or jail officer, including any expunged arrest or criminal charge known to the agency or disclosed during the hiring process that would otherwise be prohibited from disclosure in accordance with § 19.2-392.4; (ii) related to a civil suit regarding a former police officer's, deputy sheriff's, or jail officer's employment or performance of his duties; (iii) obtained during the course of any internal investigation related to a former police officer's, deputy sheriff's, or jail officer's alleged criminal conduct, use of excessive force, or other official misconduct in violation of the state professional standards of conduct adopted by the Criminal Justice Services Board; and (iv) related to a former police officer, deputy sheriff, or jail officer's job performance that led to such officer's or deputy sheriff's resignation, dismissal, demotion, suspension, or transfer. The hiring agency or jail may request this information subsequent to a conditional offer of employment; however, no police officer, deputy sheriff, or jail officer may be employed in such position until the requested information is received from all prior employing law-enforcement agencies in the Commonwealth. The hiring agency or jail shall request that the police officer, deputy sheriff, or jail officer complete a waiver or release liability authorizing the hiring agency or jail to request such information as listed in this subsection from all prior employing law-enforcement agencies or jails, including law-enforcement agencies or jails located outside the Commonwealth. Any sheriff or chief of police in the Commonwealth, any director or chief executive of any law-enforcement agency or jail in the Commonwealth, and the Director of the Department of Criminal Justice Services or his designee who receives such request for information shall disclose such requested information within 14 days of receiving such request to the requesting hiring law-enforcement agency or jail.

C. In addition, the hiring law-enforcement agency or jail may require a candidate for employment to undergo a psychological examination, subsequent to a conditional offer of employment, conducted under the supervision of a licensed psychiatrist or a licensed clinical psychologist.

D. Upon request of a sheriff or chief of police, or the director or chief executive of any agency or department employing law-enforcement officers as defined in § 9.1-101, or jail officers as defined in § 53.1-1, the Department of Criminal Justice Services is hereby authorized to waive the requirements for qualification as set out in subsection A of ~~this section~~ for good cause shown.

§ 15.2-1707. Decertification of law-enforcement officers.

A. The sheriff, chief of police, or agency administrator shall notify the Criminal Justice Services Board (*the Board*) in writing within 48 hours of becoming aware that any certified law-enforcement or jail officer currently employed by his agency has (i) been convicted of or pled guilty or no contest to a felony or any offense that would be a felony if committed in the Commonwealth; (ii) been convicted of or pled guilty or no contest to a Class 1 misdemeanor involving moral turpitude or any offense that would be any misdemeanor involving moral turpitude, including but not limited to petit larceny under § 18.2-96, or any offense involving moral turpitude that would be a misdemeanor if committed in the Commonwealth; (iii) been convicted of or pled guilty or no contest to any misdemeanor sex offense in the Commonwealth, another state, or the United States, including but not limited to sexual battery under § 18.2-67.4 or consensual sexual intercourse with a minor 15 years of age or older under clause (ii) of § 18.2-371; (iv) been convicted of or pled guilty or no contest to domestic assault under § 18.2-57.2 or any offense that would be domestic assault under the laws of another state

or the United States; (v) failed to comply with or maintain compliance with mandated training requirements; or (vi) refused to submit to a drug screening or has produced a positive result on a drug screening reported to the employing agency, where the positive result cannot be explained to the agency administrator's satisfaction.

~~Notification shall also be provided~~ *B. The sheriff, chief of police, or agency administrator shall notify the Board in writing within 48 hours of becoming aware that any employee who resigned or was if any certified law-enforcement or jail officer currently employed by his agency (i) is terminated or resigns in advance of being convicted or found guilty of an offense set forth in clause (i) of subsection A that requires decertification or who resigned or was, (ii) is terminated or resigns in advance of a pending drug screening, (iii) is terminated or resigns for a violation of state or federal law, (iv) is terminated or resigns for engaging in serious misconduct as defined in statewide professional standards of conduct adopted by the Board, (v) is terminated or resigns while such officer is the subject of a pending internal investigation involving serious misconduct as defined in statewide professional standards of conduct adopted by the Board, or (vi) is terminated or resigns for an act committed while in the performance of his duties that compromises an officer's credibility, integrity, honesty, or other characteristics that constitute exculpatory or impeachment evidence in a criminal case.*

C. The notification, where appropriate, shall be accompanied by a copy of the judgment of conviction.

D. Upon receiving such notice from the sheriff, chief of police, or agency administrator, or from an attorney for the Commonwealth, the Criminal Justice Services Board shall immediately decertify such law-enforcement or jail officer. Such officer shall not have the right to serve as a law-enforcement officer within the Commonwealth until his certification has been reinstated by the Board.

~~E. When a conviction has not become final, the Board may decline to decertify the officer until the conviction becomes final, after considering the likelihood of irreparable damage to the officer if such officer is decertified during the pendency of an ultimately successful appeal, the likelihood of injury or damage to the public if the officer is not decertified, and the seriousness of the offense.~~

~~F. The Department of Criminal Justice Services is hereby authorized to waive the requirements for decertification as set out in subsection A for good cause shown.~~

~~G. The Criminal Justice Services Board may initiate decertification proceedings against any current or former law-enforcement or jail officer whom if the Board has found to have been convicted of an offense that requires that any basis for the officer's decertification or who has failed to comply with or maintain compliance with mandated training requirements set forth in subsection A or B exists.~~

~~H. Any conviction of a misdemeanor that has been appealed to a court of record shall not be considered a conviction for purposes of this section unless a final order of conviction is entered. Any finding of misconduct listed in subsection B will not be considered final until all grievances or appeals have been exhausted or waived and the finding of misconduct is made final.~~

§ 15.2-1709. Employer immunity from liability; disclosure of information regarding former deputy sheriffs and law-enforcement officers.

Any sheriff or chief of police, ~~the~~ any director or chief executive of any agency or department employing deputy sheriffs or law-enforcement officers as defined in § 9.1-101; or jail officers as defined in § 53.1-1, and the Director of the Department of Criminal Justice Services or his designee who discloses information about a former deputy sheriff's or law-enforcement officer's or jail officer's job performance or information requested pursuant to subsection B of § 15.2-1705 to a prospective law-enforcement or jail employer of the former appointee or employee is ~~presumed to be acting in good faith and, unless lack of good faith is shown by clear and convincing evidence,~~ is immune from civil liability for such disclosure or its consequences. ~~For purposes of this section, the presumption of good faith is rebutted upon a showing that unless the information disclosed by the former employer was knowingly false or deliberately misleading, was rendered with malicious purpose, or violated any civil right of the former employee or appointee.~~

§ 15.2-1721.1. Acquisition of military property by localities.

A. No locality, sheriff, chief of police, or director or chief executive of any agency or department employing deputy sheriffs or law-enforcement officers as defined in § 9.1-101 or any public or private institution of higher education that has established a campus police department pursuant to Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1 shall acquire or purchase (i) weaponized unmanned aerial vehicles; (ii) aircraft that are configured for combat or are combat-coded and have no established commercial flight application; (iii) grenades or similar explosives or grenade launchers from a surplus program operated by the federal government; (iv) armored multi-wheeled vehicles that are mine-resistant, ambush-protected, and configured for combat also known as MRAPs, from a surplus program operated by the federal government; (v) bayonets; (vi) firearms of .50 caliber or higher; (vii) ammunition of .50 caliber or higher; or (viii) weaponized tracked armored vehicles.

Nothing in this subsection shall restrict the acquisition or purchase of an armored high mobility multi-purpose wheeled vehicle, also known as HMMWVs, or preclude the seizure of any prohibited item in connection with a criminal investigation or proceeding or subject to a civil forfeiture. Any property obtained by seizure shall be disposed of at the conclusion of any investigation or as otherwise provided by law.

B. Any locality, sheriff, chief of police, or director or chief executive of any agency or department employing deputy sheriffs or law-enforcement officers as defined in § 9.1-101 that has previously acquired any item listed in subsection A is prohibited from using such items unless such locality, sheriff, chief of police, or director or chief executive has received a waiver to use such items from the Criminal Justice Services Board. Any waiver request made to the Criminal Justice

Services Board shall be limited to special weapons and tactics unit or other equivalent unit use only. The Criminal Justice Services Board may grant a waiver upon a showing of good cause by the requesting locality, sheriff, chief of police, or director or chief executive that the continued use of the item that is the subject of the waiver request has a bona fide public safety purpose.

Any locality, sheriff, chief of police, or director or chief executive that has filed a waiver request with the Criminal Justice Services Board may continue to use such prohibited items while such waiver request is pending before the Criminal Justice Services Board. If such waiver request is denied, the locality, sheriff, chief of police, or director or chief executive that filed such waiver shall no longer use such prohibited item.

C. Nothing in this section shall be construed as prohibiting the acquisition, purchase, or otherwise acceptance of any personal protective equipment, naloxone or other lifesaving medication, or any personal property that is not specifically prohibited pursuant to subsection A from the federal government.

§ 15.2-1722.1. Prohibited practices; collection of data.

A. No law-enforcement officer shall engage in bias-based profiling as defined in § 52-30.1 in the performance of his official duties.

B. The police force of every locality shall collect data pertaining to (i) all investigatory motor vehicle ~~or~~ stops, (ii) all stop-and-frisks of a person based on reasonable suspicion, and (iii) all other investigatory ~~stops~~ detentions that do not result in an arrest or the issuance of a summons pursuant to § 52-30.2 and report such data to the Department of State Police for inclusion in the Community Policing Reporting Database established pursuant to § 52-30.3. The chief of police of the locality shall be responsible for forwarding the data to the Superintendent of State Police.

C. The chief of police of the locality shall post the data that has been forwarded for inclusion in the Community Policing Reporting Database on a website that is maintained by the chief of police or on any other website on which the chief of police generally posts information and that is available to the public or that clearly describes how the public may access such data.

§ 18.2-64.2. Carnal knowledge of a person detained or arrested by a law-enforcement officer or an inmate, parolee, probationer, juvenile detainee, or pretrial defendant or posttrial offender; penalty.

A. An accused is guilty of carnal knowledge of a person detained or arrested by a law-enforcement officer or an inmate, parolee, probationer, juvenile detainee, or pretrial defendant or posttrial offender if he is a law-enforcement officer or an employee or contractual employee of, or a volunteer with, a state or local correctional facility or regional jail, the Department of Corrections, the Department of Juvenile Justice, a secure facility or detention home; as defined in § 16.1-228, a state or local court services unit; as defined in § 16.1-235, a local community-based probation services agency, or a pretrial services agency; is in a position of authority over the person detained or arrested by a law-enforcement officer, inmate, probationer, parolee, juvenile detainee, or a pretrial defendant or posttrial offender; knows that the person detained or arrested by a law-enforcement officer, inmate, probationer, parolee, juvenile detainee, or pretrial defendant or posttrial offender is in the custody of a private, local, or state law-enforcement agency or under the jurisdiction of ~~the~~ a state or local correctional facility; ~~a~~ or regional jail, the Department of Corrections, the Department of Juvenile Justice, a secure facility or detention home; as defined in § 16.1-228, a state or local court services unit; as defined in § 16.1-235, a local community-based probation services agency, or a pretrial services agency; and carnally knows, without the use of force, threat, or intimidation, (i) an inmate who has been committed to jail or convicted and sentenced to confinement in a state or local correctional facility or regional jail or (ii) a person detained or arrested by a law-enforcement officer, probationer, parolee, juvenile detainee, or a pretrial defendant or posttrial offender in the custody of a private, local, or state law-enforcement agency or under the jurisdiction of the Department of Corrections, the Department of Juvenile Justice, a secure facility or detention home; as defined in § 16.1-228, a state or local court services unit; as defined in § 16.1-235, a local community-based probation services agency, a pretrial services agency, a local or regional jail for the purposes of imprisonment, a work program, or any other parole/probationary or pretrial services program or agency. Such offense is a Class 6 felony.

An accused is guilty of carnal knowledge of a pretrial defendant or posttrial offender if he (a) is an owner or employee of the bail bond company that posted the pretrial defendant's or posttrial offender's bond; (b) has the authority to revoke the pretrial defendant's or posttrial offender's bond; and (c) carnally knows, without use of force, threat, or intimidation, a pretrial defendant or posttrial offender. Such offense is a Class 6 felony.

B. For the purposes of this section; ~~"carnal~~:

"Carnal knowledge" includes the acts of sexual intercourse, cunnilingus, fellatio, anilingus, anal intercourse, and animate or inanimate object sexual penetration.

"Law-enforcement officer" means the same as that term is defined in § 9.1-101.

§ 19.2-56. To whom search warrant directed; what it shall command; warrant to show date and time of issuance; copy of affidavit to be part of warrant and served therewith; warrants not executed within 15 days.

A. The judge, magistrate, or other official authorized to issue criminal warrants, shall issue a search warrant if he finds from the facts or circumstances recited in the affidavit that there is probable cause for the issuance thereof.

Every search warrant shall be directed ~~to~~ (i) to the sheriff, sergeant, or any policeman of the county, city, or town in which the place to be searched is located; (ii) to any law-enforcement officer or agent employed by the Commonwealth and vested with the powers of sheriffs and police; or (iii) jointly to any such sheriff, sergeant, policeman, or law-enforcement officer or agent and an agent, special agent, or officer of the Federal Bureau of Investigation, the Bureau of Alcohol,

Tobacco and Firearms of the United States Treasury, the United States Naval Criminal Investigative Service, the United States Department of Homeland Security, any inspector, law-enforcement official, or police personnel of the United States Postal Service, or the Drug Enforcement Administration. The warrant shall (a) name the affiant, (b) recite the offense or the identity of the person to be arrested for whom a warrant or process for arrest has been issued in relation to which the search is to be made, (c) name or describe the place to be searched, (d) describe the property or person to be searched for, and (e) recite that the magistrate has found probable cause to believe that the property or person constitutes evidence of a crime (identified in the warrant) or tends to show that a person (named or described therein) has committed or is committing a crime or that the person to be arrested for whom a warrant or process for arrest has been issued is located at the place to be searched.

The warrant shall command that the place be forthwith searched; ~~either in day or night~~, and that the objects or persons described in the warrant, if found there, be seized. An inventory shall be produced before a court having jurisdiction of the offense or over the person to be arrested for whom a warrant or process for arrest has been issued in relation to which the warrant was issued as provided in § 19.2-57.

Any such warrant as provided in this section shall be executed by the policeman or other law-enforcement officer or agent into whose hands it shall come or be delivered. If the warrant is directed jointly to a sheriff, sergeant, policeman, or law-enforcement officer or agent of the Commonwealth and a federal agent or officer as otherwise provided in this section, the warrant may be executed jointly or by the policeman, law-enforcement officer, or agent into whose hands it is delivered. No other person may be permitted to be present during or participate in the execution of a warrant to search a place except (1) the owners and occupants of the place to be searched when permitted to be present by the officer in charge of the conduct of the search and (2) persons designated by the officer in charge of the conduct of the search to assist or provide expertise in the conduct of the search.

Any search warrant for records or other information pertaining to a subscriber to, or customer of, an electronic communication service or remote computing service, whether a domestic corporation or foreign corporation, that is transacting or has transacted any business in the Commonwealth, to be executed upon such service provider may be executed within or outside the Commonwealth by hand, United States mail, commercial delivery service, facsimile, or other electronic means upon the service provider. Notwithstanding the provisions of § 19.2-57, the officer executing a warrant pursuant to this paragraph shall endorse the date of execution thereon and shall file the warrant, with the inventory attached (or a notation that no property was seized) and the accompanying affidavit, unless such affidavit was made by voice or videotape recording, within three days after the materials ordered to be produced are received by the officer from the service provider. The return shall be made in the circuit court clerk's office for the jurisdiction wherein the warrant was (A) executed, if executed within the Commonwealth, and a copy of the return shall also be delivered to the clerk of the circuit court of the county or city where the warrant was issued; or (B) issued, if executed outside the Commonwealth. Saturdays, Sundays, or any federal or state legal holiday shall not be used in computing the three-day filing period.

Electronic communication service or remote computing service providers, whether a foreign or domestic corporation, shall also provide the contents of electronic communications pursuant to a search warrant issued under this section and § 19.2-70.3 using the same process described in the preceding paragraph.

Notwithstanding the provisions of § 19.2-57, any search warrant for records or other information pertaining to a customer of a financial institution as defined in § 6.2-604, money transmitter as defined in § 6.2-1900, commercial business providing credit history or credit reports, or issuer as defined in § 6.2-424 may be executed within the Commonwealth by hand, United States mail, commercial delivery service, facsimile, or other electronic means upon the financial institution, money transmitter, commercial business providing credit history or credit reports, or issuer. The officer executing such warrant shall endorse the date of execution thereon and shall file the warrant, with the inventory attached (or a notation that no property was seized) and the accompanying affidavit, unless such affidavit was made by voice or videotape recording, within three days after the materials ordered to be produced are received by the officer from the financial institution, money transmitter, commercial business providing credit history or credit reports, or issuer. The return shall be made in the circuit court clerk's office for the jurisdiction wherein the warrant was executed. Saturdays, Sundays, or any federal or state legal holiday shall not be used in computing the three-day filing period. For the purposes of this section, the warrant will be considered executed in the jurisdiction where the entity on which the warrant is served is located.

Every search warrant shall contain the date and time it was issued. However, the failure of any such search warrant to contain the date and time it was issued shall not render the warrant void, provided that the date and time of issuing of said warrant is established by competent evidence.

The judge, magistrate, or other official authorized to issue criminal warrants shall attach a copy of the affidavit required by § 19.2-54, which shall become a part of the search warrant and served therewith. However, this provision shall not be applicable in any case in which the affidavit is made by means of a voice or videotape recording or where the affidavit has been sealed pursuant to § 19.2-54.

Any search warrant not executed within 15 days after issuance thereof shall be returned to, and voided by, the officer who issued such search warrant.

B. No law-enforcement officer shall seek, execute, or participate in the execution of a no-knock search warrant. A search warrant authorized under this section shall require that a law-enforcement officer be recognizable and identifiable as a uniformed law-enforcement officer and provide audible notice of his authority and purpose reasonably expected to be heard by occupants of such place to be searched prior to the execution of such search warrant.

After entering and securing the place to be searched and prior to undertaking any search or seizure pursuant to the search warrant, the executing law-enforcement officer shall read and give a copy of the search warrant to the person to be searched or the owner of the place to be searched or, if the owner is not present, to any occupant of the place to be searched. If the place to be searched is unoccupied, the executing law-enforcement officer shall leave a copy of the search warrant suitably affixed to the place to be searched.

Search warrants authorized under this section shall be executed only in the daytime unless (i) a judge or magistrate, if a judge is not available, authorizes the execution of such search warrant at another time for good cause shown or (ii) the search warrant is for the withdrawal of blood. A search warrant for the withdrawal of blood may be executed at any time of day.

A law-enforcement officer shall make reasonable efforts to locate a judge before seeking authorization to execute the warrant at another time. Such reasonable efforts shall be documented in an affidavit and submitted to a magistrate when seeking such authorization.

Any evidence obtained from a search warrant in violation of this subsection shall not be admitted into evidence for the Commonwealth in any prosecution.

C. For the purposes of this section:

"Foreign corporation" means any corporation or other entity, whose primary place of business is located outside of the boundaries of the Commonwealth, that makes a contract or engages in a terms of service agreement with a resident of the Commonwealth to be performed in whole or in part by either party in the Commonwealth, or a corporation that has been issued a certificate of authority pursuant to § 13.1-759 to transact business in the Commonwealth. The making of the contract or terms of service agreement or the issuance of a certificate of authority shall be considered to be the agreement of the foreign corporation or entity that a search warrant or subpoena, which has been properly served on it, has the same legal force and effect as if served personally within the Commonwealth.

"Properly served" means delivery of a search warrant or subpoena by hand, by United States mail, by commercial delivery service, by facsimile or by any other manner to any officer of a corporation or its general manager in the Commonwealth, to any natural person designated by it as agent for the service of process, or if such corporation has designated a corporate agent, to any person named in the latest annual report filed pursuant to § 13.1-775.

CHAPTER 7.1.

LAW-ENFORCEMENT OFFICER CONDUCT DURING AN ARREST OR DETENTION.

§ 19.2-83.3. *Definitions.*

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

"Deadly force" means any force that is likely or intended to cause serious bodily injury or death.

"Deadly weapon" means any object, other than a body part or stationary object, that in the manner of its actual, attempted, or threatened use is likely to cause serious bodily injury or death.

"Excessive force" means any force that is objectively unreasonable given the totality of the circumstances, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

"Kinetic impact munitions" includes impact rounds and baton rounds, such as rubber batons, bean bag rounds, foam baton rounds, and plastic, wax, wood, or rubber-coated projectiles.

"Neck restraint" means the use of any body part or object to attempt to control or disable a person by applying pressure against the neck, including the trachea or carotid artery, with the purpose, intent, or effect of controlling or restricting the person's movement or restricting the person's blood flow or breathing, including chokeholds, carotid restraints, and lateral vascular neck restraints.

§ 19.2-83.4. *Prohibited practices for law-enforcement officers during an arrest or detention.*

A. The use of a neck restraint by a law-enforcement officer is prohibited unless the use of a neck restraint is immediately necessary to protect the law-enforcement officer or another person from death or serious bodily injury.

B. The willful discharge of a firearm by a law-enforcement officer into or at a moving vehicle is prohibited unless the discharge of a firearm is immediately necessary to protect the law-enforcement officer or another person from death or serious bodily injury.

C. The use of kinetic impact munitions by a law-enforcement officer is prohibited unless the use of kinetic impact munitions is necessary to protect the law-enforcement officer or another person from bodily injury.

§ 19.2-83.5. *Use of deadly force by a law-enforcement officer during an arrest or detention.*

A. A law-enforcement officer shall not use deadly force against a person unless:

1. The law-enforcement officer reasonably believes that deadly force is immediately necessary to protect the law-enforcement officer or another person, other than the subject of the use of deadly force, from the threat of serious bodily injury or death;

2. If feasible, the law-enforcement officer has provided a warning to the subject of the deadly force that he will use deadly force;

3. The law-enforcement officer's actions are reasonable, given the totality of the circumstances; and

4. All other options have been exhausted or do not reasonably lend themselves to the circumstances.

B. In determining if a law-enforcement officer's use of deadly force is proper, the following factors shall be considered:

1. The reasonableness of the law-enforcement officer's belief and actions from the perspective of a reasonable law-enforcement officer on the scene at the time of the incident; and

2. The totality of the circumstances, including (i) the amount of time available to the law-enforcement officer to make a decision; (ii) whether the subject of the use of deadly force (a) possessed or appeared to possess a deadly weapon and (b) refused to comply with the law-enforcement officer's lawful order to surrender an object believed to be a deadly weapon prior to the law-enforcement officer using deadly force; (iii) whether the law-enforcement officer engaged in de-escalation measures prior to the use of deadly force, including taking cover, waiting for backup, trying to calm the subject prior to the use of force, or using non-deadly force prior to the use of deadly force; (iv) whether any conduct by the law-enforcement officer prior to the use of deadly force intentionally increased the risk of a confrontation resulting in deadly force being used; and (v) the seriousness of the suspected crime.

§ 19.2-83.6. Failure of a law-enforcement officer to intervene in use of excessive force.

A. Any law-enforcement officer who, while in the performance of his official duties, witnesses another law-enforcement officer engaging or attempting to engage in the use of excessive force against another person shall intervene, when such intervention is feasible, to end the use of excessive force or attempted use of excessive force, or to prevent the further use of excessive force. A law-enforcement officer shall also render aid, as circumstances reasonably permit, to any person injured as the result of the use of excessive force.

B. Any law-enforcement officer who intervenes pursuant to subsection A or who witnesses another law-enforcement officer engaging or attempting to engage in the use of excessive force against another person shall report such intervention or use of excessive force in accordance with the law-enforcement officer's employing agency's policies and procedures for reporting misconduct committed by a law-enforcement officer. No employing agency shall retaliate, threaten to retaliate, or take or threaten to take any disciplinary action against a law-enforcement officer who intervenes pursuant to subsection A or makes a report pursuant to this subsection.

§ 19.2-83.7. Penalties for violations of this chapter.

In addition to any other penalty authorized by law, any law-enforcement officer who knowingly violates the provisions of this chapter shall be subject to disciplinary action, including dismissal, demotion, suspension, or transfer of the law-enforcement officer or decertification as provided in subsection D of § 15.2-1707.

§ 19.2-201. Officers to give information of violation of penal laws to attorney for Commonwealth.

A. As used in this section, "chief law-enforcement officer" means the Superintendent of State Police; any chief of police or sheriff responsible for law enforcement in the jurisdiction served by him; the head of any private police department that has been designated as a criminal justice agency by the Department of Criminal Justice Services as defined by § 9.1-101; the chief of any campus police department established pursuant to §§ 23.1-809 and 23.1-810; the chief of the Lynchburg Regional Airport police department established pursuant to § 15.2-1123.1; or director or chief executive of any agency or department employing law-enforcement officers as defined in § 9.1-101.

B. Every commissioner of the revenue, sheriff, constable or other officer shall promptly give information of the violation of any penal law to the attorney for the Commonwealth, who shall forthwith institute and prosecute all necessary and proper proceedings in such case, whether in the name of the Commonwealth or of a county or corporation, and may in such case issue or cause to be issued a summons for any witnesses he may deem material to give evidence before the court or grand jury. Except as otherwise provided in this chapter, no attorney for the Commonwealth shall go before any grand jury except when duly sworn to testify as a witness, but he may advise the foreman of a regular grand jury or any member or members thereof in relation to the discharge of their duties.

C. Every chief law-enforcement officer shall provide to the attorney for the Commonwealth access to all records, including police reports, disciplinary records, and internal affairs investigations, relating to wrongful arrest or use of force complaints, or other complaints that a person has been deprived of the rights, privileges, or immunities secured or protected by the laws of the United States and the Commonwealth made against a law-enforcement officer who is employed by the chief law-enforcement officer's agency. Access shall be granted to the attorney for the Commonwealth to such records whenever a law-enforcement officer is a potential witness in a pending criminal matter or criminal investigation related to the performance of his duties as a law enforcement officer.

The chief law-enforcement officer may redact any statements made by a law-enforcement officer employed by his agency or department during an internal affairs investigation that may incriminate such law-enforcement officer or be otherwise used to prosecute such law-enforcement officer. Any redactions made by the chief law-enforcement officer may be challenged by the attorney for the Commonwealth in an ex parte hearing before a circuit court judge.

Any information protected by the federal Health Insurance Portability and Accountability Act shall not be disclosed pursuant to this subsection.

§ 52-11.3. Acquisition of military property.

A. The Superintendent of State Police is authorized to apply for and accept grants or loans of personal property from the United States U.S. Department of Defense for use in the law-enforcement activities of the Department of State Police or any other law-enforcement agency of the Commonwealth or its political subdivisions. In connection with the receipt of such property, the Department of State Police and any other law-enforcement agency to which the property is transferred, may agree to hold the United States government harmless against claims for damages arising out of the use of the property received. Such other law-enforcement agencies may also agree to hold the Commonwealth harmless against such claims.

B. Notwithstanding the provisions of subsection A, the Superintendent shall not acquire or purchase (i) weaponized unmanned aerial vehicles; (ii) aircraft that are configured for combat or are combat-coded and have no established commercial flight application; (iii) grenades or similar explosives or grenade launchers from a surplus program operated by the federal government; (iv) armored multi-wheeled vehicles that are mine-resistant, ambush-protected, and configured for combat, also known as MRAPs, from a surplus program operated by the federal government; (v) bayonets; (vi) firearms of .50 caliber or higher; (vii) ammunition of .50 caliber or higher; or (viii) weaponized tracked armored vehicles.

Nothing in this subsection shall restrict the acquisition or purchase of an armored high mobility multi-purpose wheeled vehicle, also known as HMMWVs, or preclude the seizure of any prohibited item in connection with a criminal investigation or proceeding or subject to a civil forfeiture. Any property obtained by seizure shall be disposed of at the conclusion of any investigation or as otherwise provided by law.

C. Nothing in this section shall be construed as prohibiting the acquisition, purchase, or otherwise acceptance of any personal protective equipment, naloxone or other lifesaving medication, or any personal property that is not specifically prohibited pursuant to subsection B from the federal government.

§ 52-30.2. Prohibited practices; collection of data.

A. No State Police officer shall engage in bias-based profiling in the performance of his official duties.

B. State Police officers shall collect data pertaining to (i) all investigatory motor vehicle ~~or~~ stops, (ii) all stop-and-frisks of a person based on reasonable suspicion, and (iii) all other investigatory ~~stops~~ detentions that do not result in an arrest or the issuance of a summons to be reported into the Community Policing Reporting Database. State Police officers shall submit the data to their commanding officers, who shall forward it to the Superintendent of State Police.

C. Each time a law-enforcement officer or State Police officer stops a driver of a motor vehicle, *stops and frisks a person based on reasonable suspicion, or temporarily detains a person during any other investigatory stop*, such officer shall collect the following data based on the officer's observation or information provided to the officer by the driver: (i) the race, ethnicity, age, ~~and~~ gender of the person stopped, *and whether the person stopped spoke English*; (ii) the reason for the stop; (iii) the location of the stop; (iv) whether a warning, written citation, or summons was issued or whether any person was arrested; (v) if a warning, written citation, or summons was issued or an arrest was made, the warning provided, violation charged, or crime charged; ~~and~~ (vi) whether the vehicle or any person was searched; *and (vii) whether the law-enforcement officer or State Police officer used physical force against any person and whether any person used physical force against any officers.*

D. Each state and local law-enforcement agency shall collect the number of complaints the agency receives alleging the use of excessive force.

§ 52-30.3. Community Policing Reporting Database established.

A. The Department of State Police shall develop and implement a uniform statewide database to collect *all records of investigatory motor vehicle stops, all stop-and-frisks of a person based on reasonable suspicion, and other investigatory stop records detentions that do not result in an arrest or the issuance of a summons*, records of complaints alleging the use of excessive force, and data and information submitted by law-enforcement agencies pursuant to §§ 15.2-1609.10, 15.2-1722.1, and 52-30.2. The Department of State Police shall provide the Department of Criminal Justice Services with secure remote access to the database for the purposes of analyzing such data as required by subsection A of § 9.1-192.

B. The Department of State Police shall promulgate regulations governing the operation and maintenance of the database.

§ 52-30.4. Reporting of state and local law-enforcement agencies required.

All state and local law-enforcement agencies shall collect the data specified in subsections C and D of § 52-30.2, and any other data as may be specified by the Department of State Police, on forms developed by the Department of State Police and submit such data to the Department of State Police for inclusion in the Community Policing Reporting Database.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 1289 of the Acts of Assembly of 2020 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

3. That the Department of Criminal Justice Services (the Department) shall promulgate regulations to implement the provisions of §§ 2.2-5515 and 15.2-1721.1 of the Code of Virginia, as created by this act, and of subdivisions 61 and 62 of § 9.1-102 and § 15.2-1707 of the Code of Virginia, as amended by this act, within 280 days of the effective date of this act. The Department shall report to the Chairman of the Senate Committee on the Judiciary and the Chairman of the House Committee for Courts of Justice by November 1, 2021, on the status of the regulations. In developing statewide professional standards of conduct pursuant to subdivision 61 of § 9.1-102 of the Code of Virginia, as amended by this act, which should be reviewed and approved by the Criminal Justice Services Board (the Board) before the Department promulgates them as regulations, the Department shall constitute a working group that includes individuals not serving on the Board that represent the following: crime victims, people directly impacted by the criminal justice system, people representative of communities disproportionately represented among persons incarcerated in Virginia jails and prisons, civil rights advocates, mental health advocates, defense counsel, and people employed in the criminal justice system, including police officials, sheriffs, attorneys for the

Commonwealth, the judiciary, and correctional and rehabilitative agencies. A majority of the working group should be comprised of individuals who are not representative of people employed in the criminal justice system.

4. That the provisions of §§ 15.2-1609.10, 15.2-1722.1, 52-30.2, 52-30.3, and 52-30.4 of the Code of Virginia, as amended by this act, shall become effective on July 1, 2021.

5. That the provisions of § 15.2-1707 of the Code of Virginia, as amended by this act, shall apply only to offenses or misconduct committed after the effective date of this act.

CHAPTER 38

An Act to amend and reenact §§ 2.2-4343 and 44-146.17 of the Code of Virginia, relating to Emergency Services and Disaster Law; powers and duties of Governor; purchase of personal protective equipment during a disaster caused by a communicable disease of public health threat.

[H 5050]

Approved October 28, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-4343 and 44-146.17 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-4343. Exemption from operation of chapter for certain transactions.

A. The provisions of this chapter shall not apply to:

1. The Virginia Port Authority in the exercise of any of its powers in accordance with Chapter 10 (§ 62.1-128 et seq.) of Title 62.1, provided the Authority implements, by policy or regulation adopted by the Board of Commissioners, procedures to ensure fairness and competitiveness in the procurement of goods and services and in the administration of its capital outlay program. This exemption shall be applicable only so long as such policies and procedures meeting the requirements remain in effect.

2. The Virginia Retirement System for selection of services related to the management, purchase or sale of authorized investments, actuarial services, and disability determination services. Selection of these services shall be governed by the standard set forth in § 51.1-124.30.

3. The State Treasurer in the selection of investment management services related to the external management of funds shall be governed by the standard set forth in § 2.2-4514, and shall be subject to competitive guidelines and policies that are set by the Commonwealth Treasury Board and approved by the Department of General Services.

4. The Department of Social Services or local departments of social services for the acquisition of motor vehicles for sale or transfer to Temporary Assistance to Needy Families (TANF) recipients.

5. The College of William and Mary in Virginia, Virginia Commonwealth University, the University of Virginia, and Virginia Polytechnic Institute and State University in the selection of services related to the management and investment of their endowment funds, endowment income, gifts, all other nongeneral fund reserves and balances, or local funds of or held by the respective public institution of higher education pursuant to § 23.1-2210, 23.1-2306, 23.1-2604, or 23.1-2803. However, selection of these services shall be governed by the Uniform Prudent Management of Institutional Funds Act (§ 64.2-1100 et seq.) as required by §§ 23.1-2210, 23.1-2306, 23.1-2604, and 23.1-2803.

6. The Board of the Virginia College Savings Plan for the selection of services related to the operation and administration of the Plan, including, but not limited to, contracts or agreements for the management, purchase, or sale of authorized investments or actuarial, record keeping, or consulting services. However, such selection shall be governed by the standard set forth in § 23.1-706.

7. Public institutions of higher education for the purchase of items for resale at retail bookstores and similar retail outlets operated by such institutions. However, such purchase procedures shall provide for competition where practicable.

8. The purchase of goods and services by agencies of the legislative branch that may be specifically exempted therefrom by the Chairman of the Committee on Rules of either the House of Delegates or the Senate. Nor shall the contract review provisions of § 2.2-2012 apply to such procurements. The exemption shall be in writing and kept on file with the agency's disbursement records.

9. Any town with a population of less than 3,500, except as stipulated in the provisions of §§ 2.2-4305, 2.2-4311, 2.2-4315, 2.2-4330, 2.2-4333 through 2.2-4338, 2.2-4343.1, and 2.2-4367 through 2.2-4377 and Chapter 43.1 (§ 2.2-4378 et seq.).

10. Any county, city or town whose governing body has adopted, by ordinance or resolution, alternative policies and procedures which are (i) based on competitive principles and (ii) generally applicable to procurement of goods and services by such governing body and its agencies, except as stipulated in subdivision 12.

This exemption shall be applicable only so long as such policies and procedures, or other policies and procedures meeting the requirements of § 2.2-4300, remain in effect in such county, city or town. Such policies and standards may provide for incentive contracting that offers a contractor whose bid is accepted the opportunity to share in any cost savings realized by the locality when project costs are reduced by such contractor, without affecting project quality, during construction of the project. The fee, if any, charged by the project engineer or architect for determining such cost savings shall be paid as a separate cost and shall not be calculated as part of any cost savings.

11. Any school division whose school board has adopted, by policy or regulation, alternative policies and procedures that are (i) based on competitive principles and (ii) generally applicable to procurement of goods and services by the school board, except as stipulated in subdivision 12.

This exemption shall be applicable only so long as such policies and procedures, or other policies or procedures meeting the requirements of § 2.2-4300, remain in effect in such school division. This provision shall not exempt any school division from any centralized purchasing ordinance duly adopted by a local governing body.

12. (Effective until January 1, 2021) Notwithstanding the exemptions set forth in subdivisions 9 through 11, the provisions of subsections B, C, and D of § 2.2-4303, §§ 2.2-4305, 2.2-4311, 2.2-4315, 2.2-4317, 2.2-4330, 2.2-4333 through 2.2-4338, 2.2-4342, 2.2-4343.1, and 2.2-4367 through 2.2-4377, and Chapter 43.1 (§ 2.2-4378 et seq.) shall apply to all counties, cities, and school divisions, and to all towns having a population greater than 3,500 in the Commonwealth.

The method for procurement of professional services through competitive negotiation set forth in §§ 2.2-4302.2, 2.2-4303.1, and 2.2-4303.2 shall also apply to all counties, cities, and school divisions, and to all towns having a population greater than 3,500, where the cost of the professional service is expected to exceed \$80,000 in the aggregate or for the sum of all phases of a contract or project. A school board that makes purchases through its public school foundation or purchases educational technology through its educational technology foundation, either as may be established pursuant to § 22.1-212.2:2 shall be exempt from the provisions of this chapter, except, relative to such purchases, the school board shall comply with the provisions of §§ 2.2-4311 and 2.2-4367 through 2.2-4377.

12. (Effective January 1, 2021) Notwithstanding the exemptions set forth in subdivisions 9 through 11, the provisions of subsections B, C, and D of § 2.2-4303, §§ 2.2-4305, 2.2-4311, 2.2-4315, 2.2-4317, 2.2-4330, 2.2-4333 through 2.2-4338, 2.2-4342, 2.2-4343.1, and 2.2-4367 through 2.2-4377, Chapter 43.1 (§ 2.2-4378 et seq.), and § 58.1-1902 shall apply to all counties, cities, and school divisions and to all towns having a population greater than 3,500 in the Commonwealth.

The method for procurement of professional services through competitive negotiation set forth in §§ 2.2-4302.2, 2.2-4303.1, and 2.2-4303.2 shall also apply to all counties, cities, and school divisions, and to all towns having a population greater than 3,500, where the cost of the professional service is expected to exceed \$80,000 in the aggregate or for the sum of all phases of a contract or project. A school board that makes purchases through its public school foundation or purchases educational technology through its educational technology foundation, either as may be established pursuant to § 22.1-212.2:2 shall be exempt from the provisions of this chapter, except, relative to such purchases, the school board shall comply with the provisions of §§ 2.2-4311 and 2.2-4367 through 2.2-4377.

13. A public body that is also a utility operator may purchase services through or participate in contracts awarded by one or more utility operators that are not public bodies for utility marking services as required by the Underground Utility Damage Prevention Act (§ 56-265.14 et seq.). A purchase of services under this subdivision may deviate from the procurement procedures set forth in this chapter upon a determination made in advance by the public body and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, and the contract is awarded based on competitive principles.

14. Procurement of any construction or planning and design services for construction by a Virginia nonprofit corporation or organization not otherwise specifically exempted when (i) the planning, design or construction is funded by state appropriations of \$10,000 or less or (ii) the Virginia nonprofit corporation or organization is obligated to conform to procurement procedures that are established by federal statutes or regulations, whether those federal procedures are in conformance with the provisions of this chapter.

15. Purchases, exchanges, gifts or sales by the Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion.

16. The Eastern Virginia Medical School in the selection of services related to the management and investment of its endowment and other institutional funds. The selection of these services shall, however, be governed by the Uniform Prudent Management of Institutional Funds Act (§ 64.2-1100 et seq.).

17. The Department of Corrections in the selection of pre-release and post-incarceration services and the Department of Juvenile Justice in the selection of pre-release and post-commitment services.

18. The University of Virginia Medical Center to the extent provided by subdivision A 3 of § 23.1-2213.

19. The purchase of goods and services by a local governing body or any authority, board, department, instrumentality, institution, agency or other unit of state government when such purchases are made under a remedial plan established by the Governor pursuant to subsection C of § 2.2-4310 or by a chief administrative officer of a county, city or town pursuant to § 15.2-965.1.

20. The contract by community services boards or behavioral health authorities with an administrator or management body pursuant to a joint agreement authorized by § 37.2-512 or 37.2-615.

21. [Expired].

22. The purchase of Virginia-grown food products for use by a public body where the annual cost of the product is not expected to exceed \$100,000, provided that the procurement is accomplished by (i) obtaining written informal solicitation of a minimum of three bidders or offerors if practicable and (ii) including a written statement regarding the basis for awarding the contract.

23. The Virginia Industries for the Blind when procuring components, materials, supplies, or services for use in commodities and services furnished to the federal government in connection with its operation as an AbilityOne Program-qualified nonprofit agency for the blind under the Javits-Wagner-O'Day Act, 41 U.S.C. §§ 8501-8506, provided

that the procurement is accomplished using procedures that ensure that funds are used as efficiently as practicable. Such procedures shall require documentation of the basis for awarding contracts. Notwithstanding the provisions of § 2.2-1117, no public body shall be required to purchase such components, materials, supplies, services, or commodities.

24. *The purchase of personal protective equipment for private, nongovernmental entities by the Governor pursuant to subdivision (11) of § 44-146.17 during a disaster caused by a communicable disease of public health threat for which a state of emergency has been declared. However, such purchase shall provide for competition where practicable and include a written statement regarding the basis for awarding any contract.*

B. Where a procurement transaction involves the expenditure of federal assistance or contract funds, the receipt of which is conditioned upon compliance with mandatory requirements in federal laws or regulations not in conformance with the provisions of this chapter, a public body may comply with such federal requirements, notwithstanding the provisions of this chapter, only upon the written determination of the Governor, in the case of state agencies, or the governing body, in the case of political subdivisions, that acceptance of the grant or contract funds under the applicable conditions is in the public interest. Such determination shall state the specific provision of this chapter in conflict with the conditions of the grant or contract.

§ 44-146.17. Powers and duties of Governor.

The Governor shall be Director of Emergency Management. He shall take such action from time to time as is necessary for the adequate promotion and coordination of state and local emergency services activities relating to the safety and welfare of the Commonwealth in time of disasters.

The Governor shall have, in addition to his powers hereinafter or elsewhere prescribed by law, the following powers and duties:

(1) To proclaim and publish such rules and regulations and to issue such orders as may, in his judgment, be necessary to accomplish the purposes of this chapter including, but not limited to such measures as are in his judgment required to control, restrict, allocate or regulate the use, sale, production and distribution of food, fuel, clothing and other commodities, materials, goods, services and resources under any state or federal emergency services programs.

He may adopt and implement the Commonwealth of Virginia Emergency Operations Plan, which provides for state-level emergency operations in response to any type of disaster or large-scale emergency affecting Virginia and that provides the needed framework within which more detailed emergency plans and procedures can be developed and maintained by state agencies, local governments and other organizations.

He may direct and compel evacuation of all or part of the populace from any stricken or threatened area if this action is deemed necessary for the preservation of life, implement emergency mitigation, preparedness, response or recovery actions; prescribe routes, modes of transportation and destination in connection with evacuation; and control ingress and egress at an emergency area, including the movement of persons within the area and the occupancy of premises therein.

Executive orders, to include those declaring a state of emergency and directing evacuation, shall have the force and effect of law and the violation thereof shall be punishable as a Class 1 misdemeanor in every case where the executive order declares that its violation shall have such force and effect.

Such executive orders declaring a state of emergency may address exceptional circumstances that exist relating to an order of quarantine or an order of isolation concerning a communicable disease of public health threat that is issued by the State Health Commissioner for an affected area of the Commonwealth pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 of Title 32.1.

Except as to emergency plans issued to prescribe actions to be taken in the event of disasters and emergencies, no rule, regulation, or order issued under this section shall have any effect beyond June 30 next following the next adjournment of the regular session of the General Assembly but the same or a similar rule, regulation, or order may thereafter be issued again if not contrary to law;

(2) To appoint a State Coordinator of Emergency Management and authorize the appointment or employment of other personnel as is necessary to carry out the provisions of this chapter, and to remove, in his discretion, any and all persons serving hereunder;

(3) To procure supplies and equipment, to institute training and public information programs relative to emergency management and to take other preparatory steps, including the partial or full mobilization of emergency management organizations in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces in time of need;

(4) To make such studies and surveys of industries, resources, and facilities in the Commonwealth as may be necessary to ascertain the capabilities of the Commonwealth and to plan for the most efficient emergency use thereof;

(5) On behalf of the Commonwealth to enter into mutual aid arrangements with other states and to coordinate mutual aid plans between political subdivisions of the Commonwealth. After a state of emergency is declared in another state and the Governor receives a written request for assistance from the executive authority of that state, the Governor may authorize the use in the other state of personnel, equipment, supplies, and materials of the Commonwealth, or of a political subdivision, with the consent of the chief executive officer or governing body of the political subdivision;

(6) To delegate any administrative authority vested in him under this chapter, and to provide for the further delegation of any such authority, as needed;

(7) Whenever, in the opinion of the Governor, the safety and welfare of the people of the Commonwealth require the exercise of emergency measures due to a threatened or actual disaster, ~~he may~~ to declare a state of emergency to exist;

(8) To request a major disaster declaration from the President, thereby certifying the need for federal disaster assistance and ensuring the expenditure of a reasonable amount of funds of the Commonwealth, its local governments, or other agencies for alleviating the damage, loss, hardship, or suffering resulting from the disaster;

(9) To provide incident command system guidelines for state agencies and local emergency response organizations; ~~and~~

(10) Whenever, in the opinion of the Governor or his designee, an employee of a state or local public safety agency responding to a disaster has suffered an extreme personal or family hardship in the affected area, such as the destruction of a personal residence or the existence of living conditions that imperil the health and safety of an immediate family member of the employee, ~~the Governor may~~ to direct the Comptroller of the Commonwealth to issue warrants not to exceed \$2,500 per month, for up to three calendar months, to the employee to assist the employee with the hardship; *and*

(11) *During a disaster caused by a communicable disease of public health threat for which a state of emergency has been declared pursuant to subdivision (7), to establish a program through which the Governor may purchase PPE for private, nongovernmental entities and distribute the PPE to such private, nongovernmental entities. If federal funding is available to establish and fund the program, the Governor, if necessary to comply with any conditions attached to such federal funding, shall be entitled to seek reimbursement for such purchases from the private, nongovernmental entities and may establish and charge fees to recover the cost of administering the program, including the cost of procuring and distributing the PPE. However, if federal funding is not available to establish and fund the program, the Governor shall, prior to making such purchases, receive a contract for payment for purchase from the private nongovernmental entities for the full cost of procuring and distributing the PPE, which shall include any amortized costs of administering the program. Any purchase made by the Governor pursuant to this subdivision shall be exempt from the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.), except the Governor shall be encouraged to comply with the provisions of § 2.2-4310 when possible. The Governor shall also provide for competition where practicable and include a written statement regarding the basis for awarding any contract. Prior to implementing such a program, the Department of Emergency Management shall consult with and survey private, nongovernmental entities in order to assess demand for participation in the program as well as the quantity and types of personal protective equipment such entities would like to procure.*

As used in this subdivision, "personal protective equipment" or "PPE" means equipment or supplies worn or employed to minimize exposure to hazards that cause serious workplace injuries and illnesses and may include items such as gloves, safety glasses and shoes, earplugs or muffs, hard hats, respirators, coveralls, vests, full body suits, hand sanitizer, plastic shields, or testing for the communicable disease of public health threat.

CHAPTER 39

An Act to amend and reenact § 8.01-512.4 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 3 of Title 34 a section numbered 34-28.3, relating to emergency relief payments exempt from creditor process; emergency.

[H 5068]

Approved October 28, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-512.4 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 3 of Title 34 a section numbered 34-28.3 as follows:

§ 8.01-512.4. Notice of exemptions from garnishment and lien.

No summons in garnishment shall be issued or served, nor shall any notice of lien be served on a financial institution pursuant to § 8.01-502.1, unless a notice of exemptions and claim for exemption form are attached. The notice shall contain the following statement:

NOTICE TO JUDGMENT DEBTOR

HOW TO CLAIM EXEMPTIONS FROM GARNISHMENT AND LIEN

The attached Summons in Garnishment or Notice of Lien has been issued on request of a creditor who holds a judgment against you. The Summons may cause your property or wages to be held or taken to pay the judgment.

The law provides that certain property and wages cannot be taken in garnishment. Such property is said to be exempted. A summary of some of the major exemptions is set forth in the request for hearing form. There is no exemption solely because you are having difficulty paying your debts.

If you claim an exemption, you should (i) fill out the claim for exemption form and (ii) deliver or mail the form to the clerk's office of this court. You have a right to a hearing within seven business days from the date you file your claim with the court. If the creditor is asking that your wages be withheld, the method of computing the amount of wages that are exempt from garnishment by law is indicated on the Summons in Garnishment attached. You do not need to file a claim for exemption to receive this exemption, but if you believe the wrong amount is being withheld you may file a claim for exemption.

On the day of the hearing you should come to court ready to explain why your property is exempted, and you should bring any documents that may help you prove your case. If you do not come to court at the designated time and prove that your property is exempt, you may lose some of your rights.

It may be helpful to you to seek the advice of an attorney in this matter.

REQUEST FOR HEARING-GARNISHMENT/LIEN EXEMPTION CLAIM

I claim that the exemption(s) from garnishment or lien that are checked below apply in this case:

MAJOR EXEMPTIONS UNDER FEDERAL AND STATE LAW

- 1. Social Security benefits and Supplemental Security Income (SSI) (42 U.S.C. § 407).
- 2. Veterans' benefits (38 U.S.C. § 5301).
- 3. Federal civil service retirement benefits (5 U.S.C. § 8346).
- 4. Annuity to survivors of federal judges (28 U.S.C. § 376(n)).
- 5. Longshore and Harbor Workers' Compensation Act (33 U.S.C. § 916).
- 6. Black lung benefits.

Exemptions listed under 1 through 6 above may not be applicable in child support and alimony cases (42 U.S.C. § 659).

- 7. Seaman's, master's or fisherman's wages, except for child support or spousal support and maintenance (46 U.S.C. § 11109).
- 8. Unemployment compensation benefits (§ 60.2-600, Code of Virginia). This exemption may not be applicable in child support cases (§ 60.2-608, Code of Virginia).
- 9. Portions or amounts of wages subject to garnishment (§ 34-29, Code of Virginia).
- 10. Public assistance payments (§ 63.2-506, Code of Virginia).
- 11. Homestead exemption of \$5,000, or \$10,000 if the debtor is 65 years of age or older, in cash, and, in addition, real or personal property used as the principal residence of the householder or the householder's dependents not exceeding \$25,000 in value (§ 34-4, Code of Virginia). This exemption may not be claimed in certain cases, such as payment of spousal or child support (§ 34-5, Code of Virginia).
- 12. Property of disabled veterans — additional \$10,000 cash (§ 34-4.1, Code of Virginia).
- 13. Workers' Compensation benefits (§ 65.2-531, Code of Virginia).
- 14. Growing crops (§ 8.01-489, Code of Virginia).
- 15. Benefits from group life insurance policies (§ 38.2-3339, Code of Virginia).
- 16. Proceeds from industrial sick benefits insurance (§ 38.2-3549, Code of Virginia).
- 17. Assignments of certain salary and wages (§ 8.01-525.10, Code of Virginia).
- 18. Benefits for victims of crime (§ 19.2-368.12, Code of Virginia).
- 19. Preneed funeral trusts (§ 54.1-2823, Code of Virginia).
- 20. Certain retirement benefits (§ 34-34, Code of Virginia).
- 21. Child support payments (§ 20-108.1, Code of Virginia).
- 22. Support for dependent minor children (§ 34-4.2, Code of Virginia). To claim this exemption, the debtor shall attach to the claim for exemption form an affidavit that complies with the requirements of subsection B of § 34-4.2 and two items of proof showing that the debtor is entitled to this exemption.
- 23. *Emergency relief payments* (§ 34-28.3, Code of Virginia).
- 24. Other (describe exemption): \$ _____

I request a court hearing to decide the validity of my claim. Notice of the hearing should be given me at:

_____ (address) _____ (telephone no.)

The statements made in this request are true to the best of my knowledge and belief.

_____ (date) _____ (signature of judgment debtor)

§ 34-28.3. Emergency relief payments exempt.

A. For the purposes of this section, "emergency relief payment" means a 2020 recovery rebate for individuals and qualifying children provided pursuant to § 2201 of the federal Coronavirus Aid, Relief, and Economic Security Act (P.L. 116-136) or any future federal payments or rebates provided directly to individuals for economic relief or stimulus due to the COVID-19 pandemic, not to exceed \$1,200 per individual per payment or rebate, and not to exceed \$500 for each qualifying child paid to the individual per payment or rebate.

B. All emergency relief payments paid to individuals shall be automatically exempt from the creditor process. Any financial institution, as defined by § 6.2-100, receiving such payments directly from the federal government shall exempt such payments from the creditor process if (i) the payment is marked by the federal government as an "emergency relief payment" or includes some other unique identifier that is reasonably sufficient to allow the financial institution to identify the funds as an emergency relief payment or (ii) the federal government or account holder receiving the emergency relief payment gives notice to the financial institution of such payment. In exempting emergency relief payments on deposit from the creditor process, a financial institution shall look back two months preceding the date of receipt of service of the creditor process. The financial institution shall perform a one-time account review separately for each account in the name of an account holder who is subject to the creditor process without consideration for any other attributes of the account or the

creditor process, including (a) the presence of other funds, from whatever source, that may be commingled in the account with funds from an emergency relief payment; (b) the existence of a co-owner on the account; and (c) the balance in the account, provided the balance is above zero dollars on the date of account review. After conducting the account review, a financial institution shall exempt from the creditor process the lesser of the sum of all posted emergency relief payments to an account between the close of business on the beginning date of the lookback period and the open of business on the ending date of the lookback period or the balance in an account when the account review is performed.

If the creditor process involves a court return date, such as a garnishment, and requires a continued hold on the account, including any deposits made up to the return date, then if an emergency relief payment is deposited into an account after the completion of the account review but before the creditor process or garnishment return date and the account holder notifies the financial institution that the deposit of an emergency relief payment has been made, the financial institution must review the account. If the financial institution verifies that the deposited funds are exempt under this section, then such deposited funds shall be treated as exempt from the creditor process or garnishment. This second account review shall begin within two business days of receiving the notice from the account holder and shall cover the period from the start of business on the date of the completion of the previous account review to the end of business on the date of the notification from the account holder. For any creditor process that requires a continued hold, such as a garnishment where the account hold must continue until the garnishment return date, the account holder may access exempt funds by withdrawal as permitted by the financial institution.

In its answer to the creditor process, the financial institution shall state the amount of account funds that are being held pursuant to the creditor process and the amount of account funds that were treated as exempt under this section.

A financial institution that makes a good faith effort to comply with the requirements set forth herein shall not be subject to liability or regulatory action under any state law, regulation, court or other order, or regulatory interpretation for actions concerning any emergency relief payments.

Emergency relief payments shall be exempt from the creditor process even if deposited into an account with a financial institution or other organization accepting deposits and thereby commingled with other funds.

For the purposes of this section, no such exemption shall extend to child support, spousal support, or criminal restitution orders.

C. If a financial institution does not set aside an emergency relief payment as exempt from the creditor process, then the account holder receiving such payment must claim the exemption within the time limits prescribed by subsection B of § 34-17 and in the manner prescribed under § 8.01-512.4.

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

3. The exemption created by this act shall not extend to a garnishment process or other creditor process that concluded before the enactment of this act.

CHAPTER 40

An Act to amend the Code of Virginia by adding a section numbered 15.2-2209.1:1, relating to local land use approvals; extension of approvals to address the COVID-19 pandemic.

[S 5106]

Approved October 28, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.2-2901.1:1 as follows:

§ 15.2-2209.1:1. Extension of approvals to address the COVID-19 pandemic.

A. Notwithstanding any time limits for validity set out in § 15.2-2260 or 15.2-2261, any subdivision plat valid under § 15.2-2260 and outstanding as of July 1, 2020, and any recorded plat or final site plan valid under § 15.2-2261 and outstanding as of July 1, 2020, shall remain valid until July 1, 2022, or such later date as may be provided for by the terms of the locality's approval, local ordinance, resolution, or regulation. Any other plan or permit associated with such plat or site plan extended by this subsection is similarly extended for the same time period.

B. Notwithstanding any other provision of this chapter, for any valid special exception, special use permit, or conditional use permit, or any modifications thereto, outstanding as of July 1, 2020, any deadline in the exception permit, or in the local zoning ordinance that requires the landowner or developer to commence the project or incur significant expenses related to improvements for the project within a certain time, is extended until July 1, 2022, or such longer period as may be agreed to by the locality.

C. Notwithstanding any other provision of this chapter, for any rezoning approved pursuant to § 15.2-2297, 15.2-2298, or 15.2-2303 and valid and outstanding as of July 1, 2020, any proffered condition that requires the landowner or developer to incur significant expenses upon the occurrence of an event related to a stage or level of development is extended until July 1, 2022, or longer as may be agreed to by the locality. However, the extensions in this subsection do not apply (i) to proffered dedications of land or rights-of-way pursuant to § 15.2-2297, 15.2-2298, or 15.2-2303 or (ii) when completion of the event related to the stage or level of development has already occurred.

D. The extension of validity provided in subsection A and the extension of deadlines as provided in subsection B will be effective only if any unreleased performance bonds and agreements or other financial guarantees of completion of public

improvements in or associated with the proposed development are continued in force. However, if the locality has enacted a bonding moratorium or deferral program, the performance bonds and agreements or other financial guarantees of completion may be waived or modified by the locality, in which case the provisions of subsections A and B apply. The landowner or developer must comply with the terms of any bonding moratorium or deferral agreement with the locality in order for the extensions referred to in this subsection to be effective.

2. Notwithstanding any provision of law, general or special, nothing in this act shall be construed to extend any provision of § 15.2-2209.1 of the Code of Virginia.

CHAPTER 41

An Act to amend and reenact § 9.1-102 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 1 of Title 9.1 an article numbered 16, consisting of a section numbered 9.1-193, and by adding a section numbered 37.2-311.1, relating to response to mental health crises; establishment of the mental health awareness response and community understanding services (Marcus) alert system.

[H 5043]

Approved November 5, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-102 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 1 of Title 9.1 an article numbered 16, consisting of a section numbered 9.1-193, and by adding a section numbered 37.2-311.1 as follows:

§ 9.1-102. Powers and duties of the Board and the Department.

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions, and (ii) temporary or probationary status, and establish the time required for completion of such training;

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;

4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;

5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;

6. [Repealed];

7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;

8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;

9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies and correctional officers employed by the Department of Corrections under the provisions of Title 53.1. For correctional officers employed by the Department of Corrections, such standards shall include training on the general care of pregnant women, the impact of restraints on pregnant inmates and fetuses, the impact of being placed in restrictive housing or solitary confinement on pregnant inmates, and the impact of body cavity searches on pregnant inmates;

10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;

12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and institutions of higher education within or outside the Commonwealth, concerning the development of police training schools and programs or courses of instruction;
13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the holding of any such school whether approved or not;
14. Establish and maintain police training programs through such agencies and institutions as the Board deems appropriate;
15. Establish compulsory minimum qualifications of certification and recertification for instructors in criminal justice training schools approved by the Department;
16. Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement;
17. Make recommendations concerning any matter within its purview pursuant to this chapter;
18. Coordinate its activities with those of any interstate system for the exchange of criminal history record information, nominate one or more of its members to serve upon the council or committee of any such system, and participate when and as deemed appropriate in any such system's activities and programs;
19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to submit information, reports, and statistical data with respect to its policy and operation of information systems or with respect to its collection, storage, dissemination, and usage of criminal history record information and correctional status information, and such criminal justice agencies shall submit such information, reports, and data as are reasonably required;
20. Conduct audits as required by § 9.1-131;
21. Conduct a continuing study and review of questions of individual privacy and confidentiality of criminal history record information and correctional status information;
22. Advise criminal justice agencies and initiate educational programs for such agencies with respect to matters of privacy, confidentiality, and security as they pertain to criminal history record information and correctional status information;
23. Maintain a liaison with any board, commission, committee, or other body which may be established by law, executive order, or resolution to regulate the privacy and security of information collected by the Commonwealth or any political subdivision thereof;
24. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination of criminal history record information and correctional status information, and the privacy, confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and court orders;
25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal justice information system, produce reports, provide technical assistance to state and local criminal justice data system users, and provide analysis and interpretation of criminal justice statistical information;
26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the Commonwealth, and periodically update that plan;
27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, including planning district commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other activities for improving law enforcement and the administration of criminal justice throughout the Commonwealth, including allocating and subgranting funds for these purposes;
28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and activities for the Commonwealth and units of general local government, or combinations thereof, in the Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal justice at every level throughout the Commonwealth;
29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or alterations to such programs, projects, and activities for the purpose of improving law enforcement and the administration of criminal justice;
30. Coordinate the activities and projects of the state departments, agencies, and boards of the Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;
31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control;
32. Receive, administer, and expend all funds and other assistance available to the Board and the Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

33. Apply for and accept grants from the United States government or any other source in carrying out the purposes of this chapter and accept any and all donations both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall have the power to comply with conditions and execute such agreements as may be necessary;

34. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including but not limited to, contracts with the United States, units of general local government or combinations thereof, in Virginia or other states, and with agencies and departments of the Commonwealth;

35. Adopt and administer reasonable regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to units of general local government, and for carrying out the purposes of this chapter and the powers and duties set forth herein;

36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;

37. Establish training standards and publish and periodically update model policies for law-enforcement personnel in the following subjects:

a. The handling of family abuse, domestic violence, sexual assault, and stalking cases, including standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall provide technical support and assistance to law-enforcement agencies in carrying out the requirements set forth in subsection A of § 9.1-1301;

b. Communication with and facilitation of the safe return of individuals diagnosed with Alzheimer's disease;

c. Sensitivity to and awareness of cultural diversity and the potential for biased policing;

d. Protocols for local and regional sexual assault response teams;

e. Communication of death notifications;

f. The questioning of individuals suspected of driving while intoxicated concerning the physical location of such individual's last consumption of an alcoholic beverage and the communication of such information to the Virginia Alcoholic Beverage Control Authority;

g. Vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls;

h. Criminal investigations that embody current best practices for conducting photographic and live lineups;

i. Sensitivity to and awareness of human trafficking offenses and the identification of victims of human trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or street patrol duties; and

j. Missing children, missing adults, and search and rescue protocol;

38. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to ensure sensitivity to and awareness of cultural diversity and the potential for biased policing;

39. Review and evaluate community-policing programs in the Commonwealth, and recommend where necessary statewide operating procedures, guidelines, and standards which strengthen and improve such programs, including sensitivity to and awareness of cultural diversity and the potential for biased policing;

40. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with Virginia law-enforcement agencies, provide technical assistance and administrative support, including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may provide accreditation assistance and training, resource material, and research into methods and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;

41. Promote community policing philosophy and practice throughout the Commonwealth by providing community policing training and technical assistance statewide to all law-enforcement agencies, community groups, public and private organizations and citizens; developing and distributing innovative policing curricula and training tools on general community policing philosophy and practice and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia organizations with specific community policing needs; facilitating continued development and implementation of community policing programs statewide through discussion forums for community policing leaders, development of law-enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide information source on the subject of community policing including, but not limited to periodic newsletters, a website and an accessible lending library;

42. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, including school security officers described in clause (b) of § 22.1-280.2:1, which training and certification shall be administered by the Virginia Center for School and Campus Safety (VCSCS) pursuant to § 9.1-184. Such training standards shall be specific to the role and responsibility of school security officers and shall include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques such as a physical alternative to restraint; (v) disaster and emergency response; (vi) awareness of cultural diversity and implicit bias; (vii) working with students with disabilities, mental health needs, substance abuse disorders, and past traumatic experiences; and (viii) student behavioral dynamics, including child and adolescent development and brain research. The Department shall establish an

advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of the standards and certification requirements in this subdivision. The Department shall require any school security officer who carries a firearm in the performance of his duties to provide proof that he has completed a training course provided by a federal, state, or local law-enforcement agency that includes training in active shooter emergency response, emergency evacuation procedure, and threat assessment;

43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11 (§ 9.1-185 et seq.);

44. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

45. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal justice agencies regarding the investigation, registration, and dissemination of information requirements as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and (iii) certification requirements for campus security officers. Such training standards shall include, but not be limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and personal liability issues, security awareness in the campus environment, and disaster and emergency response. The Department shall provide technical support and assistance to campus police departments and campus security departments on the establishment and implementation of policies and procedures, including but not limited to: the management of such departments, investigatory procedures, judicial referrals, the establishment and management of databases for campus safety and security information sharing, and development of uniform record keeping for disciplinary records and statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of college administrators, college police chiefs, college security department chiefs, and local law-enforcement officials to assist in the development of the standards and certification requirements and training pursuant to this subdivision;

47. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established pursuant to § 9.1-187;

48. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia;

49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of § 46.2-117;

50. Administer the activities of the Virginia Sexual and Domestic Violence Program Professional Standards Committee by providing technical assistance and administrative support, including staffing, for the Committee;

51. In accordance with § 9.1-102.1, design and approve the issuance of photo-identification cards to private security services registrants registered pursuant to Article 4 (§ 9.1-138 et seq.);

52. In consultation with the State Council of Higher Education for Virginia and the Virginia Association of Campus Law Enforcement Administrators, develop multidisciplinary curricula on trauma-informed sexual assault investigation;

53. In consultation with the Department of Behavioral Health and Developmental Services, develop a model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail officers, administrators, or superintendents in any local or regional jail. Such program shall be based on any existing addiction recovery programs that are being administered by any local or regional jails in the Commonwealth. Participation in the model addiction recovery program shall be voluntary, and such program may address aspects of the recovery process, including medical and clinical recovery, peer-to-peer support, availability of mental health resources, family dynamics, and aftercare aspects of the recovery process;

54. Establish compulsory minimum training standards for certification and recertification of law-enforcement officers serving as school resource officers. Such training shall be specific to the role and responsibility of a law-enforcement officer working with students in a school environment and shall include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques; (v) disaster and emergency response; (vi) awareness of cultural diversity and implicit bias; (vii) working with students with disabilities, mental health needs, substance abuse disorders, or past traumatic experiences; and (viii) student behavioral dynamics, including current child and adolescent development and brain research;

55. Establish a model policy for the operation of body-worn camera systems as defined in § 15.2-1723.1 that also addresses the storage and maintenance of body-worn camera system records;

56. Establish compulsory minimum training standards for detector canine handlers employed by the Department of Corrections, standards for the training and retention of detector canines used by the Department of Corrections, and a central database on the performance and effectiveness of such detector canines that requires the Department of Corrections to submit comprehensive information on each canine handler and detector canine, including the number and types of calls and searches, substances searched for and whether or not detected, and the number of false positives, false negatives, true positives, and true negatives;

57. Establish compulsory training standards for basic training of law-enforcement officers for recognizing and managing stress, self-care techniques, and resiliency; ~~and~~

58. *Advise and assist the Department of Behavioral Health and Developmental Services, and support local law-enforcement cooperation, with the development and implementation of the Marcus alert system, as defined in § 37.2-311.1, including the establishment of local protocols for law-enforcement participation in the Marcus alert system pursuant to § 9.1-193 and for reporting requirements pursuant to §§ 9.1-193 and 37.2-311.1; and*

59. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

Article 16.

Mental Health Awareness Response and Community Understanding Services (Marcus) Alert System.

§ 9.1-193. Mental health awareness response and community understanding services (Marcus) alert system; law-enforcement protocols.

A. As used in this article, unless the context requires a different meaning:

"Area" means a combination of one or more localities or institutions of higher education contained therein that may have law-enforcement officers as defined in § 9.1-101.

"Body-worn camera system" means the same as that term is defined in § 15.2-1723.1.

"Community care team" means the same as that term is defined in § 37.2-311.1.

"Comprehensive crisis system" means the same as that term is defined in § 37.2-311.1.

"Developmental disability" means the same as that term is defined in § 37.2-100.

"Developmental services" means the same as that term is defined in § 37.2-100.

"Historically economically disadvantaged community" means the same as that term is defined in § 56-576.

"Mental health awareness response and community understanding services alert system" or "Marcus alert system" means the same as that term is defined in § 37.2-311.1.

"Mental health service provider" means the same as that term is defined in § 54.1-2400.1.

"Mobile crisis response" means the same as that term is defined in § 37.2-311.1.

"Mobile crisis team" means the same as that term is defined in § 37.2-311.1.

"Registered peer recovery specialist" means the same as that term is defined in § 54.1-3500.

"Substance abuse" means the same as that term is defined in § 37.2-100.

B. The Department of Behavioral Health and Developmental Services and the Department shall collaborate to ensure that the Department of Behavioral Health and Developmental Services maintains purview over best practices to promote a behavioral health response through the use of a mobile crisis response to behavioral health crises whenever possible, or law-enforcement backup of a mobile crisis response when necessary, and that the Department maintains purview over requirements associated with decreased use of force and body-worn camera system policies and enforcement of such policies in the protocols established pursuant to this article and § 37.2-311.1.

C. By July 1, 2021, the Department shall develop a written plan outlining (i) the Department's and law-enforcement agencies' roles and engagement with the development of the Marcus alert system; (ii) the Department's role in the development of minimum standards, best practices, and the review and approval of the protocols for law-enforcement participation in the Marcus alert system set forth in subsection D; and (iii) plans for the measurement of progress toward the goals for law-enforcement participation in the Marcus alert system set forth in subsection E.

D. All protocols and training for law-enforcement participation in the Marcus alert system shall be developed in coordination with local behavioral health and developmental services stakeholders and approved by the Department of Behavioral Health and Developmental Services according to standards developed pursuant to § 37.2-311.1. Such protocols and training shall provide for a specialized response by law enforcement designed to meet the goals set forth in this article to ensure that individuals experiencing a mental health, substance abuse, or developmental disability-related behavioral health crisis receive a specialized response when diversion to the comprehensive crisis system is not feasible. Specialized response protocols and training by law enforcement shall consider the impact to care that the presence of an officer in uniform or a marked vehicle at a response has and shall mitigate such impact when feasible through the use of plain clothes and unmarked vehicles. The specialized response protocols and training shall also set forth best practices, guidelines, and procedures regarding the role of law enforcement during a mobile crisis response, including the provisions of backup services when requested, in order to achieve the goals set forth in subsection E and to support the effective diversion of mental health crises to the comprehensive crisis system whenever feasible.

E. The goals of law-enforcement participation, including the development of local protocols, in comprehensive crisis services and the Marcus alert system shall be:

1. Ensuring that individuals experiencing behavioral health crises are served by the behavioral health comprehensive crisis service system when considered feasible pursuant to protocols and training and associated clinical guidance provided pursuant to Title 37.2;

2. Ensuring that local law-enforcement departments and institutions of higher education with law-enforcement officers establish standardized agreements for the provision of law-enforcement backup and specialized response when required for a mobile crisis response;

3. Providing immediate response and services when diversion to the comprehensive crisis system continuum is not feasible with a protocol that meets the minimum standards and strives for the best practices developed by the Department of Behavioral Health and Developmental Services and the Department pursuant to § 37.2-311.1;

4. Affording individuals whose behaviors are consistent with mental illness, substance abuse, intellectual or developmental disabilities, brain injury, or any combination thereof a sense of dignity in crisis situations;

5. Reducing the likelihood of physical confrontation;

6. Decrease arrests and use-of-force incidents by law-enforcement officers;

7. Ensuring the use of unobstructed body-worn cameras for the continuous improvement of the response team;

8. Identifying underserved populations in historically economically disadvantaged communities whose behaviors are consistent with mental illness, substance abuse, developmental disabilities, or any combination thereof and ensuring individuals experiencing a mental health crisis, including individuals experiencing a behavioral health crisis secondary to mental illness, substance use problem, developmental or intellectual disabilities, brain injury, or any combination thereof, are directed or referred to and provided with appropriate care, including follow-up and wrap-around services to individuals, family members, and caregivers to reduce the likelihood of future crises;

9. Providing support and assistance for mental health service providers and law-enforcement officers;

10. Decreasing the use of arrest and detention of persons whose behaviors are consistent with mental illness, substance abuse, developmental or intellectual disabilities, brain injury, or any combination thereof by providing better access to timely treatment;

11. Providing a therapeutic location or protocol to bring individuals in crisis for assessment that is not a law-enforcement or jail facility;

12. Increasing public recognition and appreciation for the mental health needs of a community;

13. Decreasing injuries during crisis events;

14. Decreasing the need for mental health treatment in jail;

15. Accelerating access to care for individuals in crisis through improved and streamlined referral mechanisms to mental health and developmental services;

16. Improving the notifications made to the comprehensive crisis system concerning an individual experiencing a mental health crisis if the individual poses an immediate public safety threat or threat to self; and

17. Decreasing the use of psychiatric hospitalizations as a treatment for mental health crises.

F. By July 1, 2021, every locality shall establish a voluntary database to be made available to the 9-1-1 alert system and the Marcus alert system to provide relevant mental health information and emergency contact information for appropriate response to an emergency or crisis. Identifying and health information concerning behavioral health illness, mental health illness, developmental or intellectual disability, or brain injury may be voluntarily provided to the database by the individual with the behavioral health illness, mental health illness, developmental or intellectual disability, or brain injury; the parent or legal guardian of such individual if the individual is under the age of 18; or a person appointed the guardian of such person as defined in § 64.2-2000. An individual shall be removed from the database when he reaches the age of 18, unless he or his guardian, as defined in § 64.2-2000, requests that the individual remain in the database. Information provided to the database shall not be used for any other purpose except as set forth in this subsection.

G. By July 1, 2022, every locality shall have established local protocols that meet the requirements set forth in the Department of Behavioral Health and Developmental Services plan set forth in clauses (vi), (vii), and (viii) of subdivision B 2 of § 37.2-311.1. In addition, by July 1, 2022, every locality shall have established, or be part of an area that has established, protocols for law-enforcement participation in the Marcus alert system that has been approved by the Department of Behavioral Health and Developmental Services and the Department.

§ 37.2-311.1. Comprehensive crisis system; Marcus alert system; powers and duties of the Department related to comprehensive mental health, substance abuse, and developmental disability crisis services.

A. As used in this section, unless the context requires a different meaning:

"Community care team" means a team of mental health service providers, and may include registered peer recovery specialists and law-enforcement officers as a team, with the mental health service providers leading such team, to help stabilize individuals in crisis situations. Law enforcement may provide backup support as needed to a community care team in accordance with the protocols and best practices developed pursuant to § 9.1-193. In addition to serving as a co-response unit, community care teams may, at the discretion of the employing locality, engage in community mental health awareness and services.

"Comprehensive crisis system" means the continuum of care established by the Department of Behavioral Health and Developmental Services pursuant to this section.

"Crisis call center" means a call center that provides crisis intervention that meets National Suicide Prevention Lifeline standards for risk assessment and engagement.

"Crisis stabilization center" means a facility providing short-term (under 24 hours) observation and crisis stabilization services to all referrals in a home-like, nonhospital environment.

"Historically economically disadvantaged community" means the same as that term is defined in § 56-576.

"Mental health awareness response and community understanding services alert system" or "Marcus alert system" means a set of protocols to (i) initiate a behavioral health response to a behavioral health crisis, including for individuals experiencing a behavioral health crisis secondary to mental illness, substance abuse, developmental disabilities, or any combination thereof; (ii) divert such individuals to the behavioral health or developmental services system whenever feasible; and (iii) facilitate a specialized response in accordance with § 9.1-193 when diversion is not feasible.

"Mobile crisis response" means the provision of professional, same-day intervention for children or adults who are experiencing crises and whose behaviors are consistent with mental illness or substance abuse, or both, including individuals experiencing a behavioral health crisis that is secondary to mental illness, substance abuse, developmental or intellectual disability, brain injury, or any combination thereof. "Mobile crisis response" may be provided by a community care team or a mobile crisis team, and a locality may establish either or both types of teams to best meet its needs.

"Mobile crisis team" means a team of one or more qualified or licensed mental health professionals and may include a registered peer recovery specialist or a family support partner. A law-enforcement officer shall not be a member of a mobile crisis team, but law enforcement may provide backup support as needed to a mobile crisis team in accordance with the protocols and best practices developed pursuant to § 9.1-193.

B. The Department shall have the following duties and responsibilities for the provision of crisis services and support for individuals with mental illness, substance abuse, developmental or intellectual disabilities, or brain injury who are experiencing a crisis related to mental health, substance abuse, or behavioral support needs:

1. The Department shall develop a comprehensive crisis system, with such funds as may be appropriated for such purpose, based on national best practice models and composed of a crisis call center, community care and mobile crisis teams, crisis stabilization centers, and the Marcus alert system.

2. By July 1, 2021, the Department, in collaboration with the Department of Criminal Justice Services and law-enforcement, mental health, behavioral health, developmental services, emergency management, brain injury, and racial equity stakeholders, shall develop a written plan for the development of a Marcus alert system. Such plan shall (i) inventory past and current crisis intervention teams established pursuant to Article 13 (§ 9.1-187 et seq.) of Chapter 1 of Title 9.1 throughout the Commonwealth that have received state funding; (ii) inventory the existence, status, and experiences of community services board mobile crisis teams and crisis stabilization units; (iii) identify any other existing cooperative relationships between community services boards and law-enforcement agencies; (iv) review the prevalence of crisis situations involving mental illness or substance abuse, or both, including individuals experiencing a behavioral health crisis that is secondary to mental illness, substance abuse, developmental or intellectual disability, brain injury, or any combination thereof; (v) identify state and local funding of emergency and crisis services; (vi) include protocols to divert calls from the 9-1-1 dispatch and response system to a crisis call center for risk assessment and engagement, including assessment for mobile crisis or community care team dispatch; (vii) include protocols for local law-enforcement agencies to enter into memorandums of agreement with mobile crisis response providers regarding requests for law-enforcement backup during a mobile crisis or community care team response; (viii) develop minimum standards, best practices, and a system for the review and approval of protocols for law-enforcement participation in the Marcus alert system set forth in § 9.1-193; (ix) assign specific responsibilities, duties, and authorities among responsible state and local entities; and (x) assess the effectiveness of a locality's or area's plan for community involvement, including engaging with and providing services to historically economically disadvantaged communities, training, and therapeutic response alternatives.

C. 1. No later than December 1, 2021, the Department shall establish five Marcus alert programs and community care or mobile crisis teams, one located in each of the five Department regions.

2. No later than July 1, 2023, the Department shall establish five additional Marcus alert system programs and community care or mobile crisis teams, one located in each of the five Department regions. Community services boards or behavioral health authorities that serve the largest populations in each region, excluding those community services boards or behavioral health authorities already selected under subdivision 1, shall be selected for programs under this subdivision.

3. The Department shall establish additional Marcus alert systems and community care teams in geographical areas served by a community services board or behavioral health authority by July 1, 2024; July 1, 2025; and July 1, 2026. No later than July 1, 2026, all community services board and behavioral health authority geographical areas shall have established a Marcus alert system that uses a community care or mobile crisis team.

D. The Department shall assess and report on the impact and effectiveness of the comprehensive crisis system in meeting its goals. The assessment shall include the number of calls to the crisis call center, number of mobile crisis responses, number of crisis responses that involved law-enforcement backup, and overall function of the comprehensive crisis system. A portion of the report, focused on the function of the Marcus alert system and local protocols for law-enforcement participation in the Marcus alert system, shall be written in collaboration with the Department of Criminal Justice Services and shall include the number and description of approved local programs and how the programs interface comprehensive crisis system and mobile crisis response; the number of crisis incidents and injuries to any parties involved; a description of successes and problems encountered; and an analysis of the overall operation of any local protocols or programs, including any disparities in response and outcomes by race and ethnicity of individuals experiencing a behavioral health crisis and recommendations for improvement of the programs. The report shall also include a specific plan to phase in a Marcus alert system and mobile crisis response in each remaining geographical area served by a community services board or behavioral health authority as required in subdivision C 3. The Department, in collaboration with the Department of Criminal Justice Services, shall (i) submit a report by November 15, 2021, to the Joint Commission on Health Care outlining progress toward the assessment of these factors and any assessment items that are available for the reporting period and (ii) submit a comprehensive annual report to the Joint Commission on Health Care by November 15 of each subsequent year.

2. That the Department of Behavioral Health and Developmental Services and the Department of Criminal Justice Services shall coordinate a public service campaign to run from July 1, 2021, until January 1, 2022, announcing the development and establishment of community care teams and mental health awareness response and community understanding services (Marcus) alert systems in localities and areas throughout the Commonwealth.

3. That this act shall be referred to as the Marcus-David Peters Act.

CHAPTER 42

An Act to amend and reenact § 9.1-102 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 1 of Title 9.1 an article numbered 16, consisting of a section numbered 9.1-193, and by adding a section numbered 37.2-311.1, relating to response to mental health crises; establishment of the mental health awareness response and community understanding services (Marcus) alert system.

[S 5038]

Approved November 5, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-102 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 1 of Title 9.1 an article numbered 16, consisting of a section numbered 9.1-193, and by adding a section numbered 37.2-311.1 as follows:

§ 9.1-102. Powers and duties of the Board and the Department.

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions, and (ii) temporary or probationary status, and establish the time required for completion of such training;

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;

4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;

5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;

6. [Repealed];

7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;

8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;

9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies and correctional officers employed by the Department of Corrections under the provisions of Title 53.1. For correctional officers employed by the Department of Corrections, such standards shall include training on the general care of pregnant women, the impact of restraints on pregnant inmates and fetuses, the impact of being placed in restrictive housing or solitary confinement on pregnant inmates, and the impact of body cavity searches on pregnant inmates;

10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;

12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and institutions of higher education within or outside the Commonwealth, concerning the development of police training schools and programs or courses of instruction;

13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the holding of any such school whether approved or not;

14. Establish and maintain police training programs through such agencies and institutions as the Board deems appropriate;

15. Establish compulsory minimum qualifications of certification and recertification for instructors in criminal justice training schools approved by the Department;
16. Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement;
17. Make recommendations concerning any matter within its purview pursuant to this chapter;
18. Coordinate its activities with those of any interstate system for the exchange of criminal history record information, nominate one or more of its members to serve upon the council or committee of any such system, and participate when and as deemed appropriate in any such system's activities and programs;
19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to submit information, reports, and statistical data with respect to its policy and operation of information systems or with respect to its collection, storage, dissemination, and usage of criminal history record information and correctional status information, and such criminal justice agencies shall submit such information, reports, and data as are reasonably required;
20. Conduct audits as required by § 9.1-131;
21. Conduct a continuing study and review of questions of individual privacy and confidentiality of criminal history record information and correctional status information;
22. Advise criminal justice agencies and initiate educational programs for such agencies with respect to matters of privacy, confidentiality, and security as they pertain to criminal history record information and correctional status information;
23. Maintain a liaison with any board, commission, committee, or other body which may be established by law, executive order, or resolution to regulate the privacy and security of information collected by the Commonwealth or any political subdivision thereof;
24. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination of criminal history record information and correctional status information, and the privacy, confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and court orders;
25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal justice information system, produce reports, provide technical assistance to state and local criminal justice data system users, and provide analysis and interpretation of criminal justice statistical information;
26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the Commonwealth, and periodically update that plan;
27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, including planning district commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other activities for improving law enforcement and the administration of criminal justice throughout the Commonwealth, including allocating and subgranting funds for these purposes;
28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and activities for the Commonwealth and units of general local government, or combinations thereof, in the Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal justice at every level throughout the Commonwealth;
29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or alterations to such programs, projects, and activities for the purpose of improving law enforcement and the administration of criminal justice;
30. Coordinate the activities and projects of the state departments, agencies, and boards of the Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;
31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control;
32. Receive, administer, and expend all funds and other assistance available to the Board and the Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968, as amended;
33. Apply for and accept grants from the United States government or any other source in carrying out the purposes of this chapter and accept any and all donations both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall have the power to comply with conditions and execute such agreements as may be necessary;
34. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including but not limited to, contracts with the United States, units of general

local government or combinations thereof, in Virginia or other states, and with agencies and departments of the Commonwealth;

35. Adopt and administer reasonable regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to units of general local government, and for carrying out the purposes of this chapter and the powers and duties set forth herein;

36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;

37. Establish training standards and publish and periodically update model policies for law-enforcement personnel in the following subjects:

a. The handling of family abuse, domestic violence, sexual assault, and stalking cases, including standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall provide technical support and assistance to law-enforcement agencies in carrying out the requirements set forth in subsection A of § 9.1-1301;

b. Communication with and facilitation of the safe return of individuals diagnosed with Alzheimer's disease;

c. Sensitivity to and awareness of cultural diversity and the potential for biased policing;

d. Protocols for local and regional sexual assault response teams;

e. Communication of death notifications;

f. The questioning of individuals suspected of driving while intoxicated concerning the physical location of such individual's last consumption of an alcoholic beverage and the communication of such information to the Virginia Alcoholic Beverage Control Authority;

g. Vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls;

h. Criminal investigations that embody current best practices for conducting photographic and live lineups;

i. Sensitivity to and awareness of human trafficking offenses and the identification of victims of human trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or street patrol duties; and

j. Missing children, missing adults, and search and rescue protocol;

38. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to ensure sensitivity to and awareness of cultural diversity and the potential for biased policing;

39. Review and evaluate community-policing programs in the Commonwealth, and recommend where necessary statewide operating procedures, guidelines, and standards which strengthen and improve such programs, including sensitivity to and awareness of cultural diversity and the potential for biased policing;

40. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with Virginia law-enforcement agencies, provide technical assistance and administrative support, including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may provide accreditation assistance and training, resource material, and research into methods and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;

41. Promote community policing philosophy and practice throughout the Commonwealth by providing community policing training and technical assistance statewide to all law-enforcement agencies, community groups, public and private organizations and citizens; developing and distributing innovative policing curricula and training tools on general community policing philosophy and practice and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia organizations with specific community policing needs; facilitating continued development and implementation of community policing programs statewide through discussion forums for community policing leaders, development of law-enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide information source on the subject of community policing including, but not limited to periodic newsletters, a website and an accessible lending library;

42. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, including school security officers described in clause (b) of § 22.1-280.2:1, which training and certification shall be administered by the Virginia Center for School and Campus Safety (VCSCS) pursuant to § 9.1-184. Such training standards shall be specific to the role and responsibility of school security officers and shall include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques such as a physical alternative to restraint; (v) disaster and emergency response; (vi) awareness of cultural diversity and implicit bias; (vii) working with students with disabilities, mental health needs, substance abuse disorders, and past traumatic experiences; and (viii) student behavioral dynamics, including child and adolescent development and brain research. The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of the standards and certification requirements in this subdivision. The Department shall require any school security officer who carries a firearm in the performance of his duties to provide proof that he has completed a training course provided by a federal, state, or local law-enforcement agency that includes training in active shooter emergency response, emergency evacuation procedure, and threat assessment;

43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11 (§ 9.1-185 et seq.);

44. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

45. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal justice agencies regarding the investigation, registration, and dissemination of information requirements as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and (iii) certification requirements for campus security officers. Such training standards shall include, but not be limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and personal liability issues, security awareness in the campus environment, and disaster and emergency response. The Department shall provide technical support and assistance to campus police departments and campus security departments on the establishment and implementation of policies and procedures, including but not limited to: the management of such departments, investigatory procedures, judicial referrals, the establishment and management of databases for campus safety and security information sharing, and development of uniform record keeping for disciplinary records and statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of college administrators, college police chiefs, college security department chiefs, and local law-enforcement officials to assist in the development of the standards and certification requirements and training pursuant to this subdivision;

47. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established pursuant to § 9.1-187;

48. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia;

49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of § 46.2-117;

50. Administer the activities of the Virginia Sexual and Domestic Violence Program Professional Standards Committee by providing technical assistance and administrative support, including staffing, for the Committee;

51. In accordance with § 9.1-102.1, design and approve the issuance of photo-identification cards to private security services registrants registered pursuant to Article 4 (§ 9.1-138 et seq.);

52. In consultation with the State Council of Higher Education for Virginia and the Virginia Association of Campus Law Enforcement Administrators, develop multidisciplinary curricula on trauma-informed sexual assault investigation;

53. In consultation with the Department of Behavioral Health and Developmental Services, develop a model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail officers, administrators, or superintendents in any local or regional jail. Such program shall be based on any existing addiction recovery programs that are being administered by any local or regional jails in the Commonwealth. Participation in the model addiction recovery program shall be voluntary, and such program may address aspects of the recovery process, including medical and clinical recovery, peer-to-peer support, availability of mental health resources, family dynamics, and aftercare aspects of the recovery process;

54. Establish compulsory minimum training standards for certification and recertification of law-enforcement officers serving as school resource officers. Such training shall be specific to the role and responsibility of a law-enforcement officer working with students in a school environment and shall include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques; (v) disaster and emergency response; (vi) awareness of cultural diversity and implicit bias; (vii) working with students with disabilities, mental health needs, substance abuse disorders, or past traumatic experiences; and (viii) student behavioral dynamics, including current child and adolescent development and brain research;

55. Establish a model policy for the operation of body-worn camera systems as defined in § 15.2-1723.1 that also addresses the storage and maintenance of body-worn camera system records;

56. Establish compulsory minimum training standards for detector canine handlers employed by the Department of Corrections, standards for the training and retention of detector canines used by the Department of Corrections, and a central database on the performance and effectiveness of such detector canines that requires the Department of Corrections to submit comprehensive information on each canine handler and detector canine, including the number and types of calls and searches, substances searched for and whether or not detected, and the number of false positives, false negatives, true positives, and true negatives;

57. Establish compulsory training standards for basic training of law-enforcement officers for recognizing and managing stress, self-care techniques, and resiliency; ~~and~~

58. *Advise and assist the Department of Behavioral Health and Developmental Services, and support local law-enforcement cooperation, with the development and implementation of the Marcus alert system, as defined in § 37.2-311.1, including the establishment of local protocols for law-enforcement participation in the Marcus alert system pursuant to § 9.1-193 and for reporting requirements pursuant to §§ 9.1-193 and 37.2-311.1; and*

59. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

Article 16.

Mental Health Awareness Response and Community Understanding Services (Marcus) Alert System.

§ 9.1-193. Mental health awareness response and community understanding services (Marcus) alert system; law-enforcement protocols.

A. *As used in this article, unless the context requires a different meaning:*

"Area" means a combination of one or more localities or institutions of higher education contained therein that may have law-enforcement officers as defined in § 9.1-101.

"Body-worn camera system" means the same as that term is defined in § 15.2-1723.1.

"Community care team" means the same as that term is defined in § 37.2-311.1.

"Comprehensive crisis system" means the same as that term is defined in § 37.2-311.1.

"Developmental disability" means the same as that term is defined in § 37.2-100.

"Developmental services" means the same as that term is defined in § 37.2-100.

"Historically economically disadvantaged community" means the same as that term is defined in § 56-576.

"Mental health awareness response and community understanding services alert system" or "Marcus alert system" means the same as that term is defined in § 37.2-311.1.

"Mental health service provider" means the same as that term is defined in § 54.1-2400.1.

"Mobile crisis response" means the same as that term is defined in § 37.2-311.1.

"Mobile crisis team" means the same as that term is defined in § 37.2-311.1.

"Registered peer recovery specialist" means the same as that term is defined in § 54.1-3500.

"Substance abuse" means the same as that term is defined in § 37.2-100.

B. The Department of Behavioral Health and Developmental Services and the Department shall collaborate to ensure that the Department of Behavioral Health and Developmental Services maintains purview over best practices to promote a behavioral health response through the use of a mobile crisis response to behavioral health crises whenever possible, or law-enforcement backup of a mobile crisis response when necessary, and that the Department maintains purview over requirements associated with decreased use of force and body-worn camera system policies and enforcement of such policies in the protocols established pursuant to this article and § 37.2-311.1.

C. By July 1, 2021, the Department shall develop a written plan outlining (i) the Department's and law-enforcement agencies' roles and engagement with the development of the Marcus alert system; (ii) the Department's role in the development of minimum standards, best practices, and the review and approval of the protocols for law-enforcement participation in the Marcus alert system set forth in subsection D; and (iii) plans for the measurement of progress toward the goals for law-enforcement participation in the Marcus alert system set forth in subsection E.

D. All protocols and training for law-enforcement participation in the Marcus alert system shall be developed in coordination with local behavioral health and developmental services stakeholders and approved by the Department of Behavioral Health and Developmental Services according to standards developed pursuant to § 37.2-311.1. Such protocols and training shall provide for a specialized response by law enforcement designed to meet the goals set forth in this article to ensure that individuals experiencing a mental health, substance abuse, or developmental disability-related behavioral health crisis receive a specialized response when diversion to the comprehensive crisis system is not feasible. Specialized response protocols and training by law enforcement shall consider the impact to care that the presence of an officer in uniform or a marked vehicle at a response has and shall mitigate such impact when feasible through the use of plain clothes and unmarked vehicles. The specialized response protocols and training shall also set forth best practices, guidelines, and procedures regarding the role of law enforcement during a mobile crisis response, including the provisions of backup services when requested, in order to achieve the goals set forth in subsection E and to support the effective diversion of mental health crises to the comprehensive crisis system whenever feasible.

E. The goals of law-enforcement participation, including the development of local protocols, in comprehensive crisis services and the Marcus alert system shall be:

1. Ensuring that individuals experiencing behavioral health crises are served by the behavioral health comprehensive crisis service system when considered feasible pursuant to protocols and training and associated clinical guidance provided pursuant to Title 37.2;

2. Ensuring that local law-enforcement departments and institutions of higher education with law-enforcement officers establish standardized agreements for the provision of law-enforcement backup and specialized response when required for a mobile crisis response;

3. Providing immediate response and services when diversion to the comprehensive crisis system continuum is not feasible with a protocol that meets the minimum standards and strives for the best practices developed by the Department of Behavioral Health and Developmental Services and the Department pursuant to § 37.2-311.1;

4. Affording individuals whose behaviors are consistent with mental illness, substance abuse, intellectual or developmental disabilities, brain injury, or any combination thereof a sense of dignity in crisis situations;

5. Reducing the likelihood of physical confrontation;

6. Decrease arrests and use-of-force incidents by law-enforcement officers;

7. Ensuring the use of unobstructed body-worn cameras for the continuous improvement of the response team;

8. Identifying underserved populations in historically economically disadvantaged communities whose behaviors are consistent with mental illness, substance abuse, developmental disabilities, or any combination thereof and ensuring individuals experiencing a mental health crisis, including individuals experiencing a behavioral health crisis secondary to mental illness, substance use problem, developmental or intellectual disabilities, brain injury, or any combination thereof, are directed or referred to and provided with appropriate care, including follow-up and wrap-around services to individuals, family members, and caregivers to reduce the likelihood of future crises;

9. Providing support and assistance for mental health service providers and law-enforcement officers;

10. Decreasing the use of arrest and detention of persons whose behaviors are consistent with mental illness, substance abuse, developmental or intellectual disabilities, brain injury, or any combination thereof by providing better access to timely treatment;

11. Providing a therapeutic location or protocol to bring individuals in crisis for assessment that is not a law-enforcement or jail facility;

12. Increasing public recognition and appreciation for the mental health needs of a community;

13. Decreasing injuries during crisis events;

14. Decreasing the need for mental health treatment in jail;

15. Accelerating access to care for individuals in crisis through improved and streamlined referral mechanisms to mental health and developmental services;

16. Improving the notifications made to the comprehensive crisis system concerning an individual experiencing a mental health crisis if the individual poses an immediate public safety threat or threat to self; and

17. Decreasing the use of psychiatric hospitalizations as a treatment for mental health crises.

F. By July 1, 2021, every locality shall establish a voluntary database to be made available to the 9-1-1 alert system and the Marcus alert system to provide relevant mental health information and emergency contact information for appropriate response to an emergency or crisis. Identifying and health information concerning behavioral health illness, mental health illness, developmental or intellectual disability, or brain injury may be voluntarily provided to the database by the individual with the behavioral health illness, mental health illness, developmental or intellectual disability, or brain injury; the parent or legal guardian of such individual if the individual is under the age of 18; or a person appointed the guardian of such person as defined in § 64.2-2000. An individual shall be removed from the database when he reaches the age of 18, unless he or his guardian, as defined in § 64.2-2000, requests that the individual remain in the database. Information provided to the database shall not be used for any other purpose except as set forth in this subsection.

G. By July 1, 2022, every locality shall have established local protocols that meet the requirements set forth in the Department of Behavioral Health and Developmental Services plan set forth in clauses (vi), (vii), and (viii) of subdivision B 2 of § 37.2-311.1. In addition, by July 1, 2022, every locality shall have established, or be part of an area that has established, protocols for law-enforcement participation in the Marcus alert system that has been approved by the Department of Behavioral Health and Developmental Services and the Department.

§ 37.2-311.1. Comprehensive crisis system; Marcus alert system; powers and duties of the Department related to comprehensive mental health, substance abuse, and developmental disability crisis services.

A. As used in this section, unless the context requires a different meaning:

"Community care team" means a team of mental health service providers, and may include registered peer recovery specialists and law-enforcement officers as a team, with the mental health service providers leading such team, to help stabilize individuals in crisis situations. Law enforcement may provide backup support as needed to a community care team in accordance with the protocols and best practices developed pursuant to § 9.1-193. In addition to serving as a co-response unit, community care teams may, at the discretion of the employing locality, engage in community mental health awareness and services.

"Comprehensive crisis system" means the continuum of care established by the Department of Behavioral Health and Developmental Services pursuant to this section.

"Crisis call center" means a call center that provides crisis intervention that meets National Suicide Prevention Lifeline standards for risk assessment and engagement.

"Crisis stabilization center" means a facility providing short-term (under 24 hours) observation and crisis stabilization services to all referrals in a home-like, nonhospital environment.

"Historically economically disadvantaged community" means the same as that term is defined in § 56-576.

"Mental health awareness response and community understanding services alert system" or "Marcus alert system" means a set of protocols to (i) initiate a behavioral health response to a behavioral health crisis, including for individuals experiencing a behavioral health crisis secondary to mental illness, substance abuse, developmental disabilities, or any combination thereof; (ii) divert such individuals to the behavioral health or developmental services system whenever feasible; and (iii) facilitate a specialized response in accordance with § 9.1-193 when diversion is not feasible.

"Mobile crisis response" means the provision of professional, same-day intervention for children or adults who are experiencing crises and whose behaviors are consistent with mental illness or substance abuse, or both, including individuals experiencing a behavioral health crisis that is secondary to mental illness, substance abuse, developmental or intellectual disability, brain injury, or any combination thereof. "Mobile crisis response" may be provided by a community care team or a mobile crisis team, and a locality may establish either or both types of teams to best meet its needs.

"Mobile crisis team" means a team of one or more qualified or licensed mental health professionals and may include a registered peer recovery specialist or a family support partner. A law-enforcement officer shall not be a member of a mobile crisis team, but law enforcement may provide backup support as needed to a mobile crisis team in accordance with the protocols and best practices developed pursuant to § 9.1-193.

B. The Department shall have the following duties and responsibilities for the provision of crisis services and support for individuals with mental illness, substance abuse, developmental or intellectual disabilities, or brain injury who are experiencing a crisis related to mental health, substance abuse, or behavioral support needs:

1. The Department shall develop a comprehensive crisis system, with such funds as may be appropriated for such purpose, based on national best practice models and composed of a crisis call center, community care and mobile crisis teams, crisis stabilization centers, and the Marcus alert system.

2. By July 1, 2021, the Department, in collaboration with the Department of Criminal Justice Services and law-enforcement, mental health, behavioral health, developmental services, emergency management, brain injury, and racial equity stakeholders, shall develop a written plan for the development of a Marcus alert system. Such plan shall (i) inventory past and current crisis intervention teams established pursuant to Article 13 (§ 9.1-187 et seq.) of Chapter 1 of Title 9.1 throughout the Commonwealth that have received state funding; (ii) inventory the existence, status, and experiences of community services board mobile crisis teams and crisis stabilization units; (iii) identify any other existing cooperative relationships between community services boards and law-enforcement agencies; (iv) review the prevalence of crisis situations involving mental illness or substance abuse, or both, including individuals experiencing a behavioral health crisis that is secondary to mental illness, substance abuse, developmental or intellectual disability, brain injury, or any combination thereof; (v) identify state and local funding of emergency and crisis services; (vi) include protocols to divert calls from the 9-1-1 dispatch and response system to a crisis call center for risk assessment and engagement, including assessment for mobile crisis or community care team dispatch; (vii) include protocols for local law-enforcement agencies to enter into memorandums of agreement with mobile crisis response providers regarding requests for law-enforcement backup during a mobile crisis or community care team response; (viii) develop minimum standards, best practices, and a system for the review and approval of protocols for law-enforcement participation in the Marcus alert system set forth in § 9.1-193; (ix) assign specific responsibilities, duties, and authorities among responsible state and local entities; and (x) assess the effectiveness of a locality's or area's plan for community involvement, including engaging with and providing services to historically economically disadvantaged communities, training, and therapeutic response alternatives.

C. 1. No later than December 1, 2021, the Department shall establish five Marcus alert programs and community care or mobile crisis teams, one located in each of the five Department regions.

2. No later than July 1, 2023, the Department shall establish five additional Marcus alert system programs and community care or mobile crisis teams, one located in each of the five Department regions. Community services boards or behavioral health authorities that serve the largest populations in each region, excluding those community services boards or behavioral health authorities already selected under subdivision 1, shall be selected for programs under this subdivision.

3. The Department shall establish additional Marcus alert systems and community care teams in geographical areas served by a community services board or behavioral health authority by July 1, 2024; July 1, 2025; and July 1, 2026. No later than July 1, 2026, all community services board and behavioral health authority geographical areas shall have established a Marcus alert system that uses a community care or mobile crisis team.

D. The Department shall assess and report on the impact and effectiveness of the comprehensive crisis system in meeting its goals. The assessment shall include the number of calls to the crisis call center, number of mobile crisis responses, number of crisis responses that involved law-enforcement backup, and overall function of the comprehensive crisis system. A portion of the report, focused on the function of the Marcus alert system and local protocols for law-enforcement participation in the Marcus alert system, shall be written in collaboration with the Department of Criminal Justice Services and shall include the number and description of approved local programs and how the programs interface comprehensive crisis system and mobile crisis response; the number of crisis incidents and injuries to any parties involved; a description of successes and problems encountered; and an analysis of the overall operation of any local protocols or programs, including any disparities in response and outcomes by race and ethnicity of individuals experiencing a behavioral health crisis and recommendations for improvement of the programs. The report shall also include a specific plan to phase in a Marcus alert system and mobile crisis response in each remaining geographical area served by a community services board or behavioral health authority as required in subdivision C 3. The Department, in collaboration with the Department of Criminal Justice Services, shall (i) submit a report by November 15, 2021, to the Joint Commission on Health Care outlining progress toward the assessment of these factors and any assessment items that are available for the reporting period and (ii) submit a comprehensive annual report to the Joint Commission on Health Care by November 15 of each subsequent year.

2. That the Department of Behavioral Health and Developmental Services and the Department of Criminal Justice Services shall coordinate a public service campaign to run from July 1, 2021, until January 1, 2022, announcing the development and establishment of community care teams and mental health awareness response and community understanding services (Marcus) alert systems in localities and areas throughout the Commonwealth.

3. That this act shall be referred to as the Marcus-David Peters Act.

CHAPTER 43

An Act to amend and reenact §§ 19.2-264.3, 19.2-288, 19.2-295, 19.2-295.1, and 19.2-295.3 of the Code of Virginia, relating to criminal cases; sentencing reform.

[S 5007]

Approved November 5, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-264.3, 19.2-288, 19.2-295, 19.2-295.1, and 19.2-295.3 of the Code of Virginia are amended and reenacted as follows:

§ 19.2-264.3. Procedure for trial by jury.

A. In any case in which the offense may be punishable by death ~~which~~ *that* is tried before a jury, the court shall first submit to the jury the issue of guilt or innocence of the defendant of the offense charged in the indictment, or any other offense supported by the evidence for which a lesser punishment is provided by law and the penalties therefor.

B. If the jury finds the defendant guilty of an offense for which the death penalty may not be imposed *and the accused has requested that the jury ascertain punishment of the offense as provided in subsection A of § 19.2-295*, it shall fix the punishment as provided in § 19.2-295.1.

C. If the jury finds the defendant guilty of an offense ~~which~~ *that* may be punishable by death, then a separate proceeding before the same jury shall be held as soon as is practicable on the issue of the penalty, which shall be fixed as is provided in § 19.2-264.4.

If the sentence of death is subsequently set aside or found invalid, and the defendant or the Commonwealth requests a jury for purposes of resentencing, the court shall impanel a different jury on the issue of penalty.

§ 19.2-288. Verdict when accused found guilty of punishable homicide.

If a person indicted for murder be found by the jury guilty of any punishable homicide, they shall in their verdict fix the degree thereof ~~and~~. *The court shall ascertain the extent of the punishment to be inflicted within the bounds prescribed by §§ 18.2-30 to 18.2-36, unless the accused has requested that the jury ascertain punishment of the offense as provided in subsection A of § 19.2-295. However, in any case in which the accused is found guilty of capital murder, the provisions of Article 4.1 (§ 19.2-264.2 et seq.) of Chapter 15 shall apply.*

§ 19.2-295. Ascertainment of punishment.

A. Within the limits prescribed by law, *the court shall ascertain* the term of confinement in the state correctional facility or in jail and the amount of fine, if any, ~~of when a person is convicted of a criminal offense, shall be ascertained by the jury, or by the court in cases tried without a jury unless the accused is tried by a jury and has requested that the jury ascertain punishment. Such request for a jury to ascertain punishment shall be filed as a written pleading with the court at least 30 days prior to trial.~~

B. *When the accused is tried by a jury, deliberations of the jury shall be confined to a determination of the guilt or innocence of the accused, except that when the ascertainment of punishment by the jury has been requested by the accused, a proceeding in accordance with § 19.2-295.1 shall apply, or when the accused is found guilty of capital murder, the provisions of Article 4.1 (§ 19.2-264.2 et seq.) of Chapter 15 shall apply.*

C. In any case in which a jury has fixed a sentence as provided in this chapter and the sentence is modified by the court pursuant to the authority contained within this chapter, the court shall file with the record of the case a written explanation of such modification including the cause therefor.

§ 19.2-295.1. Sentencing proceeding by the jury after conviction.

In cases of trial by jury, upon a finding that the defendant is guilty of a felony or a Class 1 misdemeanor, or upon a finding in the trial de novo of an appealed misdemeanor conviction that the defendant is guilty of a Class 1 misdemeanor, a separate proceeding limited to the ascertainment of punishment shall be held as soon as practicable before the same jury *when ascertainment of punishment by jury has been requested by the accused as provided in subsection A of § 19.2-295*. At such proceeding, the Commonwealth may present any victim impact testimony pursuant to § 19.2-295.3 and shall present the defendant's prior criminal history, including prior convictions and the punishments imposed, by certified, attested, or exemplified copies of the final order, including adult convictions and juvenile convictions and adjudications of delinquency. Prior convictions shall include convictions and adjudications of delinquency under the laws of any state, the District of Columbia, the United States or its territories. The Commonwealth shall provide to the defendant 14 days prior to trial notice of its intention to introduce copies of final orders evidencing the defendant's prior criminal history, including prior convictions and punishments imposed. Such notice shall include (i) the date of each prior conviction, (ii) the name and jurisdiction of the court where each prior conviction was had, (iii) each offense of which he was convicted, and (iv) the punishment imposed. Prior to commencement of the trial, the Commonwealth shall provide to the defendant photocopies of certified copies of the final orders ~~which~~ *that* it intends to introduce at sentencing. After the Commonwealth has introduced in its case-in-chief of the sentencing phase such evidence of prior convictions or victim impact testimony, or both, or if no such evidence is introduced, the defendant may introduce relevant, admissible evidence related to punishment. Nothing in this section shall prevent the Commonwealth or the defendant from introducing relevant, admissible evidence in rebuttal.

If the jury cannot agree on a punishment, the court shall ~~impanel a different jury to ascertain punishment, unless the defendant, the attorney for the Commonwealth, and the court agree, in the manner provided in § 19.2-257, that the court shall fix punishment.~~

If the sentence imposed pursuant to this section is subsequently set aside or found invalid solely due to an error in the sentencing proceeding, the court shall impanel a different jury to ascertain punishment, unless the defendant, the attorney for the Commonwealth and the court agree, in the manner provided in § 19.2-257, that the court shall fix punishment.

§ 19.2-295.3. Admission of victim impact testimony.

Whether by trial or upon a plea of guilty, upon a finding that the defendant is guilty of a felony, the court shall permit the victim, as defined in § 19.2-11.01, upon motion of the attorney for the Commonwealth, to testify in the presence of the

accused regarding the impact of the offense upon the victim. The court shall limit the victim's testimony to the factors set forth in clauses (i) through (vi) of subsection A of § 19.2-299.1. In the case of trial by jury *and when the accused has requested the jury to ascertain punishment as provided in subsection A of § 19.2-295*, the court shall permit the victim to testify at the sentencing hearing conducted pursuant to § 19.2-295.1 ~~or in~~. *In all other cases of trial by jury*, the case of trial by the court, or *the case of a guilty plea*, the court shall permit the victim to testify before the court prior to the imposition of ~~a~~ *the sentence by the presiding judge*. Victim impact testimony in all capital murder cases shall be admitted in accordance with § 19.2-264.4.

2. That the provisions of this act shall become effective on July 1, 2021.

CHAPTER 44

An Act to amend and reenact §§ 32.1-325, 38.2-3418.16, and 38.2-4319, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to telemedicine services.

[H 5046]

Approved November 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-325, 38.2-3418.16, and 38.2-4319, as it is currently effective and as it shall become effective, of the Code of Virginia are amended and reenacted as follows:

§ 32.1-325. Board to submit plan for medical assistance services to U.S. Secretary of Health and Human Services pursuant to federal law; administration of plan; contracts with health care providers.

A. The Board, subject to the approval of the Governor, is authorized to prepare, amend from time to time, and submit to the U.S. Secretary of Health and Human Services a state plan for medical assistance services pursuant to Title XIX of the United States Social Security Act and any amendments thereto. The Board shall include in such plan:

1. A provision for payment of medical assistance on behalf of individuals, up to the age of 21, placed in foster homes or private institutions by private, nonprofit agencies licensed as child-placing agencies by the Department of Social Services or placed through state and local subsidized adoptions to the extent permitted under federal statute;

2. A provision for determining eligibility for benefits for medically needy individuals which disregards from countable resources an amount not in excess of \$3,500 for the individual and an amount not in excess of \$3,500 for his spouse when such resources have been set aside to meet the burial expenses of the individual or his spouse. The amount disregarded shall be reduced by (i) the face value of life insurance on the life of an individual owned by the individual or his spouse if the cash surrender value of such policies has been excluded from countable resources and (ii) the amount of any other revocable or irrevocable trust, contract, or other arrangement specifically designated for the purpose of meeting the individual's or his spouse's burial expenses;

3. A requirement that, in determining eligibility, a home shall be disregarded. For those medically needy persons whose eligibility for medical assistance is required by federal law to be dependent on the budget methodology for Aid to Families with Dependent Children, a home means the house and lot used as the principal residence and all contiguous property. For all other persons, a home shall mean the house and lot used as the principal residence, as well as all contiguous property, as long as the value of the land, exclusive of the lot occupied by the house, does not exceed \$5,000. In any case in which the definition of home as provided here is more restrictive than that provided in the state plan for medical assistance services in Virginia as it was in effect on January 1, 1972, then a home means the house and lot used as the principal residence and all contiguous property essential to the operation of the home regardless of value;

4. A provision for payment of medical assistance on behalf of individuals up to the age of 21, who are Medicaid eligible, for medically necessary stays in acute care facilities in excess of 21 days per admission;

5. A provision for deducting from an institutionalized recipient's income an amount for the maintenance of the individual's spouse at home;

6. A provision for payment of medical assistance on behalf of pregnant women which provides for payment for inpatient postpartum treatment in accordance with the medical criteria outlined in the most current version of or an official update to the "Guidelines for Perinatal Care" prepared by the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists or the "Standards for Obstetric-Gynecologic Services" prepared by the American College of Obstetricians and Gynecologists. Payment shall be made for any postpartum home visit or visits for the mothers and the children which are within the time periods recommended by the attending physicians in accordance with and as indicated by such Guidelines or Standards. For the purposes of this subdivision, such Guidelines or Standards shall include any changes thereto within six months of the publication of such Guidelines or Standards or any official amendment thereto;

7. A provision for the payment for family planning services on behalf of women who were Medicaid-eligible for prenatal care and delivery as provided in this section at the time of delivery. Such family planning services shall begin with delivery and continue for a period of 24 months, if the woman continues to meet the financial eligibility requirements for a pregnant woman under Medicaid. For the purposes of this section, family planning services shall not cover payment for abortion services and no funds shall be used to perform, assist, encourage or make direct referrals for abortions;

8. A provision for payment of medical assistance for high-dose chemotherapy and bone marrow transplants on behalf of individuals over the age of 21 who have been diagnosed with lymphoma, breast cancer, myeloma, or leukemia and have

been determined by the treating health care provider to have a performance status sufficient to proceed with such high-dose chemotherapy and bone marrow transplant. Appeals of these cases shall be handled in accordance with the Department's expedited appeals process;

9. A provision identifying entities approved by the Board to receive applications and to determine eligibility for medical assistance, which shall include a requirement that such entities (i) obtain accurate contact information, including the best available address and telephone number, from each applicant for medical assistance, to the extent required by federal law and regulations, and (ii) provide each applicant for medical assistance with information about advance directives pursuant to Article 8 (§ 54.1-2981 et seq.) of Chapter 29 of Title 54.1, including information about the purpose and benefits of advance directives and how the applicant may make an advance directive;

10. A provision for breast reconstructive surgery following the medically necessary removal of a breast for any medical reason. Breast reductions shall be covered, if prior authorization has been obtained, for all medically necessary indications. Such procedures shall be considered noncosmetic;

11. A provision for payment of medical assistance for annual pap smears;

12. A provision for payment of medical assistance services for prostheses following the medically necessary complete or partial removal of a breast for any medical reason;

13. A provision for payment of medical assistance which provides for payment for 48 hours of inpatient treatment for a patient following a radical or modified radical mastectomy and 24 hours of inpatient care following a total mastectomy or a partial mastectomy with lymph node dissection for treatment of disease or trauma of the breast. Nothing in this subdivision shall be construed as requiring the provision of inpatient coverage where the attending physician in consultation with the patient determines that a shorter period of hospital stay is appropriate;

14. A requirement that certificates of medical necessity for durable medical equipment and any supporting verifiable documentation shall be signed, dated, and returned by the physician, physician assistant, or nurse practitioner and in the durable medical equipment provider's possession within 60 days from the time the ordered durable medical equipment and supplies are first furnished by the durable medical equipment provider;

15. A provision for payment of medical assistance to (i) persons age 50 and over and (ii) persons age 40 and over who are at high risk for prostate cancer, according to the most recent published guidelines of the American Cancer Society, for one PSA test in a 12-month period and digital rectal examinations, all in accordance with American Cancer Society guidelines. For the purpose of this subdivision, "PSA testing" means the analysis of a blood sample to determine the level of prostate specific antigen;

16. A provision for payment of medical assistance for low-dose screening mammograms for determining the presence of occult breast cancer. Such coverage shall make available one screening mammogram to persons age 35 through 39, one such mammogram biennially to persons age 40 through 49, and one such mammogram annually to persons age 50 and over. The term "mammogram" means an X-ray examination of the breast using equipment dedicated specifically for mammography, including but not limited to the X-ray tube, filter, compression device, screens, film and cassettes, with an average radiation exposure of less than one rad mid-breast, two views of each breast;

17. A provision, when in compliance with federal law and regulation and approved by the Centers for Medicare & Medicaid Services (CMS), for payment of medical assistance services delivered to Medicaid-eligible students when such services qualify for reimbursement by the Virginia Medicaid program and may be provided by school divisions;

18. A provision for payment of medical assistance services for liver, heart and lung transplantation procedures for individuals over the age of 21 years when (i) there is no effective alternative medical or surgical therapy available with outcomes that are at least comparable; (ii) the transplant procedure and application of the procedure in treatment of the specific condition have been clearly demonstrated to be medically effective and not experimental or investigational; (iii) prior authorization by the Department of Medical Assistance Services has been obtained; (iv) the patient selection criteria of the specific transplant center where the surgery is proposed to be performed have been used by the transplant team or program to determine the appropriateness of the patient for the procedure; (v) current medical therapy has failed and the patient has failed to respond to appropriate therapeutic management; (vi) the patient is not in an irreversible terminal state; and (vii) the transplant is likely to prolong the patient's life and restore a range of physical and social functioning in the activities of daily living;

19. A provision for payment of medical assistance for colorectal cancer screening, specifically screening with an annual fecal occult blood test, flexible sigmoidoscopy or colonoscopy, or in appropriate circumstances radiologic imaging, in accordance with the most recently published recommendations established by the American College of Gastroenterology, in consultation with the American Cancer Society, for the ages, family histories, and frequencies referenced in such recommendations;

20. A provision for payment of medical assistance for custom ocular prostheses;

21. A provision for payment for medical assistance for infant hearing screenings and all necessary audiological examinations provided pursuant to § 32.1-64.1 using any technology approved by the United States Food and Drug Administration, and as recommended by the national Joint Committee on Infant Hearing in its most current position statement addressing early hearing detection and intervention programs. Such provision shall include payment for medical assistance for follow-up audiological examinations as recommended by a physician, physician assistant, nurse practitioner, or audiologist and performed by a licensed audiologist to confirm the existence or absence of hearing loss;

22. A provision for payment of medical assistance, pursuant to the Breast and Cervical Cancer Prevention and Treatment Act of 2000 (P.L. 106-354), for certain women with breast or cervical cancer when such women (i) have been screened for breast or cervical cancer under the Centers for Disease Control and Prevention (CDC) Breast and Cervical Cancer Early Detection Program established under Title XV of the Public Health Service Act; (ii) need treatment for breast or cervical cancer, including treatment for a precancerous condition of the breast or cervix; (iii) are not otherwise covered under creditable coverage, as defined in § 2701 (c) of the Public Health Service Act; (iv) are not otherwise eligible for medical assistance services under any mandatory categorically needy eligibility group; and (v) have not attained age 65. This provision shall include an expedited eligibility determination for such women;

23. A provision for the coordinated administration, including outreach, enrollment, re-enrollment and services delivery, of medical assistance services provided to medically indigent children pursuant to this chapter, which shall be called Family Access to Medical Insurance Security (FAMIS) Plus and the FAMIS Plan program in § 32.1-351. A single application form shall be used to determine eligibility for both programs;

24. A provision, when authorized by and in compliance with federal law, to establish a public-private long-term care partnership program between the Commonwealth of Virginia and private insurance companies that shall be established through the filing of an amendment to the state plan for medical assistance services by the Department of Medical Assistance Services. The purpose of the program shall be to reduce Medicaid costs for long-term care by delaying or eliminating dependence on Medicaid for such services through encouraging the purchase of private long-term care insurance policies that have been designated as qualified state long-term care insurance partnerships and may be used as the first source of benefits for the participant's long-term care. Components of the program, including the treatment of assets for Medicaid eligibility and estate recovery, shall be structured in accordance with federal law and applicable federal guidelines;

25. A provision for the payment of medical assistance for otherwise eligible pregnant women during the first five years of lawful residence in the United States, pursuant to § 214 of the Children's Health Insurance Program Reauthorization Act of 2009 (P.L. 111-3); and

26. A provision for the payment of medical assistance for medically necessary health care services provided through telemedicine services, *as defined in § 38.2-3418.16, regardless of the originating site or whether the patient is accompanied by a health care provider at the time such services are provided. No health care provider who provides health care services through telemedicine services shall be required to use proprietary technology or applications in order to be reimbursed for providing telemedicine services.*

For the purposes of this subdivision, "originating site" means any location where the patient is located, including any medical care facility or office of a health care provider, the home of the patient, the patient's place of employment, or any public or private primary or secondary school or postsecondary institution of higher education at which the person to whom telemedicine services are provided is located.

B. In preparing the plan, the Board shall:

1. Work cooperatively with the State Board of Health to ensure that quality patient care is provided and that the health, safety, security, rights and welfare of patients are ensured.

2. Initiate such cost containment or other measures as are set forth in the appropriation act.

3. Make, adopt, promulgate and enforce such regulations as may be necessary to carry out the provisions of this chapter.

4. Examine, before acting on a regulation to be published in the Virginia Register of Regulations pursuant to § 2.2-4007.05, the potential fiscal impact of such regulation on local boards of social services. For regulations with potential fiscal impact, the Board shall share copies of the fiscal impact analysis with local boards of social services prior to submission to the Registrar. The fiscal impact analysis shall include the projected costs/savings to the local boards of social services to implement or comply with such regulation and, where applicable, sources of potential funds to implement or comply with such regulation.

5. Incorporate sanctions and remedies for certified nursing facilities established by state law, in accordance with 42 C.F.R. § 488.400 et seq. "Enforcement of Compliance for Long-Term Care Facilities With Deficiencies."

6. On and after July 1, 2002, require that a prescription benefit card, health insurance benefit card, or other technology that complies with the requirements set forth in § 38.2-3407.4:2 be issued to each recipient of medical assistance services, and shall upon any changes in the required data elements set forth in subsection A of § 38.2-3407.4:2, either reissue the card or provide recipients such corrective information as may be required to electronically process a prescription claim.

C. In order to enable the Commonwealth to continue to receive federal grants or reimbursement for medical assistance or related services, the Board, subject to the approval of the Governor, may adopt, regardless of any other provision of this chapter, such amendments to the state plan for medical assistance services as may be necessary to conform such plan with amendments to the United States Social Security Act or other relevant federal law and their implementing regulations or constructions of these laws and regulations by courts of competent jurisdiction or the United States Secretary of Health and Human Services.

In the event conforming amendments to the state plan for medical assistance services are adopted, the Board shall not be required to comply with the requirements of Article 2 (§ 2.2-4006 et seq.) of Chapter 40 of Title 2.2. However, the Board shall, pursuant to the requirements of § 2.2-4002, (i) notify the Registrar of Regulations that such amendment is necessary to meet the requirements of federal law or regulations or because of the order of any state or federal court, or (ii) certify to

the Governor that the regulations are necessitated by an emergency situation. Any such amendments that are in conflict with the Code of Virginia shall only remain in effect until July 1 following adjournment of the next regular session of the General Assembly unless enacted into law.

D. The Director of Medical Assistance Services is authorized to:

1. Administer such state plan and receive and expend federal funds therefor in accordance with applicable federal and state laws and regulations; and enter into all contracts necessary or incidental to the performance of the Department's duties and the execution of its powers as provided by law.

2. Enter into agreements and contracts with medical care facilities, physicians, dentists and other health care providers where necessary to carry out the provisions of such state plan. Any such agreement or contract shall terminate upon conviction of the provider of a felony. In the event such conviction is reversed upon appeal, the provider may apply to the Director of Medical Assistance Services for a new agreement or contract. Such provider may also apply to the Director for reconsideration of the agreement or contract termination if the conviction is not appealed, or if it is not reversed upon appeal.

3. Refuse to enter into or renew an agreement or contract, or elect to terminate an existing agreement or contract, with any provider who has been convicted of or otherwise pled guilty to a felony, or pursuant to Subparts A, B, and C of 42 C.F.R. Part 1002, and upon notice of such action to the provider as required by 42 C.F.R. § 1002.212.

4. Refuse to enter into or renew an agreement or contract, or elect to terminate an existing agreement or contract, with a provider who is or has been a principal in a professional or other corporation when such corporation has been convicted of or otherwise pled guilty to any violation of § 32.1-314, 32.1-315, 32.1-316, or 32.1-317, or any other felony or has been excluded from participation in any federal program pursuant to 42 C.F.R. Part 1002.

5. Terminate or suspend a provider agreement with a home care organization pursuant to subsection E of § 32.1-162.13.

~~6. [Expired.]~~

For the purposes of this subsection, "provider" may refer to an individual or an entity.

E. In any case in which a Medicaid agreement or contract is terminated or denied to a provider pursuant to subsection D, the provider shall be entitled to appeal the decision pursuant to 42 C.F.R. § 1002.213 and to a post-determination or post-denial hearing in accordance with the Administrative Process Act (§ 2.2-4000 et seq.). All such requests shall be in writing and be received within 15 days of the date of receipt of the notice.

The Director may consider aggravating and mitigating factors including the nature and extent of any adverse impact the agreement or contract denial or termination may have on the medical care provided to Virginia Medicaid recipients. In cases in which an agreement or contract is terminated pursuant to subsection D, the Director may determine the period of exclusion and may consider aggravating and mitigating factors to lengthen or shorten the period of exclusion, and may reinstate the provider pursuant to 42 C.F.R. § 1002.215.

F. When the services provided for by such plan are services which a marriage and family therapist, clinical psychologist, clinical social worker, professional counselor, or clinical nurse specialist is licensed to render in Virginia, the Director shall contract with any duly licensed marriage and family therapist, duly licensed clinical psychologist, licensed clinical social worker, licensed professional counselor or licensed clinical nurse specialist who makes application to be a provider of such services, and thereafter shall pay for covered services as provided in the state plan. The Board shall promulgate regulations which reimburse licensed marriage and family therapists, licensed clinical psychologists, licensed clinical social workers, licensed professional counselors and licensed clinical nurse specialists at rates based upon reasonable criteria, including the professional credentials required for licensure.

G. The Board shall prepare and submit to the Secretary of the United States Department of Health and Human Services such amendments to the state plan for medical assistance services as may be permitted by federal law to establish a program of family assistance whereby children over the age of 18 years shall make reasonable contributions, as determined by regulations of the Board, toward the cost of providing medical assistance under the plan to their parents.

H. The Department of Medical Assistance Services shall:

1. Include in its provider networks and all of its health maintenance organization contracts a provision for the payment of medical assistance on behalf of individuals up to the age of 21 who have special needs and who are Medicaid eligible, including individuals who have been victims of child abuse and neglect, for medically necessary assessment and treatment services, when such services are delivered by a provider which specializes solely in the diagnosis and treatment of child abuse and neglect, or a provider with comparable expertise, as determined by the Director.

2. Amend the Medallion II waiver and its implementing regulations to develop and implement an exception, with procedural requirements, to mandatory enrollment for certain children between birth and age three certified by the Department of Behavioral Health and Developmental Services as eligible for services pursuant to Part C of the Individuals with Disabilities Education Act (20 U.S.C. § 1471 et seq.).

3. Utilize, to the extent practicable, electronic funds transfer technology for reimbursement to contractors and enrolled providers for the provision of health care services under Medicaid and the Family Access to Medical Insurance Security Plan established under § 32.1-351.

4. Require any managed care organization with which the Department enters into an agreement for the provision of medical assistance services to include in any contract between the managed care organization and a pharmacy benefits manager provisions prohibiting the pharmacy benefits manager or a representative of the pharmacy benefits manager from

conducting spread pricing with regards to the managed care organization's managed care plans. For the purposes of this subdivision:

"Pharmacy benefits management" means the administration or management of prescription drug benefits provided by a managed care organization for the benefit of covered individuals.

"Pharmacy benefits manager" means a person that performs pharmacy benefits management.

"Spread pricing" means the model of prescription drug pricing in which the pharmacy benefits manager charges a managed care plan a contracted price for prescription drugs, and the contracted price for the prescription drugs differs from the amount the pharmacy benefits manager directly or indirectly pays the pharmacist or pharmacy for pharmacist services.

I. The Director is authorized to negotiate and enter into agreements for services rendered to eligible recipients with special needs. The Board shall promulgate regulations regarding these special needs patients, to include persons with AIDS, ventilator-dependent patients, and other recipients with special needs as defined by the Board.

J. Except as provided in subdivision A 1 of § 2.2-4345, the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.) shall not apply to the activities of the Director authorized by subsection I of this section. Agreements made pursuant to this subsection shall comply with federal law and regulation.

§ 38.2-3418.16. Coverage for telemedicine services.

A. Notwithstanding the provisions of § 38.2-3419, each insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; each corporation providing individual or group accident and sickness subscription contracts; and each health maintenance organization providing a health care plan for health care services shall provide coverage for the cost of such health care services provided through telemedicine services, as provided in this section.

B. As used in this section:

"Originating site" means the location where the patient is located at the time services are provided by a health care provider through telemedicine services.

"Remote patient monitoring services" means the delivery of home health services using telecommunications technology to enhance the delivery of home health care, including monitoring of clinical patient data such as weight, blood pressure, pulse, pulse oximetry, blood glucose, and other condition-specific data; medication adherence monitoring; and interactive video conferencing with or without digital image upload.

"Telemedicine services" as it pertains to the delivery of health care services, means the use of electronic technology or media, including interactive audio or video, for the purpose of diagnosing or treating a patient, providing remote patient monitoring services, or consulting with other health care providers regarding a patient's diagnosis or treatment, regardless of the originating site and whether the patient is accompanied by a health care provider at the time such services are provided. "Telemedicine services" does not include an audio-only telephone, electronic mail message, facsimile transmission, or online questionnaire.

C. An insurer, corporation, or health maintenance organization shall not exclude a service for coverage solely because the service is provided through telemedicine services and is not provided through face-to-face consultation or contact between a health care provider and a patient for services appropriately provided through telemedicine services.

D. An insurer, corporation, or health maintenance organization shall not be required to reimburse the treating provider or the consulting provider for technical fees or costs for the provision of telemedicine services; however, such insurer, corporation, or health maintenance organization shall reimburse the treating provider or the consulting provider for the diagnosis, consultation, or treatment of the insured delivered through telemedicine services on the same basis that the insurer, corporation, or health maintenance organization is responsible for coverage for the provision of the same service through face-to-face consultation or contact. *No insurer, corporation, or health maintenance organization shall require a provider to use proprietary technology or applications in order to be reimbursed for providing telemedicine services.*

E. Nothing shall preclude the insurer, corporation, or health maintenance organization from undertaking utilization review to determine the appropriateness of telemedicine services, provided that such appropriateness is made in the same manner as those determinations are made for the treatment of any other illness, condition, or disorder covered by such policy, contract, or plan. Any such utilization review shall not require pre-authorization of emergent telemedicine services.

F. An insurer, corporation, or health maintenance organization may offer a health plan containing a deductible, copayment, or coinsurance requirement for a health care service provided through telemedicine services, provided that the deductible, copayment, or coinsurance does not exceed the deductible, copayment, or coinsurance applicable if the same services were provided through face-to-face diagnosis, consultation, or treatment.

G. No insurer, corporation, or health maintenance organization shall impose any annual or lifetime dollar maximum on coverage for telemedicine services other than an annual or lifetime dollar maximum that applies in the aggregate to all items and services covered under the policy, or impose upon any person receiving benefits pursuant to this section any copayment, coinsurance, or deductible amounts, or any policy year, calendar year, lifetime, or other durational benefit limitation or maximum for benefits or services, that is not equally imposed upon all terms and services covered under the policy, contract, or plan.

H. The requirements of this section shall apply to all insurance policies, contracts, and plans delivered, issued for delivery, reissued, or extended in the Commonwealth on and after January 1, ~~2011~~ 2021, or at any time thereafter when any term of the policy, contract, or plan is changed or any premium adjustment is made.

I. This section shall not apply to short-term travel, accident-only, or limited or specified disease policies or contracts, nor to policies or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under ~~state~~ or federal governmental plans.

J. The coverage required by this section shall include the use of telemedicine technologies as it pertains to medically necessary remote patient monitoring services to the full extent that these services are available.

K. Prescribing of controlled substances via telemedicine shall comply with the requirements of § 54.1-3303 and all applicable federal law.

§ 38.2-4319. (Effective until October 1, 2020) Statutory construction and relationship to other laws.

A. No provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-305, 38.2-316, 38.2-316.1, 38.2-322, 38.2-325, 38.2-326, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, and 38.2-600 through 38.2-629, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, and 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, and Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), 5.1 (§ 38.2-1334.3 et seq.), and 5.2 (§ 38.2-1334.11 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.), 2 (§ 38.2-1412 et seq.), and 4 (§ 38.2-1446 et seq.) of Chapter 14, Chapter 15 (§ 38.2-1500 et seq.), Chapter 17 (§ 38.2-1700 et seq.), §§ 38.2-1800 through 38.2-1836, 38.2-3401, 38.2-3405, 38.2-3405.1, 38.2-3406.1, 38.2-3407.2 through 38.2-3407.6:1, 38.2-3407.9 through 38.2-3407.20, 38.2-3411, 38.2-3411.2, 38.2-3411.3, 38.2-3411.4, 38.2-3412.1, 38.2-3414.1, 38.2-3418.1 through 38.2-3418.20, 38.2-3419.1, and 38.2-3430.1 through 38.2-3454, Article 8 (§ 38.2-3461 et seq.) of Chapter 34, § 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, and 38.2-3543.2, Article 5 (§ 38.2-3551 et seq.) of Chapter 35, Chapter 35.1 (§ 38.2-3556 et seq.), § 38.2-3610, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), Chapter 58 (§ 38.2-5800 et seq.) and Chapter 65 (§ 38.2-6500 et seq.) shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

B. For plans administered by the Department of Medical Assistance Services that provide benefits pursuant to Title XIX or Title XXI of the Social Security Act, as amended, no provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-322, 38.2-325, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, and 38.2-600 through 38.2-629, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, and 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), 5.1 (§ 38.2-1334.3 et seq.), and 5.2 (§ 38.2-1334.11 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.), 2 (§ 38.2-1412 et seq.), and 4 (§ 38.2-1446 et seq.) of Chapter 14, §§ 38.2-3401, 38.2-3405, 38.2-3407.2 through 38.2-3407.5, 38.2-3407.6, 38.2-3407.6:1, 38.2-3407.9, 38.2-3407.9:01, and 38.2-3407.9:02, subdivisions F 1, 2, and 3 of § 38.2-3407.10, §§ 38.2-3407.11, 38.2-3407.11:3, 38.2-3407.13, 38.2-3407.13:1, 38.2-3407.14, 38.2-3411.2, 38.2-3418.1, 38.2-3418.2, 38.2-3418.16, 38.2-3419.1, 38.2-3430.1 through 38.2-3437, and 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, and 38.2-3543.2, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.), and Chapter 65 (§ 38.2-6500 et seq.) shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

C. Solicitation of enrollees by a licensed health maintenance organization or by its representatives shall not be construed to violate any provisions of law relating to solicitation or advertising by health professionals.

D. A licensed health maintenance organization shall not be deemed to be engaged in the unlawful practice of medicine. All health care providers associated with a health maintenance organization shall be subject to all provisions of law.

E. Notwithstanding the definition of an eligible employee as set forth in § 38.2-3431, a health maintenance organization providing health care plans pursuant to § 38.2-3431 shall not be required to offer coverage to or accept applications from an employee who does not reside within the health maintenance organization's service area.

F. For purposes of applying this section, "insurer" when used in a section cited in subsections A and B shall be construed to mean and include "health maintenance organizations" unless the section cited clearly applies to health maintenance organizations without such construction.

§ 38.2-4319. (Effective October 1, 2020) Statutory construction and relationship to other laws.

A. No provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-305, 38.2-316, 38.2-316.1, 38.2-322, 38.2-325, 38.2-326, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-629, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, and 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, and Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), 5.1 (§ 38.2-1334.3 et seq.), and 5.2 (§ 38.2-1334.11 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.), 2 (§ 38.2-1412 et seq.), and 4 (§ 38.2-1446 et seq.) of Chapter 14, Chapter 15 (§ 38.2-1500 et seq.), Chapter 17 (§ 38.2-1700 et seq.), §§ 38.2-1800 through 38.2-1836, 38.2-3401, 38.2-3405, 38.2-3405.1, 38.2-3406.1,

38.2-3407.2 through 38.2-3407.6:1, 38.2-3407.9 through 38.2-3407.20, 38.2-3411, 38.2-3411.2, 38.2-3411.3, 38.2-3411.4, 38.2-3412.1, 38.2-3414.1, 38.2-3418.1 through 38.2-3418.20, 38.2-3419.1, and 38.2-3430.1 through 38.2-3454, Articles 8 (§ 38.2-3461 et seq.) and 9 (§ 38.2-3465 et seq.) of Chapter 34, § 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, and 38.2-3543.2, Article 5 (§ 38.2-3551 et seq.) of Chapter 35, Chapter 35.1 (§ 38.2-3556 et seq.), § 38.2-3610, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), Chapter 58 (§ 38.2-5800 et seq.) and Chapter 65 (§ 38.2-6500 et seq.) shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

B. For plans administered by the Department of Medical Assistance Services that provide benefits pursuant to Title XIX or Title XXI of the Social Security Act, as amended, no provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-322, 38.2-325, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, and 38.2-600 through 38.2-629, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, and 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), 5.1 (§ 38.2-1334.3 et seq.), and 5.2 (§ 38.2-1334.11 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.), 2 (§ 38.2-1412 et seq.), and 4 (§ 38.2-1446 et seq.) of Chapter 14, §§ 38.2-3401, 38.2-3405, 38.2-3407.2 through 38.2-3407.5, 38.2-3407.6, 38.2-3407.6:1, 38.2-3407.9, 38.2-3407.9:01, and 38.2-3407.9:02, subdivisions F 1, 2, and 3 of § 38.2-3407.10, §§ 38.2-3407.11, 38.2-3407.11:3, 38.2-3407.13, 38.2-3407.13:1, 38.2-3407.14, 38.2-3411.2, 38.2-3418.1, 38.2-3418.2, 38.2-3418.16, 38.2-3419.1, 38.2-3430.1 through 38.2-3437, and 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, and 38.2-3543.2, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.), and Chapter 65 (§ 38.2-6500 et seq.) shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

C. Solicitation of enrollees by a licensed health maintenance organization or by its representatives shall not be construed to violate any provisions of law relating to solicitation or advertising by health professionals.

D. A licensed health maintenance organization shall not be deemed to be engaged in the unlawful practice of medicine. All health care providers associated with a health maintenance organization shall be subject to all provisions of law.

E. Notwithstanding the definition of an eligible employee as set forth in § 38.2-3431, a health maintenance organization providing health care plans pursuant to § 38.2-3431 shall not be required to offer coverage to or accept applications from an employee who does not reside within the health maintenance organization's service area.

F. For purposes of applying this section, "insurer" when used in a section cited in subsections A and B shall be construed to mean and include "health maintenance organizations" unless the section cited clearly applies to health maintenance organizations without such construction.

2. That the Department of Medical Assistance Services shall continue to reimburse health care providers for Medicaid-covered services delivered via audio-only equipment and by telemedicine services, as described in guidance issued by the Department of Medical Assistance Services on March 19, 2020, until July 1, 2021.

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

CHAPTER 45

An Act to amend and reenact §§ 15.2-919, 18.2-250.1, 46.2-334.01, 46.2-335, as it is currently effective and as it shall become effective, 46.2-646, 46.2-810.1, 46.2-923, 46.2-926, 46.2-1003, 46.2-1013, 46.2-1014, 46.2-1014.1, 46.2-1030, 46.2-1049, 46.2-1052, 46.2-1054, 46.2-1094, 46.2-1157, and 46.2-1300 of the Code of Virginia, relating to issuing citations; possession of marijuana and certain traffic offenses.

[H 5058]

Approved November 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-919, 18.2-250.1, 46.2-334.01, 46.2-335, as it is currently effective and as it shall become effective, 46.2-646, 46.2-810.1, 46.2-923, 46.2-926, 46.2-1003, 46.2-1013, 46.2-1014, 46.2-1014.1, 46.2-1030, 46.2-1049, 46.2-1052, 46.2-1054, 46.2-1094, 46.2-1157, and 46.2-1300 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-919. Regulation of motorcycle, moped, or motorized skateboard or scooter noise.

A. Any locality may, by ordinance, regulate noise from a motorcycle, moped, or motorized skateboard or scooter, as defined in § 46.2-100, which is not equipped with a muffler and exhaust system conforming to §§ 46.2-1047 and 46.2-1049, if such noise may be hazardous to the health and well-being of its citizens.

B. No law-enforcement officer, as defined in § 9.1-101, shall stop a motorcycle, moped, motorized skateboard, or scooter for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

§ 18.2-250.1. Possession of marijuana unlawful.

A. It is unlawful for any person knowingly or intentionally to possess marijuana unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by the Drug Control Act (§ 54.1-3400 et seq.). The attorney for the Commonwealth or the county, city, or town attorney may prosecute such a case.

Upon the prosecution of a person for violation of this section, ownership or occupancy of the premises or vehicle upon or in which marijuana was found shall not create a presumption that such person either knowingly or intentionally possessed such marijuana.

Any person who violates this section is subject to a civil penalty of no more than \$25. A violation of this section is a civil offense. Any civil penalties collected pursuant to this section shall be deposited into the Drug Offender Assessment and Treatment Fund established pursuant to § 18.2-251.02.

B. Any violation of this section shall be charged by summons. A summons for a violation of this section may be executed by a law-enforcement officer when such violation is observed by such officer. The summons used by a law-enforcement officer pursuant to this section shall be in form the same as the uniform summons for motor vehicle law violations as prescribed pursuant to § 46.2-388. No court costs shall be assessed for violations of this section. A person's criminal history record information as defined in § 9.1-101 shall not include records of any charges or judgments for a violation of this section, and records of such charges or judgments shall not be reported to the Central Criminal Records Exchange. However, if a violation of this section occurs while an individual is operating a commercial motor vehicle as defined in § 46.2-341.4, such violation shall be reported to the Department of Motor Vehicles and shall be included on such individual's driving record.

C. The procedure for appeal and trial of any violation of this section shall be the same as provided by law for misdemeanors; if requested by either party on appeal to the circuit court, trial by jury shall be as provided in Article 4 (§ 19.2-260 et seq.) of Chapter 15 of Title 19.2, and the Commonwealth shall be required to prove its case beyond a reasonable doubt.

D. The provisions of this section shall not apply to members of state, federal, county, city, or town law-enforcement agencies, jail officers, or correctional officers, as defined in § 53.1-1, certified as handlers of dogs trained in the detection of controlled substances when possession of marijuana is necessary for the performance of their duties.

E. The provisions of this section involving marijuana in the form of cannabis oil as that term is defined in § 54.1-3408.3 shall not apply to any person who possesses such oil pursuant to a valid written certification issued by a practitioner in the course of his professional practice pursuant to § 54.1-3408.3 for treatment or to alleviate the symptoms of (i) the person's diagnosed condition or disease, (ii) if such person is the parent or legal guardian of a minor or of an incapacitated adult as defined in § 18.2-369, such minor's or incapacitated adult's diagnosed condition or disease, or (iii) if such person has been designated as a registered agent pursuant to § 54.1-3408.3, the diagnosed condition or disease of his principal or, if the principal is the parent or legal guardian of a minor or of an incapacitated adult as defined in § 18.2-369, such minor's or incapacitated adult's diagnosed condition or disease.

F. No law-enforcement officer, as defined in § 9.1-101, may lawfully stop, search, or seize any person, place, or thing solely on the basis of the odor of marijuana and no evidence discovered or obtained pursuant to a violation of this subsection, including evidence discovered or obtained with the person's consent, shall be admissible in any trial, hearing, or other proceeding.

G. The provisions of subsection F shall not apply in any airport as defined in § 5.1-1 or if the violation occurs in a commercial motor vehicle as defined in § 46.2-341.4.

§ 46.2-334.01. Licenses issued to persons less than 18 years old subject to certain restrictions.

A. Any learner's permit or driver's license issued to any person less than 18 years old shall be subject to the following:

1. Notwithstanding the provisions of § 46.2-498, whenever the driving record of a person less than 19 years old shows that he has been convicted of committing, when he was less than 18 years old, (i) an offense for which demerit points have been assessed or are assessable under Article 19 (§ 46.2-489 et seq.) or (ii) a violation of any provision of Article 12 (§ 46.2-1091 et seq.) or Article 13 (§ 46.2-1095 et seq.) of Chapter 10, the Commissioner shall direct such person to attend a driver improvement clinic. No safe driving points shall be awarded for such clinic attendance, nor shall any safe driving points be awarded for voluntary or court-assigned clinic attendance. Such person's parent, guardian, legal custodian, or other person standing in loco parentis may attend such clinic and receive a reduction in demerit points and/or an award of safe driving points pursuant to § 46.2-498. The provisions of this subdivision shall not be construed to prohibit awarding of safe driving points to a person less than 18 years old who attends and successfully completes a driver improvement clinic without having been directed to do so by the Commissioner or required to do so by a court.

2. If any person less than 19 years old is convicted a second time of committing, when he was less than 18 years old, (i) an offense for which demerit points have been assessed or are assessable under Article 19 (§ 46.2-489 et seq.) or (ii) a violation of any provision of Article 12 (§ 46.2-1091 et seq.) or Article 13 (§ 46.2-1095 et seq.) of Chapter 10, the Commissioner shall suspend such person's driver's license or privilege to operate a motor vehicle for 90 days. Such

suspension shall be consecutive to, and not concurrent with, any other period of license suspension, revocation, or denial. Any person who has had his driver's license or privilege to operate a motor vehicle suspended in accordance with this subdivision may petition the juvenile and domestic relations district court of his residence for a restricted license to authorize such person to drive a motor vehicle in the Commonwealth to and from his home, his place of employment, or an institution of higher education where he is enrolled, provided there is no other means of transportation by which such person may travel between his home and his place of employment or the institution of higher education where he is enrolled. On such petition the court may, in its discretion, authorize the issuance of a restricted license for a period not to exceed the term of the suspension of the person's license or privilege to operate a motor vehicle in the Commonwealth. Such restricted license shall be valid solely for operation of a motor vehicle between such person's home and his place of employment or the institution of higher education where he is enrolled.

3. If any person is convicted a third time of committing, when he was less than 18 years old, (i) an offense for which demerit points have been assessed or are assessable under Article 19 (§ 46.2-489 et seq.) or (ii) a violation of any provision of Article 12 (§ 46.2-1091 et seq.) or Article 13 (§ 46.2-1095 et seq.) of Chapter 10, the Commissioner shall revoke such person's driver's license or privilege to operate a motor vehicle for one year or until such person reaches the age of 18 years, whichever is longer. Such revocation shall be consecutive to, and not concurrent with, any other period of license suspension, revocation, or denial.

4. In no event shall any person subject to the provisions of this section be subject to the suspension or revocation provisions of subdivision 2 or 3 for multiple convictions arising out of the same transaction or occurrence.

B. The initial license issued to any person younger than 18 years of age shall be deemed a provisional driver's license. Until the holder is 18 years old, a provisional driver's license shall not authorize its holder to operate a motor vehicle with more than one passenger who is less than 21 years old. After the first year the provisional license is issued, the holder may operate a motor vehicle with up to three passengers who are less than 21 years old (i) when the holder is driving to or from a school-sponsored activity, (ii) when a licensed driver who is at least 21 years old is occupying the seat beside the driver, or (iii) in cases of emergency. These passenger limitations, however, shall not apply to members of the driver's family or household. For the purposes of this subsection, "a member of the driver's family or household" means any of the following: (a) the driver's spouse, children, stepchildren, brothers, sisters, half-brothers, half-sisters, first cousins, and any individual who has a child in common with the driver, whether or not they reside in the same home with the driver; (b) the driver's brothers-in-law and sisters-in-law who reside in the same home with the driver; and (c) any individual who cohabits with the driver, and any children of such individual residing in the same home with the driver.

C. The holder of a provisional driver's license shall not operate a motor vehicle on the highways of the Commonwealth between the hours of midnight and 4:00 a.m. except when driving (i) to or from a place of business where he is employed; (ii) to or from an activity that is supervised by an adult and is sponsored by a school or by a civic, religious, or public organization; (iii) accompanied by a parent, a person acting in loco parentis, or by a spouse who is 18 years old or older, provided that such person accompanying the driver is actually occupying a seat beside the driver and is lawfully permitted to operate a motor vehicle at the time; or (iv) in cases of emergency, including response by volunteer firefighters and volunteer emergency medical services personnel to emergency calls.

C1. Except in a driver emergency or when the vehicle is lawfully parked or stopped, the holder of a provisional driver's license shall not operate a motor vehicle on the highways of the Commonwealth while using any cellular telephone or any other wireless telecommunications device, regardless of whether such device is or is not hand-held.

D. The provisional driver's license restrictions in subsections B, C, and C1 shall expire on the holder's eighteenth birthday. A violation of the provisional driver's license restrictions in subsection B, C, or C1 shall constitute a traffic infraction. For a second or subsequent violation of the provisional driver's license restrictions in subsection B, C, or C1, in addition to any other penalties that may be imposed pursuant to § 16.1-278.10, the court may suspend the juvenile's privilege to drive for a period not to exceed six months.

E. A violation of subsection B, C, or C1 shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence, or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a motor vehicle, nor shall anything in this subsection change any existing law, rule, or procedure pertaining to any such civil action.

F. ~~No citation for a violation of this section shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.~~

§ 46.2-335. (Effective until January 1, 2021) Learner's permits; fees; certification required.

A. The Department, on receiving from any Virginia resident over the age of 15 years and six months an application for a learner's permit or motorcycle learner's permit, may, subject to the applicant's satisfactory documentation of meeting the requirements of this chapter and successful completion of the written or automated knowledge and vision examinations and, in the case of a motorcycle learner's permit applicant, the automated motorcycle test, issue a permit entitling the applicant, while having the permit in his immediate possession, to drive a motor vehicle or, if the application is made for a motorcycle learner's permit, a motorcycle, on the highways, when accompanied by any licensed driver 21 years of age or older or by his

parent or legal guardian, or by a brother, sister, half-brother, half-sister, step-brother, or step-sister 18 years of age or older. The accompanying person shall be (i) alert, able to assist the driver, and actually occupying a seat beside the driver or, for motorcycle instruction, providing immediate supervision from a separate accompanying motor vehicle and (ii) lawfully permitted to operate the motor vehicle or accompanying motorcycle at that time.

The Department shall not, however, issue a learner's permit or motorcycle learner's permit to any minor applicant required to provide evidence of compliance with the compulsory school attendance law set forth in Article 1 (§ 22.1-254 et seq.) of Chapter 14 of Title 22.1, unless such applicant is in good academic standing or, if not in such standing or submitting evidence thereof, whose parent or guardian, having custody of such minor, provides written authorization for the minor to obtain a learner's permit or motorcycle learner's permit, which written authorization shall be obtained on forms provided by the Department and indicating the Commonwealth's interest in the good academic standing and regular school attendance of such minors. Any minor providing proper evidence of the solemnization of his marriage or a certified copy of a court order of emancipation shall not be required to provide the certification of good academic standing or any written authorization from his parent or guardian to obtain a learner's permit or motorcycle learner's permit.

Such permit, except a motorcycle learner's permit, shall be valid until the holder thereof either is issued a driver's license as provided for in this chapter or no longer meets the qualifications for issuance of a learner's permit as provided in this section. Motorcycle learner's permits shall be valid for 12 months. When a motorcycle learner's permit expires, the permittee may, upon submission of an application, payment of the application fee, and successful completion of the examinations, be issued another motorcycle learner's permit valid for 12 months.

Any person 25 years of age or older who is eligible to receive an operator's license in Virginia, but who is required, pursuant to § 46.2-324.1, to be issued a learner's permit for 60 days prior to his first behind-the-wheel exam, may be issued such learner's permit even though restrictions on his driving privilege have been ordered by a court. Any such learner's permit shall be subject to the restrictions ordered by the court.

B. No driver's license shall be issued to any such person who is less than 18 years old unless, while holding a learner's permit, he has driven a motor vehicle for at least 45 hours, at least 15 of which were after sunset, as certified by his parent, foster parent, or legal guardian unless the person is married or otherwise emancipated. Such certification shall be on a form provided by the Commissioner and shall contain the following statement:

"It is illegal for anyone to give false information in connection with obtaining a driver's license. This certification is considered part of the driver's license application, and anyone who certifies to a false statement may be prosecuted. I certify that the statements made and the information submitted by me regarding this certification are true and correct."

Such form shall also include the driver's license or Department of Motor Vehicles-issued identification card number of the person making the certification.

C. No learner's permit shall authorize its holder to operate a motor vehicle with more than one passenger who is less than 21 years old, except when participating in a driver education program approved by the Department of Education or a course offered by a driver training school licensed by the Department. This passenger limitation, however, shall not apply to the members of the driver's family or household as defined in subsection B of § 46.2-334.01.

D. No learner's permit shall authorize its holder to operate a motor vehicle between midnight and four o'clock a.m.

E. Except in a driver emergency or when the vehicle is lawfully parked or stopped, no holder of a learner's permit shall operate a motor vehicle on the highways of the Commonwealth while using any cellular telephone or any other wireless telecommunications device, regardless of whether or not such device is handheld. ~~No citation for a violation of this subsection shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute law-enforcement officer shall stop a motor vehicle for a violation of this subsection. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.~~

F. A violation of subsection C, D, or E shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a motor vehicle, nor shall anything in this subsection change any existing law, rule, or procedure pertaining to any such civil action.

G. The provisions of §§ 46.2-323 and 46.2-334 relating to evidence and certification of Virginia residence and, in the case of persons of school age, compliance with the compulsory school attendance law shall apply, mutatis mutandis, to applications for learner's permits and motorcycle learner's permits issued under this section.

H. For persons qualifying for a driver's license through driver education courses approved by the Department of Education or courses offered by driver training schools licensed by the Department, the application for the learner's permit shall be used as the application for the driver's license.

I. The Department shall charge a fee of \$3 for each learner's permit and motorcycle learner's permit issued under this section. Fees for issuance of learner's permits shall be paid into the driver education fund of the state treasury; fees for issuance of motorcycle learner's permits shall be paid into the state treasury and credited to the Motorcycle Rider Safety Training Program Fund created pursuant to § 46.2-1191. It shall be unlawful for any person, after having received a learner's permit, to drive a motor vehicle without being accompanied by a licensed driver as provided in the foregoing provisions of this section; however, a learner's permit other than a motorcycle learner's permit, accompanied by documentation verifying that the driver is at least 16 years and three months old and has successfully completed an approved driver's education

course, signed by the minor's parent, guardian, legal custodian or other person standing in loco parentis, shall constitute a temporary driver's license for the purpose of driving unaccompanied by a licensed driver 18 years of age or older, if all other requirements of this chapter have been met. Such temporary driver's license shall only be valid until the driver has received his permanent license pursuant to § 46.2-336.

J. Nothing in this section shall be construed to permit the issuance of a learner's permit entitling a person to drive a commercial motor vehicle, except as provided by the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

K. The following limitations shall apply to operation of motorcycles by all persons holding motorcycle learner's permits:

1. The operator shall wear an approved safety helmet as provided in § 46.2-910.

2. Operation shall be under the immediate supervision of a person licensed to operate a motorcycle who is 21 years of age or older.

3. No person other than the operator shall occupy the motorcycle.

L. Any violation of this section shall be punishable as a Class 2 misdemeanor.

§ 46.2-335. (Effective January 1, 2021) Learner's permits; fees; certification required.

A. The Department, on receiving from any Virginia resident over the age of 15 years and six months an application for a learner's permit or motorcycle learner's permit, may, subject to the applicant's satisfactory documentation of meeting the requirements of this chapter and successful completion of the written or automated knowledge and vision examinations and, in the case of a motorcycle learner's permit applicant, the automated motorcycle test, issue a permit entitling the applicant, while having the permit in his immediate possession, to drive a motor vehicle or, if the application is made for a motorcycle learner's permit, a motorcycle, on the highways, when accompanied by any licensed driver 21 years of age or older or by his parent or legal guardian, or by a brother, sister, half-brother, half-sister, step-brother, or step-sister 18 years of age or older. The accompanying person shall be (i) alert, able to assist the driver, and actually occupying a seat beside the driver or, for motorcycle instruction, providing immediate supervision from a separate accompanying motor vehicle and (ii) lawfully permitted to operate the motor vehicle or accompanying motorcycle at that time.

The Department shall not, however, issue a learner's permit or motorcycle learner's permit to any minor applicant required to provide evidence of compliance with the compulsory school attendance law set forth in Article 1 (§ 22.1-254 et seq.) of Chapter 14 of Title 22.1, unless such applicant is in good academic standing or, if not in such standing or submitting evidence thereof, whose parent or guardian, having custody of such minor, provides written authorization for the minor to obtain a learner's permit or motorcycle learner's permit, which written authorization shall be obtained on forms provided by the Department and indicating the Commonwealth's interest in the good academic standing and regular school attendance of such minors. Any minor providing proper evidence of the solemnization of his marriage or a certified copy of a court order of emancipation shall not be required to provide the certification of good academic standing or any written authorization from his parent or guardian to obtain a learner's permit or motorcycle learner's permit.

Such permit, except a motorcycle learner's permit, shall be valid until the holder thereof either is issued a driver's license as provided for in this chapter or no longer meets the qualifications for issuance of a learner's permit as provided in this section. Motorcycle learner's permits shall be valid for 12 months. When a motorcycle learner's permit expires, the permittee may, upon submission of an application, payment of the application fee, and successful completion of the examinations, be issued another motorcycle learner's permit valid for 12 months.

Any person 25 years of age or older who is eligible to receive an operator's license in Virginia, but who is required, pursuant to § 46.2-324.1, to be issued a learner's permit for 60 days prior to his first behind-the-wheel exam, may be issued such learner's permit even though restrictions on his driving privilege have been ordered by a court. Any such learner's permit shall be subject to the restrictions ordered by the court.

B. No driver's license shall be issued to any such person who is less than 18 years old unless, while holding a learner's permit, he has driven a motor vehicle for at least 45 hours, at least 15 of which were after sunset, as certified by his parent, foster parent, or legal guardian unless the person is married or otherwise emancipated. Such certification shall be on a form provided by the Commissioner and shall contain the following statement:

"It is illegal for anyone to give false information in connection with obtaining a driver's license. This certification is considered part of the driver's license application, and anyone who certifies to a false statement may be prosecuted. I certify that the statements made and the information submitted by me regarding this certification are true and correct."

Such form shall also include the driver's license or Department of Motor Vehicles-issued identification card number of the person making the certification.

C. No learner's permit shall authorize its holder to operate a motor vehicle with more than one passenger who is less than 21 years old, except when participating in a driver education program approved by the Department of Education or a course offered by a driver training school licensed by the Department. This passenger limitation, however, shall not apply to the members of the driver's family or household as defined in subsection B of § 46.2-334.01.

D. No learner's permit shall authorize its holder to operate a motor vehicle between midnight and four o'clock a.m.

E. Except in a driver emergency or when the vehicle is lawfully parked or stopped, no holder of a learner's permit shall operate a motor vehicle on the highways of the Commonwealth while using any cellular telephone or any other wireless telecommunications device, regardless of whether or not such device is handheld. No ~~citation for a violation of this subsection shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or~~

~~maintenance of a motor vehicle or any criminal statute~~ *law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.*

F. A violation of subsection C, D, or E shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a motor vehicle, nor shall anything in this subsection change any existing law, rule, or procedure pertaining to any such civil action.

G. The provisions of §§ 46.2-323 and 46.2-334 relating to evidence and certification of Virginia residence and, in the case of persons of school age, compliance with the compulsory school attendance law shall apply, mutatis mutandis, to applications for learner's permits and motorcycle learner's permits issued under this section.

H. For persons qualifying for a driver's license through driver education courses approved by the Department of Education or courses offered by driver training schools licensed by the Department, the application for the learner's permit shall be used as the application for the driver's license.

I. The Department shall charge a fee of \$3 for each learner's permit and motorcycle learner's permit issued under this section. Fees for issuance of learner's permits shall be paid into the driver education fund of the state treasury; fees for issuance of motorcycle learner's permits, other than permits issued under § 46.2-328.3, shall be paid into the state treasury and credited to the Motorcycle Rider Safety Training Program Fund created pursuant to § 46.2-1191. It is unlawful for any person, after having received a learner's permit, to drive a motor vehicle without being accompanied by a licensed driver as provided in the foregoing provisions of this section; however, a learner's permit other than a motorcycle learner's permit, accompanied by documentation verifying that the driver is at least 16 years and three months old and has successfully completed an approved driver's education course, signed by the minor's parent, guardian, legal custodian or other person standing in loco parentis, shall constitute a temporary driver's license for the purpose of driving unaccompanied by a licensed driver 18 years of age or older, if all other requirements of this chapter have been met. Such temporary driver's license shall only be valid until the driver has received his permanent license pursuant to § 46.2-336.

J. Nothing in this section shall be construed to permit the issuance of a learner's permit entitling a person to drive a commercial motor vehicle, except as provided by the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

K. The following limitations shall apply to operation of motorcycles by all persons holding motorcycle learner's permits:

1. The operator shall wear an approved safety helmet as provided in § 46.2-910.
 2. Operation shall be under the immediate supervision of a person licensed to operate a motorcycle who is 21 years of age or older.
 3. No person other than the operator shall occupy the motorcycle.
- L. Any violation of this section is punishable as a Class 2 misdemeanor.

§ 46.2-646. Expiration and renewal of registration.

A. Every registration under this title, unless otherwise provided, shall expire on the last day of the twelfth month next succeeding the date of registration. Every registration, unless otherwise provided, shall be renewed annually on application by the owner and by payment of the fees required by law, the renewal to take effect on the first day of the month succeeding the date of expiration. Notwithstanding these limitations, the Commissioner may extend the validity period of an expiring registration if (i) the Department is unable to process an application for renewal due to circumstances beyond its control, and (ii) the extension has been authorized under a directive from the Governor. However, in no event shall the validity period be extended more than 90 days per occurrence of such conditions.

B. All motor vehicles, trailers, and semitrailers registered in the Commonwealth shall, at the discretion of the Commissioner, be placed in a system of registration on a monthly basis to distribute the work of registering motor vehicles as uniformly as practicable throughout the 12 months of the year. All such motor vehicles, trailers, and semitrailers, unless otherwise provided, shall be registered for a period of 12 months. The registration shall be extended, at the discretion of the Commissioner, on receipt of appropriate prorated fees, as required by law, for a period of not less than one month nor more than 11 months as is necessary to distribute the registrations as equally as practicable on a monthly basis. The Commissioner shall, on request, assign to any owner or owners of two or more motor vehicles, trailers, or semitrailers the same registration period. The expiration date shall be the last day of the twelfth month or the last day of the designated month. Except for motor vehicles, trailers, and semitrailers registered for more than one year under subsection C of this section, every registration shall be renewed annually on application by the owner and by payment of fees required by law, the renewal to take effect on the first day of the succeeding month.

C. The Commissioner may offer, at his discretion, an optional multi-year registration for all motor vehicles, trailers, and semitrailers except for (i) those registered under the International Registration Plan and (ii) those registered as uninsured motor vehicles. When this option is offered and chosen by the registrant, all annual and 12-month fees due at the time of registration shall be multiplied by the number of years or fraction thereof that the vehicle will be registered.

D. For any summons issued for a violation of this section, the court may, in its discretion, dismiss the summons where proof of compliance with this section is provided to the court on or before the court date.

E. *No law-enforcement officer shall stop a motor vehicle due to an expired registration sticker prior to the first day of the fourth month after the original expiration date. No evidence discovered or obtained as the result of a stop in violation of*

this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

§ 46.2-810.1. Smoking in vehicle with a minor present; civil penalty.

A. For the purposes of this section, "smoke" means to carry or hold any lighted pipe, cigar, or cigarette of any kind or any other lighted smoking equipment or to light or inhale or exhale smoke from a pipe, cigar, or cigarette of any kind or any other lighted smoking equipment.

B. It is unlawful for a person to smoke in a motor vehicle, whether in motion or at rest, when a minor under the age of 15 is present in the motor vehicle. A violation of this section is punishable by a civil penalty of \$100 to be paid into the state treasury and credited to the Literary Fund. No demerit points shall be assigned under Article 19 (§ 46.2-489 et seq.) of Chapter 3 and no court costs shall be assessed for a violation of this section. A violation of this section may be charged on the uniform traffic summons form.

~~C. No citation for a violation of this section shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.~~

§ 46.2-923. How and where pedestrians to cross highways.

A. When crossing highways, pedestrians shall not carelessly or maliciously interfere with the orderly passage of vehicles. They shall cross, wherever possible, only at intersections or marked crosswalks. Where intersections contain no marked crosswalks, pedestrians shall not be guilty of negligence as a matter of law for crossing at any such intersection or between intersections when crossing by the most direct route.

B. The governing body of any town or city or the governing body of a county authorized by law to regulate traffic may by ordinance permit pedestrians to cross an intersection diagonally when all traffic entering the intersection has been halted by lights, other traffic control devices, or by a law-enforcement officer.

~~C. No law-enforcement officer shall stop a pedestrian for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the person's consent, shall be admissible in any trial, hearing, or other proceeding.~~

§ 46.2-926. Pedestrians stepping into highway where they cannot be seen.

A. No pedestrian shall step into a highway open to moving vehicular traffic at any point between intersections where his presence would be obscured from the vision of drivers of approaching vehicles by a vehicle or other obstruction at the curb or side. The foregoing prohibition shall not apply to a pedestrian stepping into a highway to board a bus or to enter a safety zone, in which event he shall cross the highway only at right angles.

~~B. No law-enforcement officer shall stop a pedestrian for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the person's consent, shall be admissible in any trial, hearing, or other proceeding.~~

§ 46.2-1003. Illegal use of defective and unsafe equipment.

A. It shall be unlawful for any person to use or have as equipment on a motor vehicle operated on a highway any device or equipment mentioned in § 46.2-1002 which is defective ~~or~~ and in an unsafe condition.

B. For any summons issued for a violation of this section, the court may, in its discretion, dismiss the summons, where proof of compliance with this section is provided to the court on or before the court date.

~~C. No law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.~~

§ 46.2-1013. Tail lights.

A. Every motor vehicle and every trailer or semitrailer being drawn at the end of one or more other vehicles shall carry at the rear two red lights plainly visible in clear weather from a distance of 500 feet to the rear of such vehicle.

~~Such B. All tail lights required pursuant to subsection A shall be constructed and so mounted in their relation to the rear license plate as to illuminate the license plate with a white light so that the same may be read from a distance of 50 feet to the rear of such vehicle. Alternatively, a separate white light shall be so mounted as to illuminate the rear license plate from a distance of 50 feet to the rear of such vehicle. No law-enforcement officer shall stop a motor vehicle for a violation of this subsection. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.~~

C. Any ~~such~~ tail lights or special white light required pursuant to this section shall be of a type approved by the Superintendent.

D. In any instance where the tail light is to be installed on a boat trailer and the boat extends beyond the end of the trailer or to the end of the trailer, an approved portable light assembly or assemblies may be attached to the exposed rear of the boat, provided such installation complies with the visibility requirements of this section. The provisions of this section shall not apply to motorcycles.

§ 46.2-1014. Brake lights.

A. Every motor vehicle, trailer, or semitrailer, except an antique vehicle not originally equipped with a brake light, registered in the Commonwealth and operated on the highways in the Commonwealth shall be equipped with at least two brake lights of a type approved by the Superintendent. Such brake lights shall automatically exhibit a red or amber light plainly visible in clear weather from a distance of 500 feet to the rear of such vehicle when the brake is applied.

The provisions of this section shall not apply to motorcycles or autocycles equipped with brake lights as required by § 46.2-1012.

B. No law-enforcement officer shall stop a motor vehicle, trailer, or semitrailer for a violation of this section, except that a law-enforcement officer may stop a vehicle if it displays no brake lights that meet the requirements set forth in subsection A. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

§ 46.2-1014.1. Supplemental high mount stop light.

A. Whenever operated on the highways, every Virginia-registered passenger car manufactured for the 1986 or subsequent model year shall be equipped with a supplemental center high mount stop light of a type approved by the Superintendent or which meets the standards adopted by the United States Department of Transportation. The light shall be mounted as near the vertical center line of the vehicle as possible. The light shall be actuated only in conjunction with the vehicle's brake lights and hazard lights. Any supplemental high mount stop light installed on any other vehicle shall comply with those requirements.

B. No law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

§ 46.2-1030. When lights to be lighted; number of lights to be lighted at any time; use of warning lights.

A. Every vehicle in operation on a highway in the Commonwealth shall display lighted headlights and illuminating devices as required by this article (i) from sunset to sunrise; (ii) during any other time when, because of rain, smoke, fog, snow, sleet, insufficient light, or other unfavorable atmospheric conditions, visibility is reduced to a degree whereby persons or vehicles on the highway are not clearly discernible at a distance of 500 feet; and (iii) whenever windshield wipers are in use as a result of fog, rain, sleet, or snow. The provisions of this subsection, however, shall not apply to instances when windshield wipers are used intermittently in misting rain, sleet, or snow.

B. Not more than four lights used to provide general illumination ahead of the vehicle, including at least two headlights and any other combination of fog lights or other auxiliary lights approved by the Superintendent, shall be lighted at any time. However, motorcycles may be equipped with and use not more than five approved lights in order to provide general illumination ahead of the motorcycle. These limitations shall not preclude the display of warning lights authorized in §§ 46.2-1020 through 46.2-1027, or other lights as may be authorized by the Superintendent.

C. Vehicles equipped with warning lights authorized in §§ 46.2-1020 through 46.2-1027 shall display lighted warning lights as authorized in such sections at all times when responding to emergency calls, towing disabled vehicles, or constructing, repairing, and maintaining public highways or utilities on or along public highways, except that amber lights on vehicles designed with a ramp on wheels and a hydraulic lift with a capacity to haul or tow another vehicle, commonly referred to as "rollbacks," need not be lit while the vehicle is in motion unless it is actually towing a vehicle.

D. The failure to display lighted headlights and illuminating devices under the conditions set forth in clause (iii) of subsection A shall not constitute negligence per se, nor shall violation of clause (iii) of subsection A constitute a defense to any claim for personal injury or recovery of medical expenses for injuries sustained in a motor vehicle accident.

E. No demerit points shall be assessed for failure to display lighted headlights and illuminating devices during periods of fog, rain, sleet, or snow in violation of clause (iii) of subsection A.

F. No citation for a violation of clause (iii) of subsection A shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute. *No law-enforcement officer shall stop a motor vehicle for a violation of this section, except that a law-enforcement officer may stop a vehicle if it displays no lighted headlights during the time periods set forth in subsection A. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.*

§ 46.2-1049. Exhaust system in good working order.

A. No person shall drive and no owner of a vehicle shall permit or allow the operation of any such vehicle on a highway unless it is equipped with an exhaust system in good working order and in constant operation to prevent excessive or unusual levels of noise; provided, however, that for motor vehicles, such exhaust system shall be of a type installed as standard factory equipment, or comparable to that designed for use on the particular vehicle as standard factory equipment or other equipment that has been submitted to and approved by the Superintendent or meets or exceeds the standards and specifications of the Society of Automotive Engineers, the American National Standards Institute, or the federal Department of Transportation. ~~An exhaust system shall not be deemed to prevent excessive or unusual noise if it permits the escape of noise in excess of that permitted by the standard factory equipment exhaust system of private passenger motor vehicles or trucks of standard make.~~

~~The term~~ *As used in this section, "exhaust system," as used in this section,* means all the parts of a vehicle through which the exhaust passes after leaving the engine block, including mufflers and other sound dissipative devices.

Chambered pipes are not an effective muffling device to prevent excessive or unusual noise, and any vehicle equipped with chambered pipes shall be deemed in violation of this section.

The provisions of this section shall not apply to (i) any antique motor vehicle licensed pursuant to § 46.2-730, provided that the engine is comparable to that designed as standard factory equipment for use on that particular vehicle, and the exhaust system is in good working order, or (ii) converted electric vehicles.

B. No law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

§ 46.2-1052. Tinting films, signs, decals, and stickers on windshields, etc.; penalties.

A. As used in this article, unless the context requires a different meaning:

"Front side windows" means those windows located adjacent to and forward of the driver's seat;

"Holographic effect" means a picture or image that may remain constant or change as the viewing angle is changed;

"Multipurpose passenger vehicle" means any motor vehicle that is (i) designed to carry no more than 10 persons and (ii) constructed either on a truck chassis or with special features for occasional off-road use;

"Prism effect" means a visual, iridescent, or rainbow-like effect that separates light into various colored components that may change depending on viewing angles.

"Rear side windows" means those windows located to the rear of the driver's seat;

"Rear window" or "rear windows" means those windows that are located to the rear of the passenger compartment of a motor vehicle and that are approximately parallel to the windshield.

B. Except as otherwise provided in this article or permitted by federal law, it shall be unlawful for any person to operate any motor vehicle on a highway with any sign, poster, colored or tinted film, sun-shading material, or other colored material on the windshield, front or rear side windows, or rear windows of such motor vehicle. This provision, however, shall not apply to any certificate or other paper required by law or permitted by the Superintendent to be placed on a motor vehicle's windshield or window.

The size of stickers or decals used by counties, cities, and towns in lieu of license plates shall be in compliance with regulations promulgated by the Superintendent. Such stickers shall be affixed on the windshield at a location designated by the Superintendent.

C. Notwithstanding the foregoing provisions of this section, whenever a motor vehicle is equipped with a mirror on each side of such vehicle, so located as to reflect to the driver of such vehicle a view of the highway for at least 200 feet to the rear of such vehicle, any or all of the following shall be lawful:

1. To drive a motor vehicle equipped with one optically grooved clear plastic right-angle rear view lens attached to one rear window of such motor vehicle, not exceeding 18 inches in diameter in the case of a circular lens or not exceeding 11 inches by 14 inches in the case of a rectangular lens, which enables the driver of the motor vehicle to view below the line of sight as viewed through the rear window;

2. To have affixed to the rear side windows, rear window or windows of a motor vehicle any sticker or stickers, regardless of size; or

3. To drive a motor vehicle when the driver's clear view of the highway through the rear window or windows is otherwise obstructed.

D. Except as provided in § 46.2-1053, but notwithstanding the foregoing provisions of this section, no sun-shading or tinting film may be applied or affixed to any window of a motor vehicle unless such motor vehicle is equipped with a mirror on each side of such motor vehicle, so located as to reflect to the driver of the vehicle a view of the highway for at least 200 feet to the rear of such vehicle, and the sun-shading or tinting film is applied or affixed in accordance with the following:

1. No sun-shading or tinting films may be applied or affixed to the rear side windows or rear window or windows of any motor vehicle operated on the highways of the Commonwealth that reduce the total light transmittance of such window to less than 35 percent;

2. No sun-shading or tinting films may be applied or affixed to the front side windows of any motor vehicle operated on the highways of the Commonwealth that reduce total light transmittance of such window to less than 50 percent;

3. No sun-shading or tinting films shall be applied or affixed to any window of a motor vehicle that (i) have a reflectance of light exceeding 20 percent or (ii) produce a holographic or prism effect.

Any person who operates a motor vehicle on the highways of the Commonwealth with sun-shading or tinting films that (i) have a total light transmittance less than that required by subdivisions 1 and 2, (ii) have a reflectance of light exceeding 20 percent, or (iii) produce holographic or prism effects is guilty of a traffic infraction but shall not be awarded any demerit points by the Commissioner for the violation.

Any person or firm who applies or affixes to the windows of any motor vehicle in Virginia sun-shading or tinting films that (i) reduce the light transmittance to levels less than that allowed in subdivisions 1 and 2, (ii) have a reflectance of light exceeding 20 percent, or (iii) produce holographic or prism effects is guilty of a Class 3 misdemeanor for the first offense and of a Class 2 misdemeanor for any subsequent offense.

E. The Division of Purchases and Supply, pursuant to § 2.2-1112, shall determine the proper standards for equipment or devices used to measure light transmittance through windows of motor vehicles. Law-enforcement officers shall use only such equipment or devices to measure light transmittance through windows that meet the standards established by the Division. Such measurements made by law-enforcement officers shall be given a tolerance of minus seven percentage points.

F. No film or darkening material may be applied on the windshield except to replace the sunshield in the uppermost area as installed by the manufacturer of the vehicle.

G. Nothing in this section shall prohibit the affixing to the rear window of a motor vehicle of a single sticker no larger than 20 square inches if such sticker is totally contained within the lower five inches of the glass of the rear window, nor shall subsection C apply to a motor vehicle to which but one such sticker is so affixed.

H. Nothing in this section shall prohibit applying to the rear side windows or rear window of any multipurpose passenger vehicle or pickup truck sun-shading or tinting films that reduce the total light transmittance of such window or windows below 35 percent.

I. Notwithstanding the foregoing provisions of this section, sun-shading material which was applied or installed prior to July 1, 1987, in a manner and on which windows not then in violation of Virginia law, shall continue to be lawful, provided that it can be shown by appropriate receipts that such material was installed prior to July 1, 1987.

J. Where a person is convicted within one year of a second or subsequent violation of this section involving the operation of the same vehicle having a tinted or smoked windshield, the court, in addition to any other penalty, may order the person so convicted to remove such tinted or smoked windshield from the vehicle.

K. The provisions of this section shall not apply to law-enforcement vehicles.

L. The provisions of this section shall not apply to the rear windows or rear side windows of any emergency medical services vehicle used to transport patients.

M. The provisions of subdivisions D 1, 2, and 3 shall not apply to vehicles operated in the performance of private security duties by a security canine handler as defined in § 9.1-138 and licensed in accordance with § 9.1-139.

N. The provisions of subdivision D 1 shall not apply to sight-seeing carriers as defined in § 46.2-2000 and contract passenger carriers as defined in § 46.2-2000.

O. For any summons issued for a violation of this section, the court may, in its discretion, dismiss the summons, where proof of compliance with this section is provided to the court on or before the court date.

P. No law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

§ 46.2-1054. Suspension of objects or alteration of vehicle so as to obstruct driver's view.

A. It shall be unlawful for any person (i) to drive a motor vehicle on a highway in the Commonwealth with any object or objects, other than a rear view mirror, sun visor, or other equipment of the motor vehicle approved by the Superintendent, suspended from any part of the motor vehicle in such a manner as to *substantially* obstruct the driver's clear view of the highway through the windshield, the front side windows, or the rear window or (ii) to alter a passenger-carrying vehicle in such a manner as to obstruct the driver's view through the windshield. However, this section shall not apply (a) when the driver's clear view of the highway through the rear window is obstructed if such motor vehicle is equipped with a mirror on each side, so located as to reflect to the driver a view of the highway for at least 200 feet to the rear of such vehicle, (b) to safety devices installed on the windshields of vehicles owned by private waste haulers or local governments and used to transport solid waste, or (c) to bicycle racks installed on the front of any bus operated by any city, county, transit authority, or transit or transportation district. The provisions of clause (ii) shall not apply to the lawful immobilization of vehicles pursuant to § 46.2-1216 or 46.2-1231.

B. No law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

§ 46.2-1094. Occupants of front seats of motor vehicles required to use safety lap belts and shoulder harnesses; penalty.

A. Any driver, and any other person at least 18 years of age and occupying the front seat, of a motor vehicle equipped or required by the provisions of this title to be equipped with a safety belt system, consisting of lap belts, shoulder harnesses, combinations thereof or similar devices, shall wear the appropriate safety belt system at all times while the motor vehicle is in motion on any public highway. A passenger under the age of 18 years, however, shall be protected as required by the provisions of Article 13 (§ 46.2-1095 et seq.) of this chapter.

B. This section shall not apply to:

1. Any person for whom a licensed physician determines that the use of such safety belt system would be impractical by reason of such person's physical condition or other medical reason, provided the person so exempted carries on his person or in the vehicle a signed written statement of the physician identifying the exempted person and stating the grounds for the exemption; or

2. Any law-enforcement officer transporting persons in custody or traveling in circumstances which render the wearing of such safety belt system impractical; or

3. Any person while driving a motor vehicle and performing the duties of a rural mail carrier for the United States Postal Service; or

4. Any person driving a motor vehicle and performing the duties of a rural newspaper route carrier, newspaper bundle hauler or newspaper rack carrier; or

5. Drivers of and passengers in taxicabs; or

6. Personnel of commercial or municipal vehicles while actually engaged in the collection or delivery of goods or services, including but not limited to solid waste, where such collection or delivery requires the personnel to exit and enter the cab of the vehicle with such frequency and regularity so as to render the use of safety belt systems impractical and the safety benefits derived therefrom insignificant. Such personnel shall resume the use of safety belt systems when actual collection or delivery has ceased or when the vehicle is in transit to or from a point of final disposition or disposal, including but not limited to solid waste facilities, terminals, or other location where the vehicle may be principally garaged; or

7. Any person driving a motor vehicle and performing the duties of a utility meter reader; or

8. Law-enforcement agency personnel driving motor vehicles to enforce laws governing motor vehicle parking.

C. Any person who violates this section shall be subject to a civil penalty of twenty-five dollars to be paid into the state treasury and credited to the Literary Fund. No assignment of demerit points shall be made under Article 19 of Chapter 3 (§ 46.2-489 et seq.) of this title and no court costs shall be assessed for violations of this section.

D. A violation of this section shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a motor vehicle, nor shall anything in this section change any existing law, rule, or procedure pertaining to any such civil action.

E. A violation of this section may be charged on the uniform traffic summons form.

~~F. No citation for a violation of this section shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.~~

G. The governing body of the City of Lynchburg may adopt an ordinance not inconsistent with the provisions of this section, requiring the use of safety belt systems. The penalty for violating any such ordinance shall not exceed a fine or civil penalty of twenty-five dollars.

§ 46.2-1157. Inspection of motor vehicles required.

A. The owner or operator of any motor vehicle, trailer, or semitrailer registered in Virginia and operated or parked on a highway within the Commonwealth shall submit his vehicle to an inspection of its mechanism and equipment by an official inspection station, designated for that purpose, in accordance with § 46.2-1158. No owner or operator shall fail to submit a motor vehicle, trailer, or semitrailer operated or parked on the highways in the Commonwealth to such inspection or fail or refuse to correct or have corrected in accordance with the requirements of this title any mechanical defects found by such inspection to exist.

B. The provisions of this section requiring safety inspections of motor vehicles shall also apply to vehicles used for firefighting; inspections of firefighting vehicles shall be conducted pursuant to regulations promulgated by the Superintendent of State Police, taking into consideration the special purpose of such vehicles and the conditions under which they operate.

C. Each day during which such motor vehicle, trailer, or semitrailer is operated or parked on any highway in the Commonwealth after failure to comply with this law shall constitute a separate offense.

D. Except as otherwise provided, motorcycles shall be inspected as motorcycles under this article.

~~E. No law-enforcement officer shall stop a motor vehicle due to an expired vehicle inspection sticker until the first day of the fourth month after the original expiration date. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.~~

§ 46.2-1300. Powers of local authorities generally; erection of signs and markers; maximum penalties.

A. The governing bodies of counties, cities, and towns may adopt ordinances not in conflict with the provisions of this title to regulate the operation of vehicles on the highways in such counties, cities, and towns. They may also repeal, amend, or modify such ordinances and may erect appropriate signs or markers on the highway showing the general regulations applicable to the operation of vehicles on such highways. The governing body of any county, city, or town may by ordinance, or may by ordinance authorize its chief administrative officer to:

1. Increase or decrease the speed limit within its boundaries, provided such increase or decrease in speed shall be based upon an engineering and traffic investigation by such county, city or town and provided such speed area or zone is clearly indicated by markers or signs;

2. Authorize the city or town manager or such officer thereof as it may designate, to reduce for a temporary period not to exceed sixty days, without such engineering and traffic investigation, the speed limit on any portion of any highway of the city or town on which work is being done or where the highway is under construction or repair;

3. Require vehicles to come to a full stop or yield the right-of-way at a street intersection if one or more of the intersecting streets has been designated as a part of the primary state highway system in a town which has a population of less than 3,500.

B. No such ordinance shall be violated if at the time of the alleged violation the sign or marker placed in conformity with this section is missing, substantially defaced, or obscured so that an ordinarily observant person under the same circumstances would not be aware of the existence of the ordinance.

C. No governing body of a county, city, or town may (i) provide penalties for violating a provision of an ordinance adopted pursuant to this section which is greater than the penalty imposed for a similar offense under the provisions of this title or (ii) provide that a violation of a provision of an ordinance adopted pursuant to this section is cause for a stop or arrest of a driver when such a stop or arrest is prohibited for a similar offense under the provisions of this title.

D. No county whose roads are under the jurisdiction of the Department of Transportation shall designate, in terms of distance from a school, the placement of flashing warning lights unless the authority to do so has been expressly delegated to such county by the Department of Transportation, in its discretion.

E. No law-enforcement officer shall stop a motor vehicle for a violation of a local ordinance relating to the ownership or maintenance of a motor vehicle unless such violation is a jailable offense. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

CHAPTER 46

An Act to amend and reenact § 55.1-1245 of the Code of Virginia, relating to the Virginia Residential Landlord and Tenant Act; landlord remedies; noncompliance with rental agreement; payment plan.

[H 5064]

Approved November 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 55.1-1245 of the Code of Virginia is amended and reenacted as follows:

§ 55.1-1245. Noncompliance with rental agreement; monetary penalty.

A. Except as otherwise provided in this chapter, if there is a material noncompliance by the tenant with the rental agreement or a violation of § 55.1-1227 materially affecting health and safety, the landlord may serve a written notice on the tenant specifying the acts and omissions constituting the breach and stating that the rental agreement will terminate upon a date not less than 30 days after receipt of the notice if the breach is not remedied in 21 days and that the rental agreement shall terminate as provided in the notice.

B. If the breach is remediable by repairs or the payment of damages or otherwise and the tenant adequately remedies the breach prior to the date specified in the notice, the rental agreement shall not terminate.

C. If the tenant commits a breach that is not remediable, the landlord may serve a written notice on the tenant specifying the acts and omissions constituting the breach and stating that the rental agreement will terminate upon a date not less than 30 days after receipt of the notice. Notwithstanding anything to the contrary, when a breach of the tenant's obligations under this chapter or the rental agreement involves or constitutes a criminal or a willful act that is not remediable and that poses a threat to health or safety, the landlord may terminate the rental agreement immediately and proceed to obtain possession of the premises. For purposes of this subsection, any illegal drug activity involving a controlled substance, as used or defined by the Drug Control Act (§ 54.1-3400 et seq.), or any activity that involves or constitutes a criminal or willful act that also poses a threat to health and safety, by the tenant, an authorized occupant, or a guest or invitee of the tenant shall constitute an immediate nonremediable violation for which the landlord may proceed to terminate the tenancy without the necessity of waiting for a conviction of any criminal offense that may arise out of the same actions. In order to obtain an order of possession from a court of competent jurisdiction terminating the tenancy for illegal drug activity or for any other activity that involves or constitutes a criminal or willful act that also poses a threat to health and safety, the landlord shall prove any such violations by a preponderance of the evidence. However, where the illegal drug activity or any activity that involves or constitutes a criminal or willful act that also poses a threat to health and safety is engaged in by an authorized occupant or a guest or invitee of the tenant, the tenant shall be presumed to have knowledge of such activities unless the presumption is rebutted by a preponderance of the evidence. The initial hearing on the landlord's action for immediate possession of the premises shall be held within 15 calendar days from the date of service on the tenant; however, the court shall order an earlier hearing when emergency conditions are alleged to exist upon the premises that constitute an immediate threat to the health or safety of the other tenants. After the initial hearing, if the matter is scheduled for a subsequent hearing or for a contested trial, the court, to the extent practicable, shall order that the matter be given priority on the court's docket. Such subsequent hearing or contested trial shall be heard no later than 30 calendar days from the date of service on the tenant. During the interim period between the date of the initial hearing and the date of any subsequent hearing or contested trial, the court may afford any further remedy or relief as is necessary to protect the interests of parties to the proceeding or the interests of any other tenant residing on the premises. Failure by the court to hold either of the hearings within the time limits set out in this section shall not be a basis for dismissal of the case.

D. If the tenant is a victim of family abuse as defined in § 16.1-228 that occurred in the dwelling unit or on the premises and the perpetrator is barred from the dwelling unit pursuant to § 55.1-1246 on the basis of information provided by the tenant to the landlord, or by a protective order from a court of competent jurisdiction pursuant to § 16.1-253.1 or 16.1-279.1 or subsection B of § 20-103, the lease shall not terminate solely due to an act of family abuse against the tenant. However, these provisions shall not be applicable if (i) the tenant fails to provide written documentation corroborating the tenant's status as a victim of family abuse and the exclusion from the dwelling unit of the perpetrator no later than 21 days from the alleged offense or (ii) the perpetrator returns to the dwelling unit or the premises, in violation of a bar notice, and the tenant fails to promptly notify the landlord within 24 hours that the perpetrator has returned to the dwelling unit or the premises, unless the tenant proves by a preponderance of the evidence that the tenant had no actual knowledge that the perpetrator violated the bar notice, or it was not possible for the tenant to notify the landlord within 24 hours, in which case the tenant shall promptly notify the landlord, but in no event later than seven days. If the provisions of this subsection are not applicable, the tenant shall remain responsible for the acts of the other co-tenants, authorized occupants, or guests or invitees pursuant to § 55.1-1227 and is subject to termination of the tenancy pursuant to the lease and this chapter.

E. If the tenant has been served with a prior written notice that required the tenant to remedy a breach, and the tenant remedied such breach, where the tenant intentionally commits a subsequent breach of a like nature as the prior breach, the landlord may serve a written notice on the tenant specifying the acts and omissions constituting the subsequent breach, make reference to the prior breach of a like nature, and state that the rental agreement will terminate upon a date not less than 30 days after receipt of the notice.

F. ~~H~~ For a landlord who owns four or fewer rental dwelling units, if rent is unpaid when due, and the tenant fails to pay rent within ~~five~~ 14 days after written notice is served on him notifying the tenant of his nonpayment, and of the landlord's intention to terminate the rental agreement if the rent is not paid within the ~~five-day~~ 14-day period, the landlord may terminate the rental agreement and proceed to obtain possession of the premises as provided in § 55.1-1251.

For a landlord who owns more than four rental dwelling units or more than a 10 percent interest in more than four rental dwelling units, whether individually or through a business entity, in the Commonwealth, if rent is unpaid when due, the landlord shall serve upon the tenant a written notice informing the tenant of the total amount due and owed. The written notice shall also offer the tenant a payment plan under which the tenant shall be required to pay the total amount due and owed in equal monthly installments over a period of the lesser of six months or the time remaining under the rental agreement. The total amount due and owed under a payment plan shall not include any late fees, and no late fees shall be assessed during any time period in which a tenant is making timely payments under a payment plan. This notice shall also inform the tenant that if the tenant fails to either pay the total amount due and owed or enter into the payment plan offered, or an alternative payment arrangement acceptable to the landlord, within 14 days of receiving the written notice from the landlord, the landlord may terminate the rental agreement and proceed to obtain possession of the premises as provided in § 55.1-1251. If the tenant fails to pay in full or enter into a payment plan with the landlord within 14 days of when the notice is served on him, the landlord may terminate the rental agreement and proceed to obtain possession of the premises as provided in § 55.1-1251. If the tenant enters into a payment plan and after the plan becomes effective, fails to pay any installment required by the plan within 14 days of its due date, the landlord may terminate the rental agreement and proceed to obtain possession of the premises as provided in § 55.1-1251, provided that he has sent the tenant a new notice advising the tenant that the rental agreement will terminate unless the tenant pays the total amount due and owed as stated on the notice within 14 days of receipt. The option of entering into a payment plan or alternative payment arrangement pursuant to this subsection may only be utilized once during the time period of the rental agreement. Nothing in this subsection shall preclude a tenant from availing himself of any other rights or remedies available to him under the law, nor shall the tenant's eligibility to participate or participation in any rent relief program offered by a nonprofit organization or under the provisions of any federal, state, or local law, regulation, or action prohibit the tenant from taking advantage of the provisions of this subsection.

G. If a check for rent is delivered to the landlord drawn on an account with insufficient funds, or if an electronic funds transfer has been rejected because of insufficient funds or a stop-payment order has been placed in bad faith by the authorizing party, and the tenant fails to pay rent within five days after written notice is served on him notifying the tenant of his nonpayment and of the landlord's intention to terminate the rental agreement if the rent is not paid by cash, cashier's check, certified check, or a completed electronic funds transfer within the five-day period, the landlord may terminate the rental agreement and proceed to obtain possession of the premises as provided in § 55.1-1251. Nothing shall be construed to prevent a landlord from seeking an award of costs or attorney fees under § 8.01-27.1 or civil recovery under § 8.01-27.2, as a part of other damages requested on the unlawful detainer filed pursuant to § 8.01-126, provided that the landlord has given notice in accordance with § 55.1-1202, which notice may be included in the five-day termination notice provided in accordance with this section.

~~G~~ H. Except as otherwise provided in this chapter, the landlord may recover damages and obtain injunctive relief for any noncompliance by the tenant with the rental agreement or § 55.1-1227. In the event of a breach of the rental agreement or noncompliance by the tenant, the landlord shall be entitled to recover from the tenant the following, regardless of whether a lawsuit is filed or an order is obtained from a court: (i) rent due and owing as contracted for in the rental agreement, (ii) other charges and fees as contracted for in the rental agreement, (iii) late charges contracted for in the rental agreement, (iv) reasonable attorney fees as contracted for in the rental agreement or as provided by law, (v) costs of the proceeding as

contracted for in the rental agreement or as provided by law only if court action has been filed, and (vi) damages to the dwelling unit or premises as contracted for in the rental agreement.

~~H. I.~~ In a case where a lawsuit is pending before the court upon a breach of the rental agreement or noncompliance by the tenant and the landlord prevails, the court shall award a money judgment to the landlord and against the tenant for the relief requested, which may include the following: (i) rent due and owing as of the court date as contracted for in the rental agreement; (ii) other charges and fees as contracted for in the rental agreement; (iii) late charges contracted for in the rental agreement; (iv) reasonable attorney fees as contracted for in the rental agreement or as provided by law, unless in any such action the tenant proves by a preponderance of the evidence that the tenant's failure to pay rent or vacate was reasonable; (v) costs of the proceeding as contracted for in the rental agreement or as provided by law; and (vi) damages to the dwelling unit or premises.

2. That the provisions of this act shall expire on July 1, 2021.

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

CHAPTER 47

An Act to amend and reenact § 55.1-1245 of the Code of Virginia, relating to landlord and tenant, noncompliance with rental agreement; prohibition on using negative credit information arising from the COVID-19 pandemic against tenants or applicants for tenancy; penalty.

[H 5106]

Approved November 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 55.1-1245 of the Code of Virginia is amended and reenacted as follows:

§ 55.1-1245. Noncompliance with rental agreement; monetary penalty.

A. Except as otherwise provided in this chapter, if there is a material noncompliance by the tenant with the rental agreement or a violation of § 55.1-1227 materially affecting health and safety, the landlord may serve a written notice on the tenant specifying the acts and omissions constituting the breach and stating that the rental agreement will terminate upon a date not less than 30 days after receipt of the notice if the breach is not remedied in 21 days and that the rental agreement shall terminate as provided in the notice.

B. If the breach is remediable by repairs or the payment of damages or otherwise and the tenant adequately remedies the breach prior to the date specified in the notice, the rental agreement shall not terminate.

C. If the tenant commits a breach that is not remediable, the landlord may serve a written notice on the tenant specifying the acts and omissions constituting the breach and stating that the rental agreement will terminate upon a date not less than 30 days after receipt of the notice. Notwithstanding anything to the contrary, when a breach of the tenant's obligations under this chapter or the rental agreement involves or constitutes a criminal or a willful act that is not remediable and that poses a threat to health or safety, the landlord may terminate the rental agreement immediately and proceed to obtain possession of the premises. For purposes of this subsection, any illegal drug activity involving a controlled substance, as used or defined by the Drug Control Act (§ 54.1-3400 et seq.), or any activity that involves or constitutes a criminal or willful act that also poses a threat to health and safety, by the tenant, an authorized occupant, or a guest or invitee of the tenant shall constitute an immediate nonremediable violation for which the landlord may proceed to terminate the tenancy without the necessity of waiting for a conviction of any criminal offense that may arise out of the same actions. In order to obtain an order of possession from a court of competent jurisdiction terminating the tenancy for illegal drug activity or for any other activity that involves or constitutes a criminal or willful act that also poses a threat to health and safety, the landlord shall prove any such violations by a preponderance of the evidence. However, where the illegal drug activity or any activity that involves or constitutes a criminal or willful act that also poses a threat to health and safety is engaged in by an authorized occupant or a guest or invitee of the tenant, the tenant shall be presumed to have knowledge of such activities unless the presumption is rebutted by a preponderance of the evidence. The initial hearing on the landlord's action for immediate possession of the premises shall be held within 15 calendar days from the date of service on the tenant; however, the court shall order an earlier hearing when emergency conditions are alleged to exist upon the premises that constitute an immediate threat to the health or safety of the other tenants. After the initial hearing, if the matter is scheduled for a subsequent hearing or for a contested trial, the court, to the extent practicable, shall order that the matter be given priority on the court's docket. Such subsequent hearing or contested trial shall be heard no later than 30 calendar days from the date of service on the tenant. During the interim period between the date of the initial hearing and the date of any subsequent hearing or contested trial, the court may afford any further remedy or relief as is necessary to protect the interests of parties to the proceeding or the interests of any other tenant residing on the premises. Failure by the court to hold either of the hearings within the time limits set out in this section shall not be a basis for dismissal of the case.

D. If the tenant is a victim of family abuse as defined in § 16.1-228 that occurred in the dwelling unit or on the premises and the perpetrator is barred from the dwelling unit pursuant to § 55.1-1246 on the basis of information provided by the tenant to the landlord, or by a protective order from a court of competent jurisdiction pursuant to § 16.1-253.1 or 16.1-279.1 or subsection B of § 20-103, the lease shall not terminate solely due to an act of family abuse against the tenant. However, these provisions shall not be applicable if (i) the tenant fails to provide written documentation corroborating the

tenant's status as a victim of family abuse and the exclusion from the dwelling unit of the perpetrator no later than 21 days from the alleged offense or (ii) the perpetrator returns to the dwelling unit or the premises, in violation of a bar notice, and the tenant fails to promptly notify the landlord within 24 hours that the perpetrator has returned to the dwelling unit or the premises, unless the tenant proves by a preponderance of the evidence that the tenant had no actual knowledge that the perpetrator violated the bar notice, or it was not possible for the tenant to notify the landlord within 24 hours, in which case the tenant shall promptly notify the landlord, but in no event later than seven days. If the provisions of this subsection are not applicable, the tenant shall remain responsible for the acts of the other co-tenants, authorized occupants, or guests or invitees pursuant to § 55.1-1227 and is subject to termination of the tenancy pursuant to the lease and this chapter.

E. If the tenant has been served with a prior written notice that required the tenant to remedy a breach, and the tenant remedied such breach, where the tenant intentionally commits a subsequent breach of a like nature as the prior breach, the landlord may serve a written notice on the tenant specifying the acts and omissions constituting the subsequent breach, make reference to the prior breach of a like nature, and state that the rental agreement will terminate upon a date not less than 30 days after receipt of the notice.

F. If rent is unpaid when due, and the tenant fails to pay rent within five days after written notice is served on him notifying the tenant of his nonpayment, and of the landlord's intention to terminate the rental agreement if the rent is not paid within the five-day period, the landlord may terminate the rental agreement and proceed to obtain possession of the premises as provided in § 55.1-1251. If a check for rent is delivered to the landlord drawn on an account with insufficient funds, or if an electronic funds transfer has been rejected because of insufficient funds or a stop-payment order has been placed in bad faith by the authorizing party, and the tenant fails to pay rent within five days after written notice is served on him notifying the tenant of his nonpayment and of the landlord's intention to terminate the rental agreement if the rent is not paid by cash, cashier's check, certified check, or a completed electronic funds transfer within the five-day period, the landlord may terminate the rental agreement and proceed to obtain possession of the premises as provided in § 55.1-1251. Nothing shall be construed to prevent a landlord from seeking an award of costs or attorney fees under § 8.01-27.1 or civil recovery under § 8.01-27.2, as a part of other damages requested on the unlawful detainer filed pursuant to § 8.01-126, provided that the landlord has given notice in accordance with § 55.1-1202, which notice may be included in the five-day termination notice provided in accordance with this section.

G. Except as otherwise provided in this chapter, the landlord may recover damages and obtain injunctive relief for any noncompliance by the tenant with the rental agreement or § 55.1-1227. In the event of a breach of the rental agreement or noncompliance by the tenant, the landlord shall be entitled to recover from the tenant the following, regardless of whether a lawsuit is filed or an order is obtained from a court: (i) rent due and owing as contracted for in the rental agreement, (ii) other charges and fees as contracted for in the rental agreement, (iii) late charges contracted for in the rental agreement, (iv) reasonable attorney fees as contracted for in the rental agreement or as provided by law, (v) costs of the proceeding as contracted for in the rental agreement or as provided by law only if court action has been filed, and (vi) damages to the dwelling unit or premises as contracted for in the rental agreement.

H. In a case where a lawsuit is pending before the court upon a breach of the rental agreement or noncompliance by the tenant and the landlord prevails, the court shall award a money judgment to the landlord and against the tenant for the relief requested, which may include the following: (i) rent due and owing as of the court date as contracted for in the rental agreement; (ii) other charges and fees as contracted for in the rental agreement; (iii) late charges contracted for in the rental agreement; (iv) reasonable attorney fees as contracted for in the rental agreement or as provided by law, unless in any such action the tenant proves by a preponderance of the evidence that the tenant's failure to pay rent or vacate was reasonable; (v) costs of the proceeding as contracted for in the rental agreement or as provided by law; and (vi) damages to the dwelling unit or premises.

1. A landlord who owns more than four rental dwelling units or more than a 10 percent interest in more than four rental dwelling units, whether individually or through a business entity, in the Commonwealth, shall not take any adverse action, as defined in 15 U.S.C. § 1681a(k), against an applicant for tenancy based solely on payment history or an eviction for nonpayment of rent that occurred during the period beginning on March 12, 2020, and ending 30 days after the expiration or revocation of any state of emergency declared by the Governor related to the COVID-19 pandemic.

2. If such a landlord denies an applicant for tenancy, then the landlord shall provide to the applicant written notice of the denial and of the applicant's right to assert that his failure to qualify was based upon payment history or an eviction based on nonpayment of rent that occurred during the period beginning on March 12, 2020, and ending 30 days after the expiration or revocation of any state of emergency related to the COVID-19 pandemic. The written notice of denial shall include the statewide legal aid telephone number and website address and shall inform the applicant that he must assert his right to challenge the denial within seven days of the postmark date. If the landlord does not receive a response from the applicant within seven days of the postmark date, the landlord may proceed. If, in addition to the written notice, the landlord provides notice to the applicant by electronic or telephonic means using an email address, telephone number, or other contact information provided by the applicant informing the applicant of his denial and right to assert that his failure to qualify was based upon payment history or an eviction based on nonpayment of rent that occurred during the period beginning on March 12, 2020, and ending 30 days after the expiration or revocation of any state of emergency related to the COVID-19 pandemic and the tenant does not make such assertion that the failure to qualify was the result of such payment history or eviction prior to the close of business on the next business day, the landlord may proceed. The landlord must be able to validate the date and time that any communication sent by electronic or telephonic means was sent to the applicant.

If a landlord does receive a response from the applicant asserting such a right, and the landlord relied upon a consumer or tenant screening report, the landlord shall make a good faith effort to contact the generator of the report to ascertain whether such determination was due solely to the applicant for tenancy's payment history or an eviction for nonpayment that occurred during the period beginning on March 12, 2020, and ending 30 days after the expiration or revocation of any state of emergency declared by the Governor related to the COVID-19 pandemic. If the landlord does not receive a response from the generator of the report within three business days of requesting the information, the landlord may proceed with using the information from the report without additional action.

3. If such a landlord does not comply with the provisions of this subsection, the applicant for tenancy may recover statutory damages of \$1,000, along with attorney fees.

2. That the provisions of this act shall expire either seven years after the expiration of any state of emergency declared by the Governor related to the COVID-19 pandemic or on July 1, 2028, whichever is later.

CHAPTER 48

An Act to amend and reenact §§ 9.1-102 and 15.2-1705 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 9.1-112.1, relating to the Department of Criminal Justice Services; law-enforcement officer training and qualifications.

[H 5109]

Approved November 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-102 and 15.2-1705 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 9.1-112.1 as follows:

§ 9.1-102. Powers and duties of the Board and the Department.

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions, and (ii) temporary or probationary status, and establish the time required for completion of such training;

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;

4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;

5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;

6. [Repealed];

7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;

8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;

9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies and correctional officers employed by the Department of Corrections under the provisions of Title 53.1. For correctional officers employed by the Department of Corrections, such standards shall include training on the general care of pregnant women, the impact of restraints on pregnant inmates and fetuses, the impact of being placed in restrictive housing or solitary confinement on pregnant inmates, and the impact of body cavity searches on pregnant inmates;

10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;
12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and institutions of higher education within or outside the Commonwealth, concerning the development of police training schools and programs or courses of instruction;
13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the holding of any such school whether approved or not;
14. Establish and maintain police training programs through such agencies and institutions as the Board deems appropriate;
15. Establish compulsory minimum qualifications of certification and recertification for instructors in criminal justice training ~~schools~~ *academies* approved by the Department;
16. Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement;
17. Make recommendations concerning any matter within its purview pursuant to this chapter;
18. Coordinate its activities with those of any interstate system for the exchange of criminal history record information, nominate one or more of its members to serve upon the council or committee of any such system, and participate when and as deemed appropriate in any such system's activities and programs;
19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to submit information, reports, and statistical data with respect to its policy and operation of information systems or with respect to its collection, storage, dissemination, and usage of criminal history record information and correctional status information, and such criminal justice agencies shall submit such information, reports, and data as are reasonably required;
20. Conduct audits as required by § 9.1-131;
21. Conduct a continuing study and review of questions of individual privacy and confidentiality of criminal history record information and correctional status information;
22. Advise criminal justice agencies and initiate educational programs for such agencies with respect to matters of privacy, confidentiality, and security as they pertain to criminal history record information and correctional status information;
23. Maintain a liaison with any board, commission, committee, or other body which may be established by law, executive order, or resolution to regulate the privacy and security of information collected by the Commonwealth or any political subdivision thereof;
24. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination of criminal history record information and correctional status information, and the privacy, confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and court orders;
25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal justice information system, produce reports, provide technical assistance to state and local criminal justice data system users, and provide analysis and interpretation of criminal justice statistical information;
26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the Commonwealth, and periodically update that plan;
27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, including planning district commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other activities for improving law enforcement and the administration of criminal justice throughout the Commonwealth, including allocating and subgranting funds for these purposes;
28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and activities for the Commonwealth and units of general local government, or combinations thereof, in the Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal justice at every level throughout the Commonwealth;
29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or alterations to such programs, projects, and activities for the purpose of improving law enforcement and the administration of criminal justice;
30. Coordinate the activities and projects of the state departments, agencies, and boards of the Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;
31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

32. Receive, administer, and expend all funds and other assistance available to the Board and the Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

33. Apply for and accept grants from the United States government or any other source in carrying out the purposes of this chapter and accept any and all donations both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall have the power to comply with conditions and execute such agreements as may be necessary;

34. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including but not limited to, contracts with the United States, units of general local government or combinations thereof, in Virginia or other states, and with agencies and departments of the Commonwealth;

35. Adopt and administer reasonable regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to units of general local government, and for carrying out the purposes of this chapter and the powers and duties set forth herein;

36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;

37. Establish training standards and publish and periodically update model policies for law-enforcement personnel in the following subjects:

a. The handling of family abuse, domestic violence, sexual assault, and stalking cases, including standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall provide technical support and assistance to law-enforcement agencies in carrying out the requirements set forth in subsection A of § 9.1-1301;

b. Communication with and facilitation of the safe return of individuals diagnosed with Alzheimer's disease;

c. Sensitivity to and awareness of *systemic and individual racism*, cultural diversity, and the potential for ~~biased policing~~ *racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability*;

d. Protocols for local and regional sexual assault response teams;

e. Communication of death notifications;

f. The questioning of individuals suspected of driving while intoxicated concerning the physical location of such individual's last consumption of an alcoholic beverage and the communication of such information to the Virginia Alcoholic Beverage Control Authority;

g. Vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls;

h. Criminal investigations that embody current best practices for conducting photographic and live lineups;

i. Sensitivity to and awareness of human trafficking offenses and the identification of victims of human trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or street patrol duties; and

j. Missing children, missing adults, and search and rescue protocol;

38. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to ensure (i) sensitivity to and awareness of *systemic and individual racism*, cultural diversity, and the potential for ~~biased policing~~ *racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability*; (ii) training in de-escalation techniques; and (iii) training in the lawful use of force, including the use of deadly force only when necessary to protect the law-enforcement officer or another person;

39. Review and evaluate community-policing programs in the Commonwealth, and recommend where necessary statewide operating procedures, guidelines, and standards ~~which~~ *that* strengthen and improve such programs, including sensitivity to and awareness of *systemic and individual racism*, cultural diversity, and the potential for ~~biased policing~~ *bias-based profiling as defined in § 52-30.1, which shall include recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability*;

40. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with Virginia law-enforcement agencies, provide technical assistance and administrative support, including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may provide accreditation assistance and training, resource material, and research into methods and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;

41. Promote community policing philosophy and practice throughout the Commonwealth by providing community policing training and technical assistance statewide to all law-enforcement agencies, community groups, public and private organizations and citizens; developing and distributing innovative policing curricula and training tools on general community policing philosophy and practice and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia organizations with specific community policing needs; facilitating continued development and implementation of community policing programs statewide through discussion forums for community policing leaders, development of law-enforcement instructors; promoting a statewide community policing initiative; and serving as a

statewide information source on the subject of community policing including, but not limited to periodic newsletters, a website and an accessible lending library;

42. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, including school security officers described in clause (b) of § 22.1-280.2:1, which training and certification shall be administered by the Virginia Center for School and Campus Safety (VCSCS) pursuant to § 9.1-184. Such training standards shall be specific to the role and responsibility of school security officers and shall include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques such as a physical alternative to restraint; (v) disaster and emergency response; (vi) awareness of *systemic and individual racism*, cultural diversity, and implicit bias; (vii) working with students with disabilities, mental health needs, substance abuse use disorders, and past traumatic experiences; and (viii) student behavioral dynamics, including child and adolescent development and brain research. The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of the standards and certification requirements in this subdivision. The Department shall require any school security officer who carries a firearm in the performance of his duties to provide proof that he has completed a training course provided by a federal, state, or local law-enforcement agency that includes training in active shooter emergency response, emergency evacuation procedure, and threat assessment;

43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11 (§ 9.1-185 et seq.);

44. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

45. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal justice agencies regarding the investigation, registration, and dissemination of information requirements as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and (iii) certification requirements for campus security officers. Such training standards shall include, but not be limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and personal liability issues, security awareness in the campus environment, and disaster and emergency response. The Department shall provide technical support and assistance to campus police departments and campus security departments on the establishment and implementation of policies and procedures, including but not limited to: the management of such departments, investigatory procedures, judicial referrals, the establishment and management of databases for campus safety and security information sharing, and development of uniform record keeping for disciplinary records and statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of college administrators, college police chiefs, college security department chiefs, and local law-enforcement officials to assist in the development of the standards and certification requirements and training pursuant to this subdivision;

47. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established pursuant to § 9.1-187;

48. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia;

49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of § 46.2-117;

50. Administer the activities of the Virginia Sexual and Domestic Violence Program Professional Standards Committee by providing technical assistance and administrative support, including staffing, for the Committee;

51. In accordance with § 9.1-102.1, design and approve the issuance of photo-identification cards to private security services registrants registered pursuant to Article 4 (§ 9.1-138 et seq.);

52. In consultation with the State Council of Higher Education for Virginia and the Virginia Association of Campus Law Enforcement Administrators, develop multidisciplinary curricula on trauma-informed sexual assault investigation;

53. In consultation with the Department of Behavioral Health and Developmental Services, develop a model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail officers, administrators, or superintendents in any local or regional jail. Such program shall be based on any existing addiction recovery programs that are being administered by any local or regional jails in the Commonwealth. Participation in the model addiction recovery program shall be voluntary, and such program may address aspects of the recovery process, including medical and clinical recovery, peer-to-peer support, availability of mental health resources, family dynamics, and aftercare aspects of the recovery process;

54. Establish compulsory minimum training standards for certification and recertification of law-enforcement officers serving as school resource officers. Such training shall be specific to the role and responsibility of a law-enforcement officer working with students in a school environment and shall include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques; (v) disaster and emergency response; (vi) awareness of *systemic and individual racism*, cultural diversity, and implicit bias; (vii) working with students with disabilities, mental health needs, substance abuse use disorders, or past traumatic experiences; and (viii) student behavioral dynamics, including current child and adolescent development and brain research;

55. Establish a model policy for the operation of body-worn camera systems as defined in § 15.2-1723.1 that also addresses the storage and maintenance of body-worn camera system records;

56. Establish compulsory minimum training standards for detector canine handlers employed by the Department of Corrections, standards for the training and retention of detector canines used by the Department of Corrections, and a central database on the performance and effectiveness of such detector canines that requires the Department of Corrections to submit comprehensive information on each canine handler and detector canine, including the number and types of calls and searches, substances searched for and whether or not detected, and the number of false positives, false negatives, true positives, and true negatives;

57. Establish compulsory training standards for basic training of law-enforcement officers for recognizing and managing stress, self-care techniques, and resiliency; ~~and~~

58. *Establish guidelines and standards for psychological examinations conducted pursuant to subsection C of § 15.2-1705;*

59. *Establish compulsory in-service training standards for law-enforcement officers in the following subjects: (i) relevant state and federal laws; (ii) awareness of cultural diversity and the potential for bias-based profiling as defined in § 52-30.1; (iii) de-escalation techniques; (iv) working with individuals with disabilities, mental health needs, or substance use disorders; and (v) the lawful use of force, including the use of deadly force only when necessary to protect the law-enforcement officer or another person;*

60. *Develop a uniform curriculum and lesson plans for the compulsory minimum entry-level, in-service, and advanced training standards to be employed by criminal justice training academies approved by the Department when conducting training; and*

61. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

§ 9.1-112.1. Criminal justice training academies; curriculum.

A. Any criminal justice training academy approved by the Department shall employ the uniform curriculum and lesson plans developed by the Department pursuant to § 9.1-102 for all training offered at the academy intended to meet the compulsory minimum entry-level, in-service, and advanced training standards established by the Board pursuant to § 9.1-102. No credit shall be given toward the completion of the compulsory minimum training standards for any training that does not employ the uniform curriculum and lesson plans.

B. In addition to any audits or inspections conducted by the Department, the Department shall conduct an annual evaluation of each criminal justice training academy's compliance with the uniform curriculum and lesson plans. If the Department determines that a criminal justice training academy is deficient in employing the uniform curriculum and lesson plans, the Department shall provide assistance to the academy to ensure the academy's compliance and may take whatever enforcement action the Department deems appropriate, including revocation of the Department's approval of the academy.

C. Any approved criminal justice training academy may petition the Department for a waiver exempting compliance with any uniform curriculum and lesson plans requirement pursuant to § 9.1-102. Upon showing that an alternative curriculum and lesson plans developed by the petitioning criminal justice training academy meet and exceed the compulsory minimum training standards required by § 9.1-102, and substantially complies with the content of the uniform curriculum and lesson plans, then the Department shall issue a waiver for the use of the alternative curriculum and lesson plans. The Department shall conduct an evaluation of each criminal justice training academy's use of an alternative curriculum and lesson plans every third year during the criminal justice training academy's recertification to ensure compliance with the uniform curriculum and lesson plans content. If the Department determines that the criminal justice training academy is in substantial compliance with the uniform curriculum and lesson plans, the waiver shall be extended for three years. Any waiver issued to a criminal justice training academy may be revoked by the Department at any time if the Department determines that the criminal justice training academy is not in substantial compliance with the uniform curriculum and lesson plans.

§ 15.2-1705. Minimum qualifications; waiver.

A. The chief of police and all police officers of any locality, all deputy sheriffs and jail officers in ~~this~~ the Commonwealth, and all law-enforcement officers as defined in § 9.1-101 who enter upon the duties of such office after July 1, 1994, are required to meet the following minimum qualifications for office. Such person shall (i) be a citizen of the United States; (ii) be required to undergo a background investigation including fingerprint-based criminal history records inquiries to both the Central Criminal Records Exchange and the Federal Bureau of Investigation; (iii) have a high school education or have passed a high school equivalency examination approved by the Board of Education; (iv) possess a valid driver's license if required by the duties of office to operate a motor vehicle; (v) undergo a physical examination, subsequent to a conditional offer of employment, conducted under the supervision of a licensed physician; (vi) be at least ~~eighteen~~ 18 years of age; (vii) not have been convicted of or pled guilty or no contest to a felony or any offense that would be a felony if committed in the Commonwealth; ~~and~~; and (viii) not have produced a positive result on a pre-employment drug screening, if such screening is required by the hiring law-enforcement agency or jail, where the positive result cannot be explained to the law-enforcement agency or jail administrator's satisfaction. In addition, all such officers who enter upon the duties of such office on or after July 1, 2013, shall not have been convicted of or pled guilty or no contest to (a) any misdemeanor involving moral turpitude, including but not limited to petit larceny under § 18.2-96, or any offense involving moral turpitude that would be a misdemeanor if committed in the Commonwealth, (b) any misdemeanor sex offense in the

Commonwealth, another state, or the United States, including but not limited to sexual battery under § 18.2-67.4 or consensual sexual intercourse with a minor 15 or older under clause (ii) of § 18.2-371, or (c) domestic assault under § 18.2-57.2 or any offense that would be domestic assault under the laws of another state or the United States.

B. Upon request of a sheriff or chief of police, or the director or chief executive of any agency or department employing law-enforcement officers as defined in § 9.1-101, or jail officers as defined in § 53.1-1, the Department of Criminal Justice Services is hereby authorized to waive the requirements for qualification as set out in subsection A of ~~this section~~ for good cause shown.

C. In addition, the hiring law-enforcement agency or jail may require a candidate for employment to undergo a psychological examination, subsequent to a conditional offer of employment, conducted under the supervision of a licensed psychiatrist or a licensed clinical psychologist.

CHAPTER 49

An Act to provide civil relief to citizens furloughed or otherwise receiving reduced wages or payments due to the state of emergency declared by the Governor in response to the COVID-19 pandemic.

[H 5115]

Approved November 9, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. Notwithstanding any provision of law to the contrary, any tenant as defined in § 55.1-1200 of the Code of Virginia who is a defendant in an unlawful detainer for nonpayment of rent pursuant to § 55.1-1245 of the Code of Virginia for rent due during the Emergency seeking a judgment for the payment of money or possession of the premises shall be granted a 60-day continuance of such unlawful detainer action from the initial court date if the tenant appears on such court date and provides written proof that he was affected by the Emergency.

§ 2. Notwithstanding any provision of law to the contrary, any homeowner who, during the Emergency, defaults on a note that is secured by a one-family to four-family residential property located in the Commonwealth and is subject to a foreclosure proceeding on any mortgage or to the execution of or sale under any deed of trust shall be granted a 30-day stay of such proceeding if the homeowner, within 90 days of the initial declaration of the Emergency or 90 days following the end of the Emergency, whichever is later, requests a stay and provides written proof to his lender that he was affected by the Emergency.

§ 3. Notwithstanding any provision of law to the contrary, any owner who rents a residential dwelling unit located in the Commonwealth to a tenant as defined in § 55.1-1200 of the Code of Virginia and who, during the Emergency, defaults on a note that is secured by such dwelling unit and is subject to a foreclosure proceeding on any mortgage or to the execution of or sale under any deed of trust shall be granted a 30-day stay of such proceeding if the owner, within 90 days of the initial declaration of the Emergency or 90 days following the end of the Emergency, whichever is later, requests a stay and provides written proof to his lender that his tenant was affected by the Emergency.

§ 4. Homeowners and owners shall be excluded from the provisions of this act if they are subject to protection from foreclosure under the provisions of a federal, state, or local law, regulation, or action enacted in response to the COVID-19 pandemic or the Emergency.

§ 5. Any continuance of a stay period provided by this act shall be tolled during the period of any judicial emergency declared pursuant to § 17.1-330 of the Code of Virginia due to the Emergency.

§ 6. The 60-day continuance provided by this act shall run concurrently with any period of eviction protection provided by any other state or federal law.

§ 7. For the purposes of this act:

"Affected by" means to experience a loss of income, whether partial or complete, from a public or private source due to the Emergency, such that the affected party must request a stay or continuance, as applicable, by providing written proof to a court or lender, as applicable, stating that as a result of the Emergency he is (i) not currently receiving wages or payments or (ii) receiving reduced wages or payments from a public or private source.

"Emergency" means the state of emergency declared by the Governor in response to the COVID-19 pandemic.

"Written proof" means (i) a paystub showing reduced earnings for a pay period during the period of the Emergency in response to the COVID-19 pandemic, (ii) a copy of a furlough notification letter or essential employee status letter indicating the employee's status as nonessential due to the Emergency, or (iii) any other documentation deemed appropriate by a court or lender.

2. That the provisions of this act shall expire 90 days following the end of a state of emergency declared by the Governor in response to the COVID-19 pandemic.

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

CHAPTER 50

An Act to amend and reenact § 53.1-202.3 of the Code of Virginia, relating to Department of Corrections; earned sentence credits.

[H 5148]

Approved November 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-202.3 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-202.3. Rate at which sentence credits may be earned; prerequisites.

- A. A maximum of ~~four and one-half~~ 4.5 sentence credits may be earned for each 30 days served on a sentence for:
1. A Class 1 felony;
 2. Solicitation to commit murder under § 18.2-29 or any violation of § 18.2-32, 18.2-32.1, 18.2-32.2, or 18.2-33;
 3. Any violation of § 18.2-40;
 4. Any violation of subsection A of § 18.2-46.5, of subsection D of § 18.2-46.5 if the death of any person results from providing any material support, or of subsection A of § 18.2-46.6;
 5. Any kidnapping or abduction felony under Article 3 (§ 18.2-47 et seq.) of Chapter 4 of Title 18.2;
 6. Any malicious felonious assault or malicious bodily wounding under Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2, any violation of § 18.2-51.6 or 18.2-51.7, or any felony violation of § 18.2-57.2;
 7. Any felony violation of § 18.2-60.3;
 8. Any felony violation of § 16.1-253.2 or 18.2-60.4;
 9. Robbery under § 18.2-58 or carjacking under § 18.2-58.1;
 10. Criminal sexual assault punishable as a felony under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;
 11. Any violation of § 18.2-90;
 12. Any violation of § 18.2-289 or subsection A of § 18.2-300;
 13. Any felony offense in Article 3 (§ 18.2-346 et seq.) of Chapter 8 of Title 18.2;
 14. Any felony offense in Article 4 (§ 18.2-362 et seq.) of Chapter 8 of Title 18.2, except for a violation of § 18.2-362 or subsection B of § 18.2-371.1;
 15. Any felony offense in Article 5 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2, except for a violation of subsection A of § 18.2-374.1:1;
 16. Any violation of subsection F of § 3.2-6570, any felony violation of § 18.2-128, or any violation of § 18.2-481, 37.2-917, 37.2-918, 40.1-100.2, or 40.1-103; or
 17. A second or subsequent violation of the following offenses, in any combination, when such offenses were not part of a common act, transaction, or scheme and such person has been at liberty as defined in § 53.1-151 between each conviction:
 - a. Any felony violation of § 3.2-6571;
 - b. Voluntary manslaughter under Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;
 - c. Any violation of § 18.2-41 or felony violation of § 18.2-42.1;
 - d. Any violation of subsection B, C, or D of § 18.2-46.5 or § 18.2-46.7;
 - e. Any violation of § 18.2-51 when done unlawfully but not maliciously, § 18.2-51.1 when done unlawfully but not maliciously, or § 18.2-54.1 or 18.2-54.2;
 - f. Arson in violation of § 18.2-77 when the structure burned was occupied or a Class 3 felony violation of § 18.2-79;
 - g. Any violation of § 18.2-89 or 18.2-92;
 - h. Any violation of subsection A of § 18.2-374.1:1;
 - i. Any violation of § 18.2-423, 18.2-423.01, 18.2-423.1, 18.2-423.2, or 18.2-433.2; or
 - j. Any violation of subdivision E 2 of § 40.1-29.
- The earning of sentence credits shall be conditioned, in part, upon full participation in and cooperation with programs to which a person is assigned pursuant to § 53.1-32.1.
- B. For any offense other than those enumerated in subsection A for which sentence credits may be earned, earned sentence credits shall be awarded and calculated using the following four-level classification system:
1. Level I. For persons receiving Level I sentence credits, 15 days shall be deducted from the person's sentence for every 30 days served. Level I sentence credits shall be awarded to persons who participate in and cooperate with all programs to which the person is assigned pursuant to § 53.1-32.1 and who have no more than one minor correctional infraction and no serious correctional infractions as established by the Department's policies or procedures.
 2. Level II. For persons receiving Level II sentence credits, 7.5 days shall be deducted from the person's sentence for every 30 days served. Level II sentence credits shall be awarded to persons who participate in and cooperate with all programs, job assignments, and educational curriculums to which the person is assigned pursuant to § 53.1-32.1, but who require improvement in not more than one area as established by the Department's policies or procedures.
 3. Level III. For persons receiving Level III sentence credits, 3.5 days shall be deducted from the person's sentence for every 30 days served. Level III sentence credits shall be awarded to persons who participate in and cooperate with all

programs, job assignments, and educational curriculums to which the person is assigned pursuant to § 53.1-32.1, but who require significant improvement in two or more areas as established by the Department's policies or procedures.

4. Level IV. No sentence credits shall be awarded to persons classified in Level IV. A person will be classified in Level IV if that person willfully fails to participate in or cooperate with all programs, job assignments, and educational curriculums to which the person is assigned pursuant to § 53.1-32.1 or that person causes substantial security or operational problems at the correctional facility as established by the Department's policies or procedures.

C. A person's classification level under subsection B shall be reviewed at least once annually, and the classification level may be adjusted based upon that person's participation in and cooperation with programs, job assignments, and educational curriculums assigned pursuant to § 53.1-32.1. A person's classification and calculation of earned sentence credits shall not be lowered or withheld due to a lack of programming, educational, or employment opportunities at the correctional facility at which the person is confined. Records from this review, including an explanation of the reasons why a person's classification level was or was not adjusted, shall be maintained in the person's correctional file.

D. A person's classification level under subsection B may be immediately reviewed and adjusted following removal from a program, job assignment, or educational curriculum that was assigned pursuant to § 53.1-32.1 for disciplinary or noncompliance reasons.

E. A person may appeal a reclassification determination under subsection C or D in the manner set forth in the grievance procedure established by the Director pursuant to his powers and duties as set forth in § 53.1-10.

F. For a juvenile sentenced to serve a portion of his sentence as a serious juvenile offender under § 16.1-285.1, consideration for earning sentence credits shall be conditioned, in part, upon full participation in and cooperation with programs afforded to the juvenile during that portion of the sentence. The Department of Juvenile Justice shall provide a report that describes the juvenile's adherence to the facility's rules and the juvenile's progress toward treatment goals and objectives while sentenced as a serious juvenile offender under § 16.1-285.1.

G. Notwithstanding any other provision of law, no portion of any sentence credits earned shall be applied to reduce the period of time a person must serve before becoming eligible for parole upon any sentence.

2. That the Department of Corrections (the Department) shall convene a work group to study the impact of the sentence credit amendments set forth in this act. The work group shall include representatives of the Senate Committee on Finance and Appropriations, the House Committee on Appropriations, the Virginia State Crime Commission, and any other stakeholders the Department deems appropriate. The Division of Legislative Services shall provide staff support to the work group. The Department shall report to the Governor and the General Assembly by July 1, 2021, the membership of the work group and the work group's plan for conducting such study, including any data and information upon which the work group will rely in conducting such study, and shall report its finding and conclusions to the Governor and the General Assembly by June 1, 2023. The report shall include (i) the state fiscal impact of the sentence credit amendments, including any cost savings realized by reducing the length of time spent by persons in state correctional facilities; (ii) the number of persons affected by the sentence credit amendments and the distribution of such persons among state correctional facilities; (iii) a detailed six-year plan describing the estimated releases by facility under this act, accounting for any persons who will be transferred from jail, as well as persons who would be otherwise released in the covered years; and (iv) any other information the Department deems relevant.

3. That the provisions of this act, other than the provisions of the second enactment of this act, shall become effective on July 1, 2022.

4. That the provisions of § 53.1-202.3 of the Code of Virginia, as amended by this act, shall apply retroactively to the entire sentence of any person who is confined in a state correctional facility and participating in the earned sentence credit system on July 1, 2022. If it is determined that, upon retroactive application of the provisions of § 53.1-202.3 of the Code of Virginia, as amended by this act, the release date of any such person passed prior to the effective date of this act, the person shall be released upon approval of an appropriate release plan and within 60 days of such determination unless otherwise mandated by court order; however, no person shall have a claim for wrongful incarceration pursuant to § 8.01-195.11 of the Code of Virginia on the basis of such retroactive application. If a person is released prior to completion of any reentry programs deemed necessary by the Department of Corrections on the person's most recent annual review or prior to completion of any programs mandated by court order, the person shall be required to complete such programs under probation, provided probation is mandated by the court and current community resources are sufficient to facilitate completion of the aforementioned programs.

5. That the Department of Corrections shall ensure that educational, vocational, counseling, and substance abuse programs for earning sentence credits are available at all state correctional facilities.

6. That the Department of Corrections shall ensure that educational, vocational, counseling, substance abuse, rehabilitative, and reentry services are available at all probation and parole offices.

7. That the Department of Criminal Justice Services shall continue to administer grant funding to private entities for the purpose of assisting in reentry services.

CHAPTER 51

An Act to amend and reenact §§ 15.2-919, 18.2-250.1, 46.2-334.01, 46.2-335, as it is currently effective and as it shall become effective, 46.2-646, 46.2-810.1, 46.2-923, 46.2-926, 46.2-1003, 46.2-1013, 46.2-1014, 46.2-1014.1, 46.2-1030, 46.2-1049, 46.2-1052, 46.2-1054, 46.2-1094, 46.2-1157, and 46.2-1300 of the Code of Virginia, relating to issuing citations; possession of marijuana and certain traffic offenses.

[S 5029]

Approved November 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-919, 18.2-250.1, 46.2-334.01, 46.2-335, as it is currently effective and as it shall become effective, 46.2-646, 46.2-810.1, 46.2-923, 46.2-926, 46.2-1003, 46.2-1013, 46.2-1014, 46.2-1014.1, 46.2-1030, 46.2-1049, 46.2-1052, 46.2-1054, 46.2-1094, 46.2-1157, and 46.2-1300 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-919. Regulation of motorcycle, moped, or motorized skateboard or scooter noise.

A. Any locality may, by ordinance, regulate noise from a motorcycle, moped, or motorized skateboard or scooter, as defined in § 46.2-100, which is not equipped with a muffler and exhaust system conforming to §§ 46.2-1047 and 46.2-1049, if such noise may be hazardous to the health and well-being of its citizens.

B. *No law-enforcement officer, as defined in § 9.1-101, shall stop a motorcycle, moped, motorized skateboard, or scooter for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.*

§ 18.2-250.1. Possession of marijuana unlawful.

A. It is unlawful for any person knowingly or intentionally to possess marijuana unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by the Drug Control Act (§ 54.1-3400 et seq.). The attorney for the Commonwealth or the county, city, or town attorney may prosecute such a case.

Upon the prosecution of a person for violation of this section, ownership or occupancy of the premises or vehicle upon or in which marijuana was found shall not create a presumption that such person either knowingly or intentionally possessed such marijuana.

Any person who violates this section is subject to a civil penalty of no more than \$25. A violation of this section is a civil offense. Any civil penalties collected pursuant to this section shall be deposited into the Drug Offender Assessment and Treatment Fund established pursuant to § 18.2-251.02.

B. Any violation of this section shall be charged by summons. A summons for a violation of this section may be executed by a law-enforcement officer when such violation is observed by such officer. The summons used by a law-enforcement officer pursuant to this section shall be in form the same as the uniform summons for motor vehicle law violations as prescribed pursuant to § 46.2-388. No court costs shall be assessed for violations of this section. A person's criminal history record information as defined in § 9.1-101 shall not include records of any charges or judgments for a violation of this section, and records of such charges or judgments shall not be reported to the Central Criminal Records Exchange. However, if a violation of this section occurs while an individual is operating a commercial motor vehicle as defined in § 46.2-341.4, such violation shall be reported to the Department of Motor Vehicles and shall be included on such individual's driving record.

C. The procedure for appeal and trial of any violation of this section shall be the same as provided by law for misdemeanors; if requested by either party on appeal to the circuit court, trial by jury shall be as provided in Article 4 (§ 19.2-260 et seq.) of Chapter 15 of Title 19.2, and the Commonwealth shall be required to prove its case beyond a reasonable doubt.

D. The provisions of this section shall not apply to members of state, federal, county, city, or town law-enforcement agencies, jail officers, or correctional officers, as defined in § 53.1-1, certified as handlers of dogs trained in the detection of controlled substances when possession of marijuana is necessary for the performance of their duties.

E. The provisions of this section involving marijuana in the form of cannabis oil as that term is defined in § 54.1-3408.3 shall not apply to any person who possesses such oil pursuant to a valid written certification issued by a practitioner in the course of his professional practice pursuant to § 54.1-3408.3 for treatment or to alleviate the symptoms of (i) the person's diagnosed condition or disease, (ii) if such person is the parent or legal guardian of a minor or of an incapacitated adult as defined in § 18.2-369, such minor's or incapacitated adult's diagnosed condition or disease, or (iii) if such person has been designated as a registered agent pursuant to § 54.1-3408.3, the diagnosed condition or disease of his principal or, if the principal is the parent or legal guardian of a minor or of an incapacitated adult as defined in § 18.2-369, such minor's or incapacitated adult's diagnosed condition or disease.

F. *No law-enforcement officer, as defined in § 9.1-101, may lawfully stop, search, or seize any person, place, or thing solely on the basis of the odor of marijuana and no evidence discovered or obtained pursuant to a violation of this subsection, including evidence discovered or obtained with the person's consent, shall be admissible in any trial, hearing, or other proceeding.*

G. The provisions of subsection F shall not apply in any airport as defined in § 5.1-1 or if the violation occurs in a commercial motor vehicle as defined in § 46.2-341.4.

§ 46.2-334.01. Licenses issued to persons less than 18 years old subject to certain restrictions.

A. Any learner's permit or driver's license issued to any person less than 18 years old shall be subject to the following:

1. Notwithstanding the provisions of § 46.2-498, whenever the driving record of a person less than 19 years old shows that he has been convicted of committing, when he was less than 18 years old, (i) an offense for which demerit points have been assessed or are assessable under Article 19 (§ 46.2-489 et seq.) or (ii) a violation of any provision of Article 12 (§ 46.2-1091 et seq.) or Article 13 (§ 46.2-1095 et seq.) of Chapter 10, the Commissioner shall direct such person to attend a driver improvement clinic. No safe driving points shall be awarded for such clinic attendance, nor shall any safe driving points be awarded for voluntary or court-assigned clinic attendance. Such person's parent, guardian, legal custodian, or other person standing in loco parentis may attend such clinic and receive a reduction in demerit points and/or an award of safe driving points pursuant to § 46.2-498. The provisions of this subdivision shall not be construed to prohibit awarding of safe driving points to a person less than 18 years old who attends and successfully completes a driver improvement clinic without having been directed to do so by the Commissioner or required to do so by a court.

2. If any person less than 19 years old is convicted a second time of committing, when he was less than 18 years old, (i) an offense for which demerit points have been assessed or are assessable under Article 19 (§ 46.2-489 et seq.) or (ii) a violation of any provision of Article 12 (§ 46.2-1091 et seq.) or Article 13 (§ 46.2-1095 et seq.) of Chapter 10, the Commissioner shall suspend such person's driver's license or privilege to operate a motor vehicle for 90 days. Such suspension shall be consecutive to, and not concurrent with, any other period of license suspension, revocation, or denial. Any person who has had his driver's license or privilege to operate a motor vehicle suspended in accordance with this subdivision may petition the juvenile and domestic relations district court of his residence for a restricted license to authorize such person to drive a motor vehicle in the Commonwealth to and from his home, his place of employment, or an institution of higher education where he is enrolled, provided there is no other means of transportation by which such person may travel between his home and his place of employment or the institution of higher education where he is enrolled. On such petition the court may, in its discretion, authorize the issuance of a restricted license for a period not to exceed the term of the suspension of the person's license or privilege to operate a motor vehicle in the Commonwealth. Such restricted license shall be valid solely for operation of a motor vehicle between such person's home and his place of employment or the institution of higher education where he is enrolled.

3. If any person is convicted a third time of committing, when he was less than 18 years old, (i) an offense for which demerit points have been assessed or are assessable under Article 19 (§ 46.2-489 et seq.) or (ii) a violation of any provision of Article 12 (§ 46.2-1091 et seq.) or Article 13 (§ 46.2-1095 et seq.) of Chapter 10, the Commissioner shall revoke such person's driver's license or privilege to operate a motor vehicle for one year or until such person reaches the age of 18 years, whichever is longer. Such revocation shall be consecutive to, and not concurrent with, any other period of license suspension, revocation, or denial.

4. In no event shall any person subject to the provisions of this section be subject to the suspension or revocation provisions of subdivision 2 or 3 for multiple convictions arising out of the same transaction or occurrence.

B. The initial license issued to any person younger than 18 years of age shall be deemed a provisional driver's license. Until the holder is 18 years old, a provisional driver's license shall not authorize its holder to operate a motor vehicle with more than one passenger who is less than 21 years old. After the first year the provisional license is issued, the holder may operate a motor vehicle with up to three passengers who are less than 21 years old (i) when the holder is driving to or from a school-sponsored activity, (ii) when a licensed driver who is at least 21 years old is occupying the seat beside the driver, or (iii) in cases of emergency. These passenger limitations, however, shall not apply to members of the driver's family or household. For the purposes of this subsection, "a member of the driver's family or household" means any of the following: (a) the driver's spouse, children, stepchildren, brothers, sisters, half-brothers, half-sisters, first cousins, and any individual who has a child in common with the driver, whether or not they reside in the same home with the driver; (b) the driver's brothers-in-law and sisters-in-law who reside in the same home with the driver; and (c) any individual who cohabits with the driver, and any children of such individual residing in the same home with the driver.

C. The holder of a provisional driver's license shall not operate a motor vehicle on the highways of the Commonwealth between the hours of midnight and 4:00 a.m. except when driving (i) to or from a place of business where he is employed; (ii) to or from an activity that is supervised by an adult and is sponsored by a school or by a civic, religious, or public organization; (iii) accompanied by a parent, a person acting in loco parentis, or by a spouse who is 18 years old or older, provided that such person accompanying the driver is actually occupying a seat beside the driver and is lawfully permitted to operate a motor vehicle at the time; or (iv) in cases of emergency, including response by volunteer firefighters and volunteer emergency medical services personnel to emergency calls.

C1. Except in a driver emergency or when the vehicle is lawfully parked or stopped, the holder of a provisional driver's license shall not operate a motor vehicle on the highways of the Commonwealth while using any cellular telephone or any other wireless telecommunications device, regardless of whether such device is or is not hand-held.

D. The provisional driver's license restrictions in subsections B, C, and C1 shall expire on the holder's eighteenth birthday. A violation of the provisional driver's license restrictions in subsection B, C, or C1 shall constitute a traffic infraction. For a second or subsequent violation of the provisional driver's license restrictions in subsection B, C, or C1, in

addition to any other penalties that may be imposed pursuant to § 16.1-278.10, the court may suspend the juvenile's privilege to drive for a period not to exceed six months.

E. A violation of subsection B, C, or C1 shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence, or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a motor vehicle, nor shall anything in this subsection change any existing law, rule, or procedure pertaining to any such civil action.

F. ~~No citation for a violation of this section shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.~~

§ 46.2-335. (Effective until January 1, 2021) Learner's permits; fees; certification required.

A. The Department, on receiving from any Virginia resident over the age of 15 years and six months an application for a learner's permit or motorcycle learner's permit, may, subject to the applicant's satisfactory documentation of meeting the requirements of this chapter and successful completion of the written or automated knowledge and vision examinations and, in the case of a motorcycle learner's permit applicant, the automated motorcycle test, issue a permit entitling the applicant, while having the permit in his immediate possession, to drive a motor vehicle or, if the application is made for a motorcycle learner's permit, a motorcycle, on the highways, when accompanied by any licensed driver 21 years of age or older or by his parent or legal guardian, or by a brother, sister, half-brother, half-sister, step-brother, or step-sister 18 years of age or older. The accompanying person shall be (i) alert, able to assist the driver, and actually occupying a seat beside the driver or, for motorcycle instruction, providing immediate supervision from a separate accompanying motor vehicle and (ii) lawfully permitted to operate the motor vehicle or accompanying motorcycle at that time.

The Department shall not, however, issue a learner's permit or motorcycle learner's permit to any minor applicant required to provide evidence of compliance with the compulsory school attendance law set forth in Article 1 (§ 22.1-254 et seq.) of Chapter 14 of Title 22.1, unless such applicant is in good academic standing or, if not in such standing or submitting evidence thereof, whose parent or guardian, having custody of such minor, provides written authorization for the minor to obtain a learner's permit or motorcycle learner's permit, which written authorization shall be obtained on forms provided by the Department and indicating the Commonwealth's interest in the good academic standing and regular school attendance of such minors. Any minor providing proper evidence of the solemnization of his marriage or a certified copy of a court order of emancipation shall not be required to provide the certification of good academic standing or any written authorization from his parent or guardian to obtain a learner's permit or motorcycle learner's permit.

Such permit, except a motorcycle learner's permit, shall be valid until the holder thereof either is issued a driver's license as provided for in this chapter or no longer meets the qualifications for issuance of a learner's permit as provided in this section. Motorcycle learner's permits shall be valid for 12 months. When a motorcycle learner's permit expires, the permittee may, upon submission of an application, payment of the application fee, and successful completion of the examinations, be issued another motorcycle learner's permit valid for 12 months.

Any person 25 years of age or older who is eligible to receive an operator's license in Virginia, but who is required, pursuant to § 46.2-324.1, to be issued a learner's permit for 60 days prior to his first behind-the-wheel exam, may be issued such learner's permit even though restrictions on his driving privilege have been ordered by a court. Any such learner's permit shall be subject to the restrictions ordered by the court.

B. No driver's license shall be issued to any such person who is less than 18 years old unless, while holding a learner's permit, he has driven a motor vehicle for at least 45 hours, at least 15 of which were after sunset, as certified by his parent, foster parent, or legal guardian unless the person is married or otherwise emancipated. Such certification shall be on a form provided by the Commissioner and shall contain the following statement:

"It is illegal for anyone to give false information in connection with obtaining a driver's license. This certification is considered part of the driver's license application, and anyone who certifies to a false statement may be prosecuted. I certify that the statements made and the information submitted by me regarding this certification are true and correct."

Such form shall also include the driver's license or Department of Motor Vehicles-issued identification card number of the person making the certification.

C. No learner's permit shall authorize its holder to operate a motor vehicle with more than one passenger who is less than 21 years old, except when participating in a driver education program approved by the Department of Education or a course offered by a driver training school licensed by the Department. This passenger limitation, however, shall not apply to the members of the driver's family or household as defined in subsection B of § 46.2-334.01.

D. No learner's permit shall authorize its holder to operate a motor vehicle between midnight and four o'clock a.m.

E. Except in a driver emergency or when the vehicle is lawfully parked or stopped, no holder of a learner's permit shall operate a motor vehicle on the highways of the Commonwealth while using any cellular telephone or any other wireless telecommunications device, regardless of whether or not such device is handheld. ~~No citation for a violation of this subsection shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute law-enforcement officer shall stop a motor vehicle for a violation of~~

this subsection. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

F. A violation of subsection C, D, or E shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a motor vehicle, nor shall anything in this subsection change any existing law, rule, or procedure pertaining to any such civil action.

G. The provisions of §§ 46.2-323 and 46.2-334 relating to evidence and certification of Virginia residence and, in the case of persons of school age, compliance with the compulsory school attendance law shall apply, mutatis mutandis, to applications for learner's permits and motorcycle learner's permits issued under this section.

H. For persons qualifying for a driver's license through driver education courses approved by the Department of Education or courses offered by driver training schools licensed by the Department, the application for the learner's permit shall be used as the application for the driver's license.

I. The Department shall charge a fee of \$3 for each learner's permit and motorcycle learner's permit issued under this section. Fees for issuance of learner's permits shall be paid into the driver education fund of the state treasury; fees for issuance of motorcycle learner's permits shall be paid into the state treasury and credited to the Motorcycle Rider Safety Training Program Fund created pursuant to § 46.2-1191. It shall be unlawful for any person, after having received a learner's permit, to drive a motor vehicle without being accompanied by a licensed driver as provided in the foregoing provisions of this section; however, a learner's permit other than a motorcycle learner's permit, accompanied by documentation verifying that the driver is at least 16 years and three months old and has successfully completed an approved driver's education course, signed by the minor's parent, guardian, legal custodian or other person standing in loco parentis, shall constitute a temporary driver's license for the purpose of driving unaccompanied by a licensed driver 18 years of age or older, if all other requirements of this chapter have been met. Such temporary driver's license shall only be valid until the driver has received his permanent license pursuant to § 46.2-336.

J. Nothing in this section shall be construed to permit the issuance of a learner's permit entitling a person to drive a commercial motor vehicle, except as provided by the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

K. The following limitations shall apply to operation of motorcycles by all persons holding motorcycle learner's permits:

1. The operator shall wear an approved safety helmet as provided in § 46.2-910.

2. Operation shall be under the immediate supervision of a person licensed to operate a motorcycle who is 21 years of age or older.

3. No person other than the operator shall occupy the motorcycle.

L. Any violation of this section shall be punishable as a Class 2 misdemeanor.

§ 46.2-335. (Effective January 1, 2021) Learner's permits; fees; certification required.

A. The Department, on receiving from any Virginia resident over the age of 15 years and six months an application for a learner's permit or motorcycle learner's permit, may, subject to the applicant's satisfactory documentation of meeting the requirements of this chapter and successful completion of the written or automated knowledge and vision examinations and, in the case of a motorcycle learner's permit applicant, the automated motorcycle test, issue a permit entitling the applicant, while having the permit in his immediate possession, to drive a motor vehicle or, if the application is made for a motorcycle learner's permit, a motorcycle, on the highways, when accompanied by any licensed driver 21 years of age or older or by his parent or legal guardian, or by a brother, sister, half-brother, half-sister, step-brother, or step-sister 18 years of age or older. The accompanying person shall be (i) alert, able to assist the driver, and actually occupying a seat beside the driver or, for motorcycle instruction, providing immediate supervision from a separate accompanying motor vehicle and (ii) lawfully permitted to operate the motor vehicle or accompanying motorcycle at that time.

The Department shall not, however, issue a learner's permit or motorcycle learner's permit to any minor applicant required to provide evidence of compliance with the compulsory school attendance law set forth in Article 1 (§ 22.1-254 et seq.) of Chapter 14 of Title 22.1, unless such applicant is in good academic standing or, if not in such standing or submitting evidence thereof, whose parent or guardian, having custody of such minor, provides written authorization for the minor to obtain a learner's permit or motorcycle learner's permit, which written authorization shall be obtained on forms provided by the Department and indicating the Commonwealth's interest in the good academic standing and regular school attendance of such minors. Any minor providing proper evidence of the solemnization of his marriage or a certified copy of a court order of emancipation shall not be required to provide the certification of good academic standing or any written authorization from his parent or guardian to obtain a learner's permit or motorcycle learner's permit.

Such permit, except a motorcycle learner's permit, shall be valid until the holder thereof either is issued a driver's license as provided for in this chapter or no longer meets the qualifications for issuance of a learner's permit as provided in this section. Motorcycle learner's permits shall be valid for 12 months. When a motorcycle learner's permit expires, the permittee may, upon submission of an application, payment of the application fee, and successful completion of the examinations, be issued another motorcycle learner's permit valid for 12 months.

Any person 25 years of age or older who is eligible to receive an operator's license in Virginia, but who is required, pursuant to § 46.2-324.1, to be issued a learner's permit for 60 days prior to his first behind-the-wheel exam, may be issued such learner's permit even though restrictions on his driving privilege have been ordered by a court. Any such learner's permit shall be subject to the restrictions ordered by the court.

B. No driver's license shall be issued to any such person who is less than 18 years old unless, while holding a learner's permit, he has driven a motor vehicle for at least 45 hours, at least 15 of which were after sunset, as certified by his parent, foster parent, or legal guardian unless the person is married or otherwise emancipated. Such certification shall be on a form provided by the Commissioner and shall contain the following statement:

"It is illegal for anyone to give false information in connection with obtaining a driver's license. This certification is considered part of the driver's license application, and anyone who certifies to a false statement may be prosecuted. I certify that the statements made and the information submitted by me regarding this certification are true and correct."

Such form shall also include the driver's license or Department of Motor Vehicles-issued identification card number of the person making the certification.

C. No learner's permit shall authorize its holder to operate a motor vehicle with more than one passenger who is less than 21 years old, except when participating in a driver education program approved by the Department of Education or a course offered by a driver training school licensed by the Department. This passenger limitation, however, shall not apply to the members of the driver's family or household as defined in subsection B of § 46.2-334.01.

D. No learner's permit shall authorize its holder to operate a motor vehicle between midnight and four o'clock a.m.

E. Except in a driver emergency or when the vehicle is lawfully parked or stopped, no holder of a learner's permit shall operate a motor vehicle on the highways of the Commonwealth while using any cellular telephone or any other wireless telecommunications device, regardless of whether or not such device is handheld. ~~No citation for a violation of this subsection shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.~~

F. A violation of subsection C, D, or E shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a motor vehicle, nor shall anything in this subsection change any existing law, rule, or procedure pertaining to any such civil action.

G. The provisions of §§ 46.2-323 and 46.2-334 relating to evidence and certification of Virginia residence and, in the case of persons of school age, compliance with the compulsory school attendance law shall apply, mutatis mutandis, to applications for learner's permits and motorcycle learner's permits issued under this section.

H. For persons qualifying for a driver's license through driver education courses approved by the Department of Education or courses offered by driver training schools licensed by the Department, the application for the learner's permit shall be used as the application for the driver's license.

I. The Department shall charge a fee of \$3 for each learner's permit and motorcycle learner's permit issued under this section. Fees for issuance of learner's permits shall be paid into the driver education fund of the state treasury; fees for issuance of motorcycle learner's permits, other than permits issued under § 46.2-328.3, shall be paid into the state treasury and credited to the Motorcycle Rider Safety Training Program Fund created pursuant to § 46.2-1191. It is unlawful for any person, after having received a learner's permit, to drive a motor vehicle without being accompanied by a licensed driver as provided in the foregoing provisions of this section; however, a learner's permit other than a motorcycle learner's permit, accompanied by documentation verifying that the driver is at least 16 years and three months old and has successfully completed an approved driver's education course, signed by the minor's parent, guardian, legal custodian or other person standing in loco parentis, shall constitute a temporary driver's license for the purpose of driving unaccompanied by a licensed driver 18 years of age or older, if all other requirements of this chapter have been met. Such temporary driver's license shall only be valid until the driver has received his permanent license pursuant to § 46.2-336.

J. Nothing in this section shall be construed to permit the issuance of a learner's permit entitling a person to drive a commercial motor vehicle, except as provided by the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

K. The following limitations shall apply to operation of motorcycles by all persons holding motorcycle learner's permits:

1. The operator shall wear an approved safety helmet as provided in § 46.2-910.
2. Operation shall be under the immediate supervision of a person licensed to operate a motorcycle who is 21 years of age or older.

3. No person other than the operator shall occupy the motorcycle.

L. Any violation of this section is punishable as a Class 2 misdemeanor.

§ 46.2-646. Expiration and renewal of registration.

A. Every registration under this title, unless otherwise provided, shall expire on the last day of the twelfth month next succeeding the date of registration. Every registration, unless otherwise provided, shall be renewed annually on application by the owner and by payment of the fees required by law, the renewal to take effect on the first day of the month succeeding the date of expiration. Notwithstanding these limitations, the Commissioner may extend the validity period of an expiring registration if (i) the Department is unable to process an application for renewal due to circumstances beyond its control, and (ii) the extension has been authorized under a directive from the Governor. However, in no event shall the validity period be extended more than 90 days per occurrence of such conditions.

B. All motor vehicles, trailers, and semitrailers registered in the Commonwealth shall, at the discretion of the Commissioner, be placed in a system of registration on a monthly basis to distribute the work of registering motor vehicles as uniformly as practicable throughout the 12 months of the year. All such motor vehicles, trailers, and semitrailers, unless otherwise provided, shall be registered for a period of 12 months. The registration shall be extended, at the discretion of the Commissioner, on receipt of appropriate prorated fees, as required by law, for a period of not less than one month nor more than 11 months as is necessary to distribute the registrations as equally as practicable on a monthly basis. The Commissioner shall, on request, assign to any owner or owners of two or more motor vehicles, trailers, or semitrailers the same registration period. The expiration date shall be the last day of the twelfth month or the last day of the designated month. Except for motor vehicles, trailers, and semitrailers registered for more than one year under subsection C of this section, every registration shall be renewed annually on application by the owner and by payment of fees required by law, the renewal to take effect on the first day of the succeeding month.

C. The Commissioner may offer, at his discretion, an optional multi-year registration for all motor vehicles, trailers, and semitrailers except for (i) those registered under the International Registration Plan and (ii) those registered as uninsured motor vehicles. When this option is offered and chosen by the registrant, all annual and 12-month fees due at the time of registration shall be multiplied by the number of years or fraction thereof that the vehicle will be registered.

D. For any summons issued for a violation of this section, the court may, in its discretion, dismiss the summons where proof of compliance with this section is provided to the court on or before the court date.

E. No law-enforcement officer shall stop a motor vehicle due to an expired registration sticker prior to the first day of the fourth month after the original expiration date. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

§ 46.2-810.1. Smoking in vehicle with a minor present; civil penalty.

A. For the purposes of this section, "smoke" means to carry or hold any lighted pipe, cigar, or cigarette of any kind or any other lighted smoking equipment or to light or inhale or exhale smoke from a pipe, cigar, or cigarette of any kind or any other lighted smoking equipment.

B. It is unlawful for a person to smoke in a motor vehicle, whether in motion or at rest, when a minor under the age of 15 is present in the motor vehicle. A violation of this section is punishable by a civil penalty of \$100 to be paid into the state treasury and credited to the Literary Fund. No demerit points shall be assigned under Article 19 (§ 46.2-489 et seq.) of Chapter 3 and no court costs shall be assessed for a violation of this section. A violation of this section may be charged on the uniform traffic summons form.

~~C. No citation for a violation of this section shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.~~

§ 46.2-923. How and where pedestrians to cross highways.

A. When crossing highways, pedestrians shall not carelessly or maliciously interfere with the orderly passage of vehicles. They shall cross, wherever possible, only at intersections or marked crosswalks. Where intersections contain no marked crosswalks, pedestrians shall not be guilty of negligence as a matter of law for crossing at any such intersection or between intersections when crossing by the most direct route.

B. The governing body of any town or city or the governing body of a county authorized by law to regulate traffic may by ordinance permit pedestrians to cross an intersection diagonally when all traffic entering the intersection has been halted by lights, other traffic control devices, or by a law-enforcement officer.

C. No law-enforcement officer shall stop a pedestrian for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the person's consent, shall be admissible in any trial, hearing, or other proceeding.

§ 46.2-926. Pedestrians stepping into highway where they cannot be seen.

A. No pedestrian shall step into a highway open to moving vehicular traffic at any point between intersections where his presence would be obscured from the vision of drivers of approaching vehicles by a vehicle or other obstruction at the curb or side. The foregoing prohibition shall not apply to a pedestrian stepping into a highway to board a bus or to enter a safety zone, in which event he shall cross the highway only at right angles.

B. No law-enforcement officer shall stop a pedestrian for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the person's consent, shall be admissible in any trial, hearing, or other proceeding.

§ 46.2-1003. Illegal use of defective and unsafe equipment.

A. It shall be unlawful for any person to use or have as equipment on a motor vehicle operated on a highway any device or equipment mentioned in § 46.2-1002 which is defective ~~or~~ and in an unsafe condition.

B. For any summons issued for a violation of this section, the court may, in its discretion, dismiss the summons, where proof of compliance with this section is provided to the court on or before the court date.

C. No law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

§ 46.2-1013. Tail lights.

A. Every motor vehicle and every trailer or semitrailer being drawn at the end of one or more other vehicles shall carry at the rear two red lights plainly visible in clear weather from a distance of 500 feet to the rear of such vehicle.

~~Such~~ B. All tail lights required pursuant to subsection A shall be constructed and so mounted in their relation to the rear license plate as to illuminate the license plate with a white light so that the same may be read from a distance of 50 feet to the rear of such vehicle. Alternatively, a separate white light shall be so mounted as to illuminate the rear license plate from a distance of 50 feet to the rear of such vehicle. *No law-enforcement officer shall stop a motor vehicle for a violation of this subsection. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.*

C. Any ~~such~~ tail lights or special white light required pursuant to this section shall be of a type approved by the Superintendent.

D. In any instance where the tail light is to be installed on a boat trailer and the boat extends beyond the end of the trailer or to the end of the trailer, an approved portable light assembly or assemblies may be attached to the exposed rear of the boat, provided such installation complies with the visibility requirements of this section. The provisions of this section shall not apply to motorcycles.

§ 46.2-1014. Brake lights.

A. Every motor vehicle, trailer, or semitrailer, except an antique vehicle not originally equipped with a brake light, registered in the Commonwealth and operated on the highways in the Commonwealth shall be equipped with at least two brake lights of a type approved by the Superintendent. Such brake lights shall automatically exhibit a red or amber light plainly visible in clear weather from a distance of 500 feet to the rear of such vehicle when the brake is applied.

The provisions of this section shall not apply to motorcycles or autocycles equipped with brake lights as required by § 46.2-1012.

B. No law-enforcement officer shall stop a motor vehicle, trailer, or semitrailer for a violation of this section, except that a law-enforcement officer may stop a vehicle if it displays no brake lights that meet the requirements set forth in subsection A. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

§ 46.2-1014.1. Supplemental high mount stop light.

A. Whenever operated on the highways, every Virginia-registered passenger car manufactured for the 1986 or subsequent model year shall be equipped with a supplemental center high mount stop light of a type approved by the Superintendent or which meets the standards adopted by the United States Department of Transportation. The light shall be mounted as near the vertical center line of the vehicle as possible. The light shall be actuated only in conjunction with the vehicle's brake lights and hazard lights. Any supplemental high mount stop light installed on any other vehicle shall comply with those requirements.

B. No law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

§ 46.2-1030. When lights to be lighted; number of lights to be lighted at any time; use of warning lights.

A. Every vehicle in operation on a highway in the Commonwealth shall display lighted headlights and illuminating devices as required by this article (i) from sunset to sunrise; (ii) during any other time when, because of rain, smoke, fog, snow, sleet, insufficient light, or other unfavorable atmospheric conditions, visibility is reduced to a degree whereby persons or vehicles on the highway are not clearly discernible at a distance of 500 feet; and (iii) whenever windshield wipers are in use as a result of fog, rain, sleet, or snow. The provisions of this subsection, however, shall not apply to instances when windshield wipers are used intermittently in misting rain, sleet, or snow.

B. Not more than four lights used to provide general illumination ahead of the vehicle, including at least two headlights and any other combination of fog lights or other auxiliary lights approved by the Superintendent, shall be lighted at any time. However, motorcycles may be equipped with and use not more than five approved lights in order to provide general illumination ahead of the motorcycle. These limitations shall not preclude the display of warning lights authorized in §§ 46.2-1020 through 46.2-1027, or other lights as may be authorized by the Superintendent.

C. Vehicles equipped with warning lights authorized in §§ 46.2-1020 through 46.2-1027 shall display lighted warning lights as authorized in such sections at all times when responding to emergency calls, towing disabled vehicles, or constructing, repairing, and maintaining public highways or utilities on or along public highways, except that amber lights on vehicles designed with a ramp on wheels and a hydraulic lift with a capacity to haul or tow another vehicle, commonly referred to as "rollbackers," need not be lit while the vehicle is in motion unless it is actually towing a vehicle.

D. The failure to display lighted headlights and illuminating devices under the conditions set forth in clause (iii) of subsection A shall not constitute negligence per se, nor shall violation of clause (iii) of subsection A constitute a defense to any claim for personal injury or recovery of medical expenses for injuries sustained in a motor vehicle accident.

E. No demerit points shall be assessed for failure to display lighted headlights and illuminating devices during periods of fog, rain, sleet, or snow in violation of clause (iii) of subsection A.

F. No citation for a violation of clause (iii) of subsection A shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute. *No law-enforcement officer shall stop a motor vehicle for a violation of this section, except that a law-enforcement officer may stop a vehicle if it displays no lighted headlights during the time periods set forth in subsection A. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.*

§ 46.2-1049. Exhaust system in good working order.

A. No person shall drive and no owner of a vehicle shall permit or allow the operation of any such vehicle on a highway unless it is equipped with an exhaust system in good working order and in constant operation to prevent excessive or unusual levels of noises, provided, however, that for motor vehicles, such exhaust system shall be of a type installed as standard factory equipment, or comparable to that designed for use on the particular vehicle as standard factory equipment or other equipment that has been submitted to and approved by the Superintendent or meets or exceeds the standards and specifications of the Society of Automotive Engineers, the American National Standards Institute, or the federal Department of Transportation. ~~An exhaust system shall not be deemed to prevent excessive or unusual noise if it permits the escape of noise in excess of that permitted by the standard factory equipment exhaust system of private passenger motor vehicles or trucks of standard make.~~

~~The term~~ As used in this section, "exhaust system," as used in this section, means all the parts of a vehicle through which the exhaust passes after leaving the engine block, including mufflers and other sound dissipative devices.

Chambered pipes are not an effective muffling device to prevent excessive or unusual noise, and any vehicle equipped with chambered pipes shall be deemed in violation of this section.

The provisions of this section shall not apply to (i) any antique motor vehicle licensed pursuant to § 46.2-730, provided that the engine is comparable to that designed as standard factory equipment for use on that particular vehicle, and the exhaust system is in good working order, or (ii) converted electric vehicles.

B. No law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

§ 46.2-1052. Tinting films, signs, decals, and stickers on windshields, etc.; penalties.

A. As used in this article, unless the context requires a different meaning:

"Front side windows" means those windows located adjacent to and forward of the driver's seats;

"Holographic effect" means a picture or image that may remain constant or change as the viewing angle is changed;

"Multipurpose passenger vehicle" means any motor vehicle that is (i) designed to carry no more than 10 persons and (ii) constructed either on a truck chassis or with special features for occasional off-road use;

"Prism effect" means a visual, iridescent, or rainbow-like effect that separates light into various colored components that may change depending on viewing angles;

"Rear side windows" means those windows located to the rear of the driver's seats;

"Rear window" or "rear windows" means those windows that are located to the rear of the passenger compartment of a motor vehicle and that are approximately parallel to the windshield.

B. Except as otherwise provided in this article or permitted by federal law, it shall be unlawful for any person to operate any motor vehicle on a highway with any sign, poster, colored or tinted film, sun-shading material, or other colored material on the windshield, front or rear side windows, or rear windows of such motor vehicle. This provision, however, shall not apply to any certificate or other paper required by law or permitted by the Superintendent to be placed on a motor vehicle's windshield or window.

The size of stickers or decals used by counties, cities, and towns in lieu of license plates shall be in compliance with regulations promulgated by the Superintendent. Such stickers shall be affixed on the windshield at a location designated by the Superintendent.

C. Notwithstanding the foregoing provisions of this section, whenever a motor vehicle is equipped with a mirror on each side of such vehicle, so located as to reflect to the driver of such vehicle a view of the highway for at least 200 feet to the rear of such vehicle, any or all of the following shall be lawful:

1. To drive a motor vehicle equipped with one optically grooved clear plastic right-angle rear view lens attached to one rear window of such motor vehicle, not exceeding 18 inches in diameter in the case of a circular lens or not exceeding 11 inches by 14 inches in the case of a rectangular lens, which enables the driver of the motor vehicle to view below the line of sight as viewed through the rear window;

2. To have affixed to the rear side windows, rear window or windows of a motor vehicle any sticker or stickers, regardless of size; or

3. To drive a motor vehicle when the driver's clear view of the highway through the rear window or windows is otherwise obstructed.

D. Except as provided in § 46.2-1053, but notwithstanding the foregoing provisions of this section, no sun-shading or tinting film may be applied or affixed to any window of a motor vehicle unless such motor vehicle is equipped with a mirror on each side of such motor vehicle, so located as to reflect to the driver of the vehicle a view of the highway for at least 200 feet to the rear of such vehicle, and the sun-shading or tinting film is applied or affixed in accordance with the following:

1. No sun-shading or tinting films may be applied or affixed to the rear side windows or rear window or windows of any motor vehicle operated on the highways of the Commonwealth that reduce the total light transmittance of such window to less than 35 percent;

2. No sun-shading or tinting films may be applied or affixed to the front side windows of any motor vehicle operated on the highways of the Commonwealth that reduce total light transmittance of such window to less than 50 percent;

3. No sun-shading or tinting films shall be applied or affixed to any window of a motor vehicle that (i) have a reflectance of light exceeding 20 percent or (ii) produce a holographic or prism effect.

Any person who operates a motor vehicle on the highways of the Commonwealth with sun-shading or tinting films that (i) have a total light transmittance less than that required by subdivisions 1 and 2, (ii) have a reflectance of light exceeding 20 percent, or (iii) produce holographic or prism effects is guilty of a traffic infraction but shall not be awarded any demerit points by the Commissioner for the violation.

Any person or firm who applies or affixes to the windows of any motor vehicle in Virginia sun-shading or tinting films that (i) reduce the light transmittance to levels less than that allowed in subdivisions 1 and 2, (ii) have a reflectance of light exceeding 20 percent, or (iii) produce holographic or prism effects is guilty of a Class 3 misdemeanor for the first offense and of a Class 2 misdemeanor for any subsequent offense.

E. The Division of Purchases and Supply, pursuant to § 2.2-1112, shall determine the proper standards for equipment or devices used to measure light transmittance through windows of motor vehicles. Law-enforcement officers shall use only such equipment or devices to measure light transmittance through windows that meet the standards established by the Division. Such measurements made by law-enforcement officers shall be given a tolerance of minus seven percentage points.

F. No film or darkening material may be applied on the windshield except to replace the sunshield in the uppermost area as installed by the manufacturer of the vehicle.

G. Nothing in this section shall prohibit the affixing to the rear window of a motor vehicle of a single sticker no larger than 20 square inches if such sticker is totally contained within the lower five inches of the glass of the rear window, nor shall subsection C apply to a motor vehicle to which but one such sticker is so affixed.

H. Nothing in this section shall prohibit applying to the rear side windows or rear window of any multipurpose passenger vehicle or pickup truck sun-shading or tinting films that reduce the total light transmittance of such window or windows below 35 percent.

I. Notwithstanding the foregoing provisions of this section, sun-shading material which was applied or installed prior to July 1, 1987, in a manner and on which windows not then in violation of Virginia law, shall continue to be lawful, provided that it can be shown by appropriate receipts that such material was installed prior to July 1, 1987.

J. Where a person is convicted within one year of a second or subsequent violation of this section involving the operation of the same vehicle having a tinted or smoked windshield, the court, in addition to any other penalty, may order the person so convicted to remove such tinted or smoked windshield from the vehicle.

K. The provisions of this section shall not apply to law-enforcement vehicles.

L. The provisions of this section shall not apply to the rear windows or rear side windows of any emergency medical services vehicle used to transport patients.

M. The provisions of subdivisions D 1, 2, and 3 shall not apply to vehicles operated in the performance of private security duties by a security canine handler as defined in § 9.1-138 and licensed in accordance with § 9.1-139.

N. The provisions of subdivision D 1 shall not apply to sight-seeing carriers as defined in § 46.2-2000 and contract passenger carriers as defined in § 46.2-2000.

O. For any summons issued for a violation of this section, the court may, in its discretion, dismiss the summons, where proof of compliance with this section is provided to the court on or before the court date.

P. No law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

§ 46.2-1054. Suspension of objects or alteration of vehicle so as to obstruct driver's view.

A. It shall be unlawful for any person (i) to drive a motor vehicle on a highway in the Commonwealth with any object or objects, other than a rear view mirror, sun visor, or other equipment of the motor vehicle approved by the Superintendent, suspended from any part of the motor vehicle in such a manner as to *substantially* obstruct the driver's clear view of the highway through the windshield, the front side windows, or the rear window or (ii) to alter a passenger-carrying vehicle in such a manner as to obstruct the driver's view through the windshield. However, this section shall not apply (a) when the driver's clear view of the highway through the rear window is obstructed if such motor vehicle is equipped with a mirror on each side, so located as to reflect to the driver a view of the highway for at least 200 feet to the rear of such vehicle, (b) to safety devices installed on the windshields of vehicles owned by private waste haulers or local governments and used to transport solid waste, or (c) to bicycle racks installed on the front of any bus operated by any city, county, transit authority, or transit or transportation district. The provisions of clause (ii) shall not apply to the lawful immobilization of vehicles pursuant to § 46.2-1216 or 46.2-1231.

B. No law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

§ 46.2-1094. Occupants of front seats of motor vehicles required to use safety lap belts and shoulder harnesses; penalty.

A. Any driver, and any other person at least 18 years of age and occupying the front seat, of a motor vehicle equipped or required by the provisions of this title to be equipped with a safety belt system, consisting of lap belts, shoulder harnesses, combinations thereof or similar devices, shall wear the appropriate safety belt system at all times while the motor vehicle is in motion on any public highway. A passenger under the age of 18 years, however, shall be protected as required by the provisions of Article 13 (§ 46.2-1095 et seq.) of this chapter.

B. This section shall not apply to:

1. Any person for whom a licensed physician determines that the use of such safety belt system would be impractical by reason of such person's physical condition or other medical reason, provided the person so exempted carries on his person or in the vehicle a signed written statement of the physician identifying the exempted person and stating the grounds for the exemption; or

2. Any law-enforcement officer transporting persons in custody or traveling in circumstances which render the wearing of such safety belt system impractical; or

3. Any person while driving a motor vehicle and performing the duties of a rural mail carrier for the United States Postal Service; or

4. Any person driving a motor vehicle and performing the duties of a rural newspaper route carrier, newspaper bundle hauler or newspaper rack carrier; or

5. Drivers of and passengers in taxicabs; or

6. Personnel of commercial or municipal vehicles while actually engaged in the collection or delivery of goods or services, including but not limited to solid waste, where such collection or delivery requires the personnel to exit and enter the cab of the vehicle with such frequency and regularity so as to render the use of safety belt systems impractical and the safety benefits derived therefrom insignificant. Such personnel shall resume the use of safety belt systems when actual collection or delivery has ceased or when the vehicle is in transit to or from a point of final disposition or disposal, including but not limited to solid waste facilities, terminals, or other location where the vehicle may be principally garaged; or

7. Any person driving a motor vehicle and performing the duties of a utility meter reader; or

8. Law-enforcement agency personnel driving motor vehicles to enforce laws governing motor vehicle parking.

C. Any person who violates this section shall be subject to a civil penalty of twenty-five dollars to be paid into the state treasury and credited to the Literary Fund. No assignment of demerit points shall be made under Article 19 of Chapter 3 (§ 46.2-489 et seq.) of this title and no court costs shall be assessed for violations of this section.

D. A violation of this section shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a motor vehicle, nor shall anything in this section change any existing law, rule, or procedure pertaining to any such civil action.

E. A violation of this section may be charged on the uniform traffic summons form.

F. ~~No citation for a violation of this section shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.~~

G. The governing body of the City of Lynchburg may adopt an ordinance not inconsistent with the provisions of this section, requiring the use of safety belt systems. The penalty for violating any such ordinance shall not exceed a fine or civil penalty of twenty-five dollars.

§ 46.2-1157. Inspection of motor vehicles required.

A. The owner or operator of any motor vehicle, trailer, or semitrailer registered in Virginia and operated or parked on a highway within the Commonwealth shall submit his vehicle to an inspection of its mechanism and equipment by an official inspection station, designated for that purpose, in accordance with § 46.2-1158. No owner or operator shall fail to submit a motor vehicle, trailer, or semitrailer operated or parked on the highways in the Commonwealth to such inspection or fail or refuse to correct or have corrected in accordance with the requirements of this title any mechanical defects found by such inspection to exist.

B. The provisions of this section requiring safety inspections of motor vehicles shall also apply to vehicles used for firefighting; inspections of firefighting vehicles shall be conducted pursuant to regulations promulgated by the Superintendent of State Police, taking into consideration the special purpose of such vehicles and the conditions under which they operate.

C. Each day during which such motor vehicle, trailer, or semitrailer is operated or parked on any highway in the Commonwealth after failure to comply with this law shall constitute a separate offense.

D. Except as otherwise provided, motorcycles shall be inspected as motorcycles under this article.

E. *No law-enforcement officer shall stop a motor vehicle due to an expired vehicle inspection sticker until the first day of the fourth month after the original expiration date. No evidence discovered or obtained as the result of a stop in violation*

of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

§ 46.2-1300. Powers of local authorities generally; erection of signs and markers; maximum penalties.

A. The governing bodies of counties, cities, and towns may adopt ordinances not in conflict with the provisions of this title to regulate the operation of vehicles on the highways in such counties, cities, and towns. They may also repeal, amend, or modify such ordinances and may erect appropriate signs or markers on the highway showing the general regulations applicable to the operation of vehicles on such highways. The governing body of any county, city, or town may by ordinance, or may by ordinance authorize its chief administrative officer to:

1. Increase or decrease the speed limit within its boundaries, provided such increase or decrease in speed shall be based upon an engineering and traffic investigation by such county, city or town and provided such speed area or zone is clearly indicated by markers or signs;

2. Authorize the city or town manager or such officer thereof as it may designate, to reduce for a temporary period not to exceed sixty days, without such engineering and traffic investigation, the speed limit on any portion of any highway of the city or town on which work is being done or where the highway is under construction or repair;

3. Require vehicles to come to a full stop or yield the right-of-way at a street intersection if one or more of the intersecting streets has been designated as a part of the primary state highway system in a town which has a population of less than 3,500.

B. No such ordinance shall be violated if at the time of the alleged violation the sign or marker placed in conformity with this section is missing, substantially defaced, or obscured so that an ordinarily observant person under the same circumstances would not be aware of the existence of the ordinance.

C. No governing body of a county, city, or town may (i) provide penalties for violating a provision of an ordinance adopted pursuant to this section which is greater than the penalty imposed for a similar offense under the provisions of this title or (ii) provide that a violation of a provision of an ordinance adopted pursuant to this section is cause for a stop or arrest of a driver when such a stop or arrest is prohibited for a similar offense under the provisions of this title.

D. No county whose roads are under the jurisdiction of the Department of Transportation shall designate, in terms of distance from a school, the placement of flashing warning lights unless the authority to do so has been expressly delegated to such county by the Department of Transportation, in its discretion.

E. No law-enforcement officer shall stop a motor vehicle for a violation of a local ordinance relating to the ownership or maintenance of a motor vehicle unless such violation is a jailable offense. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

CHAPTER 52

An Act to amend and reenact § 53.1-202.3 of the Code of Virginia and to amend the Code of Virginia by adding in Article 2 of Chapter 2 of Title 53.1 a section numbered 53.1-40.02, relating to release of prisoners.

[S 5034]

Approved November 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-202.3 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 2 of Chapter 2 of Title 53.1 a section numbered 53.1-40.02 as follows:

§ 53.1-40.02. Conditional release of terminally ill prisoners.

A. As used in this section, "terminally ill" means having a chronic or progressive medical condition caused by injury, disease, or illness where the medical prognosis is the person's death within 12 months.

B. Any person serving a sentence imposed upon a conviction for a felony offense, except as provided in subsection C, who is terminally ill may petition the Parole Board for conditional release.

C. A person who is terminally ill and is serving a sentence imposed upon a conviction for one of the following offenses shall not be eligible to petition the Parole Board for conditional release:

1. A Class 1 felony;
2. Any violation of § 18.2-32, 18.2-32.1, 18.2-32.2, or 18.2-33;
3. Any violation of § 18.2-40;
4. Any violation of § 18.2-46.5, subsection A or B of § 18.2-46.6, or § 18.2-46.7;
5. Any kidnapping or abduction felony under Article 3 (§ 18.2-47 et seq.) of Chapter 4 of Title 18.2, except for a violation of § 18.2-49.1;
6. Any malicious felonious assault or malicious bodily wounding under Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2, any violation of § 18.2-51.7, 18.2-54.1, or 18.2-54.2, or any felony violation of § 18.2-57.2;
7. Any felony violation of § 18.2-60.3;
8. Any felony violation of § 16.1-253.2 or 18.2-60.4;
9. Robbery under § 18.2-58 or carjacking under § 18.2-58.1;

10. Criminal sexual assault punishable as a felony under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, except, when not committed against a minor, a violation of subdivision A 5 of § 18.2-67.3, § 18.2-67.4:1, subsection B of § 18.2-67.5, or § 18.2-67.5:1;

11. Any violation of § 18.2-90 or 18.2-93;

12. Any violation of § 18.2-289 or subsection A of § 18.2-300;

13. Any felony offense in Article 3 (§ 18.2-346 et seq.) of Chapter 8 of Title 18.2 involving a minor victim;

14. Any felony offense in Article 4 (§ 18.2-362 et seq.) of Chapter 8 of Title 18.2 involving a minor victim, except for a violation of § 18.2-362 or 18.2-370.5 or subsection B of § 18.2-371.1;

15. Any felony offense in Article 5 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2 involving a minor victim, except for a violation of subsection A of § 18.2-374.1:1;

16. Any violation of § 18.2-481, 40.1-100.2, or 40.1-103; or

17. A second or subsequent felony violation of the following offenses when such offenses were not part of a common act, transaction, or scheme and such person has been at liberty as defined in § 53.1-151 between each conviction:

a. Voluntary or involuntary manslaughter under Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2 or any crime punishable as such;

b. Any violation of § 18.2-41 or 18.2-42.1;

c. Any violation of subsection C of § 18.2-46.6;

d. Any violation when done unlawfully but not maliciously of § 18.2-51 or 18.2-51.1;

e. Arson in violation of § 18.2-77 when the structure burned was occupied or a Class 3 felony violation of § 18.2-79;

f. Any violation of § 18.2-89 with the intent to commit any larceny or § 18.2-92;

g. Any violation of subsection A of § 18.2-374.1:1;

h. Any violation of § 18.2-423, 18.2-423.01, 18.2-423.1, 18.2-423.2, or 18.2-433.2; or

i. Any violation of subdivision E 2 of § 40.1-29.

D. The Parole Board shall promulgate regulations to implement the provisions of this section.

§ 53.1-202.3. Rate at which sentence credits may be earned; prerequisites.

A. A maximum of ~~four and one-half~~ 4.5 sentence credits may be earned for each 30 days served on a sentence for:

1. A Class 1 felony;

2. Solicitation to commit murder under § 18.2-29 or any violation of § 18.2-32, 18.2-32.1, 18.2-32.2, or 18.2-33;

3. Any violation of § 18.2-40 or 18.2-45;

4. Any violation of subsection A of § 18.2-46.5, of subsection D of § 18.2-46.5 if the death of any person results from providing any material support, or of subsection A of § 18.2-46.6;

5. Any kidnapping or abduction felony under Article 3 (§ 18.2-47 et seq.) of Chapter 4 of Title 18.2;

6. Any malicious felonious assault or malicious bodily wounding under Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2, any violation of § 18.2-51.6 or 18.2-51.7, or any felony violation of § 18.2-57.2;

7. Any felony violation of § 18.2-60.3;

8. Any felony violation of § 16.1-253.2 or 18.2-60.4;

9. Robbery under § 18.2-58 or carjacking under § 18.2-58.1;

10. Criminal sexual assault punishable as a felony under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;

11. Any violation of § 18.2-90;

12. Any violation of § 18.2-289 or subsection A of § 18.2-300;

13. Any felony offense in Article 3 (§ 18.2-346 et seq.) of Chapter 8 of Title 18.2;

14. Any felony offense in Article 4 (§ 18.2-362 et seq.) of Chapter 8 of Title 18.2, except for a violation of § 18.2-362 or subsection B of § 18.2-371.1;

15. Any felony offense in Article 5 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2, except for a violation of subsection A of § 18.2-374.1:1;

16. Any violation of subsection F of § 3.2-6570, any felony violation of § 18.2-128, or any violation of § 18.2-481, 37.2-917, 37.2-918, 40.1-100.2, or 40.1-103; or

17. A second or subsequent violation of the following offenses, in any combination, when such offenses were not part of a common act, transaction, or scheme and such person has been at liberty as defined in § 53.1-151 between each conviction:

a. Any felony violation of § 3.2-6571;

b. Voluntary manslaughter under Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;

c. Any violation of § 18.2-41 or felony violation of § 18.2-42.1;

d. Any violation of subsection B, C, or D of § 18.2-46.5 or § 18.2-46.7;

e. Any violation of § 18.2-51 when done unlawfully but not maliciously, § 18.2-51.1 when done unlawfully but not maliciously, or § 18.2-54.1 or 18.2-54.2;

f. Arson in violation of § 18.2-77 when the structure burned was occupied or a Class 3 felony violation of § 18.2-79;

g. Any violation of § 18.2-89 or 18.2-92;

h. Any violation of subsection A of § 18.2-374.1:1;

i. Any violation of § 18.2-423, 18.2-423.01, 18.2-423.1, 18.2-423.2, or 18.2-433.2; or

j. Any violation of subdivision E 2 of § 40.1-29.

The earning of sentence credits shall be conditioned, in part, upon full participation in and cooperation with programs to which a person is assigned pursuant to § 53.1-32.1.

B. For any offense other than those enumerated in subsection A for which sentence credits may be earned, earned sentence credits shall be awarded and calculated using the following four-level classification system:

1. Level I. For persons receiving Level I sentence credits, 15 days shall be deducted from the person's sentence for every 30 days served. Level I sentence credits shall be awarded to persons who participate in and cooperate with all programs to which the person is assigned pursuant to § 53.1-32.1 and who have no more than one minor correctional infraction and no serious correctional infractions as established by the Department's policies or procedures.

2. Level II. For persons receiving Level II sentence credits, 7.5 days shall be deducted from the person's sentence for every 30 days served. Level II sentence credits shall be awarded to persons who participate in and cooperate with all programs, job assignments, and educational curriculums to which the person is assigned pursuant to § 53.1-32.1, but who require improvement in not more than one area as established by the Department's policies or procedures.

3. Level III. For persons receiving Level III sentence credits, 3.5 days shall be deducted from the person's sentence for every 30 days served. Level III sentence credits shall be awarded to persons who participate in and cooperate with all programs, job assignments, and educational curriculums to which the person is assigned pursuant to § 53.1-32.1, but who require significant improvement in two or more areas as established by the Department's policies or procedures.

4. Level IV. No sentence credits shall be awarded to persons classified in Level IV. A person will be classified in Level IV if that person willfully fails to participate in or cooperate with all programs, job assignments, and educational curriculums to which the person is assigned pursuant to § 53.1-32.1 or that person causes substantial security or operational problems at the correctional facility as established by the Department's policies or procedures.

C. A person's classification level under subsection B shall be reviewed at least once annually, and the classification level may be adjusted based upon that person's participation in and cooperation with programs, job assignments, and educational curriculums assigned pursuant to § 53.1-32.1. A person's classification and calculation of earned sentence credits shall not be lowered or withheld due to a lack of programming, educational, or employment opportunities at the correctional facility at which the person is confined. Records from this review, including an explanation of the reasons why a person's classification level was or was not adjusted, shall be maintained in the person's correctional file.

D. A person's classification level under subsection B may be immediately reviewed and adjusted following removal from a program, job assignment, or educational curriculum that was assigned pursuant to § 53.1-32.1 for disciplinary or noncompliance reasons.

E. A person may appeal a reclassification determination under subsection C or D in the manner set forth in the grievance procedure established by the Director pursuant to his powers and duties as set forth in § 53.1-10.

F. For a juvenile sentenced to serve a portion of his sentence as a serious juvenile offender under § 16.1-285.1, consideration for earning sentence credits shall be conditioned, in part, upon full participation in and cooperation with programs afforded to the juvenile during that portion of the sentence. The Department of Juvenile Justice shall provide a report that describes the juvenile's adherence to the facility's rules and the juvenile's progress toward treatment goals and objectives while sentenced as a serious juvenile offender under § 16.1-285.1.

G. Notwithstanding any other provision of law, no portion of any sentence credits earned shall be applied to reduce the period of time a person must serve before becoming eligible for parole upon any sentence.

2. That the Department of Corrections (the Department) shall convene a work group to study the impact of the sentence credit amendments set forth in this act. The work group shall include representatives of the Senate Committee on Finance and Appropriations, the House Committee on Appropriations, the Virginia State Crime Commission, and any other stakeholders the Department deems appropriate. The Division of Legislative Services shall provide staff support to the work group. The Department shall report to the Governor and the General Assembly by July 1, 2021, the membership of the work group and the work group's plan for conducting such study, including any data and information upon which the work group will rely in conducting such study, and shall report its finding and conclusions to the Governor and the General Assembly by June 1, 2023. The report shall include (i) the state fiscal impact of the sentence credit amendments, including any cost savings realized by reducing the length of time spent by persons in state correctional facilities; (ii) the number of persons affected by the sentence credit amendments and the distribution of such persons among state correctional facilities; (iii) a detailed six-year plan describing the estimated releases by facility under this act, accounting for any persons who will be transferred from jail, as well as persons who would be otherwise released in the covered years; and (iv) any other information the Department deems relevant.

3. That the provisions of this act, other than the provisions of the second enactment of this act, shall become effective on July 1, 2022.

4. That the provisions of § 53.1-202.3 of the Code of Virginia, as amended by this act, shall apply retroactively to the entire sentence of any person who is confined in a state correctional facility and participating in the earned sentence credit system on July 1, 2022. If it is determined that, upon retroactive application of the provisions of § 53.1-202.3 of the Code of Virginia, as amended by this act, the release date of any such person passed prior to the effective date of this act, the person shall be released upon approval of an appropriate release plan and within 60 days of such determination unless otherwise mandated by court order; however, no person shall have a claim for wrongful incarceration pursuant to § 8.01-195.11 of the Code of Virginia on the basis of such retroactive application. If a

person is released prior to completion of any reentry programs deemed necessary by the Department of Corrections on the person's most recent annual review or prior to completion of any programs mandated by court order, the person shall be required to complete such programs under probation, provided probation is mandated by the court and current community resources are sufficient to facilitate completion of the aforementioned programs.

5. That the Department of Corrections shall ensure that educational, vocational, counseling, and substance abuse programs for earning sentence credits are available at all state correctional facilities.

6. That the Department of Corrections shall ensure that educational, vocational, counseling, substance abuse, rehabilitative, and reentry services are available at all probation and parole offices.

7. That the Department of Criminal Justice Services shall continue to administer grant funding to private entities for the purpose of assisting in reentry services.

CHAPTER 53

An Act to amend and reenact §§ 32.1-325, 38.2-3418.16, and 38.2-4319, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to telemedicine services.

[S 5080]

Approved November 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-325, 38.2-3418.16, and 38.2-4319, as it is currently effective and as it shall become effective, of the Code of Virginia are amended and reenacted as follows:

§ 32.1-325. Board to submit plan for medical assistance services to U.S. Secretary of Health and Human Services pursuant to federal law; administration of plan; contracts with health care providers.

A. The Board, subject to the approval of the Governor, is authorized to prepare, amend from time to time, and submit to the U.S. Secretary of Health and Human Services a state plan for medical assistance services pursuant to Title XIX of the United States Social Security Act and any amendments thereto. The Board shall include in such plan:

1. A provision for payment of medical assistance on behalf of individuals, up to the age of 21, placed in foster homes or private institutions by private, nonprofit agencies licensed as child-placing agencies by the Department of Social Services or placed through state and local subsidized adoptions to the extent permitted under federal statute;

2. A provision for determining eligibility for benefits for medically needy individuals which disregards from countable resources an amount not in excess of \$3,500 for the individual and an amount not in excess of \$3,500 for his spouse when such resources have been set aside to meet the burial expenses of the individual or his spouse. The amount disregarded shall be reduced by (i) the face value of life insurance on the life of an individual owned by the individual or his spouse if the cash surrender value of such policies has been excluded from countable resources and (ii) the amount of any other revocable or irrevocable trust, contract, or other arrangement specifically designated for the purpose of meeting the individual's or his spouse's burial expenses;

3. A requirement that, in determining eligibility, a home shall be disregarded. For those medically needy persons whose eligibility for medical assistance is required by federal law to be dependent on the budget methodology for Aid to Families with Dependent Children, a home means the house and lot used as the principal residence and all contiguous property. For all other persons, a home shall mean the house and lot used as the principal residence, as well as all contiguous property, as long as the value of the land, exclusive of the lot occupied by the house, does not exceed \$5,000. In any case in which the definition of home as provided here is more restrictive than that provided in the state plan for medical assistance services in Virginia as it was in effect on January 1, 1972, then a home means the house and lot used as the principal residence and all contiguous property essential to the operation of the home regardless of value;

4. A provision for payment of medical assistance on behalf of individuals up to the age of 21, who are Medicaid eligible, for medically necessary stays in acute care facilities in excess of 21 days per admission;

5. A provision for deducting from an institutionalized recipient's income an amount for the maintenance of the individual's spouse at home;

6. A provision for payment of medical assistance on behalf of pregnant women which provides for payment for inpatient postpartum treatment in accordance with the medical criteria outlined in the most current version of or an official update to the "Guidelines for Perinatal Care" prepared by the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists or the "Standards for Obstetric-Gynecologic Services" prepared by the American College of Obstetricians and Gynecologists. Payment shall be made for any postpartum home visit or visits for the mothers and the children which are within the time periods recommended by the attending physicians in accordance with and as indicated by such Guidelines or Standards. For the purposes of this subdivision, such Guidelines or Standards shall include any changes thereto within six months of the publication of such Guidelines or Standards or any official amendment thereto;

7. A provision for the payment for family planning services on behalf of women who were Medicaid-eligible for prenatal care and delivery as provided in this section at the time of delivery. Such family planning services shall begin with delivery and continue for a period of 24 months, if the woman continues to meet the financial eligibility requirements for a pregnant woman under Medicaid. For the purposes of this section, family planning services shall not cover payment for abortion services and no funds shall be used to perform, assist, encourage or make direct referrals for abortions;

8. A provision for payment of medical assistance for high-dose chemotherapy and bone marrow transplants on behalf of individuals over the age of 21 who have been diagnosed with lymphoma, breast cancer, myeloma, or leukemia and have been determined by the treating health care provider to have a performance status sufficient to proceed with such high-dose chemotherapy and bone marrow transplant. Appeals of these cases shall be handled in accordance with the Department's expedited appeals process;

9. A provision identifying entities approved by the Board to receive applications and to determine eligibility for medical assistance, which shall include a requirement that such entities (i) obtain accurate contact information, including the best available address and telephone number, from each applicant for medical assistance, to the extent required by federal law and regulations, and (ii) provide each applicant for medical assistance with information about advance directives pursuant to Article 8 (§ 54.1-2981 et seq.) of Chapter 29 of Title 54.1, including information about the purpose and benefits of advance directives and how the applicant may make an advance directive;

10. A provision for breast reconstructive surgery following the medically necessary removal of a breast for any medical reason. Breast reductions shall be covered, if prior authorization has been obtained, for all medically necessary indications. Such procedures shall be considered noncosmetic;

11. A provision for payment of medical assistance for annual pap smears;

12. A provision for payment of medical assistance services for prostheses following the medically necessary complete or partial removal of a breast for any medical reason;

13. A provision for payment of medical assistance which provides for payment for 48 hours of inpatient treatment for a patient following a radical or modified radical mastectomy and 24 hours of inpatient care following a total mastectomy or a partial mastectomy with lymph node dissection for treatment of disease or trauma of the breast. Nothing in this subdivision shall be construed as requiring the provision of inpatient coverage where the attending physician in consultation with the patient determines that a shorter period of hospital stay is appropriate;

14. A requirement that certificates of medical necessity for durable medical equipment and any supporting verifiable documentation shall be signed, dated, and returned by the physician, physician assistant, or nurse practitioner and in the durable medical equipment provider's possession within 60 days from the time the ordered durable medical equipment and supplies are first furnished by the durable medical equipment provider;

15. A provision for payment of medical assistance to (i) persons age 50 and over and (ii) persons age 40 and over who are at high risk for prostate cancer, according to the most recent published guidelines of the American Cancer Society, for one PSA test in a 12-month period and digital rectal examinations, all in accordance with American Cancer Society guidelines. For the purpose of this subdivision, "PSA testing" means the analysis of a blood sample to determine the level of prostate specific antigen;

16. A provision for payment of medical assistance for low-dose screening mammograms for determining the presence of occult breast cancer. Such coverage shall make available one screening mammogram to persons age 35 through 39, one such mammogram biennially to persons age 40 through 49, and one such mammogram annually to persons age 50 and over. The term "mammogram" means an X-ray examination of the breast using equipment dedicated specifically for mammography, including but not limited to the X-ray tube, filter, compression device, screens, film and cassettes, with an average radiation exposure of less than one rad mid-breast, two views of each breast;

17. A provision, when in compliance with federal law and regulation and approved by the Centers for Medicare & Medicaid Services (CMS), for payment of medical assistance services delivered to Medicaid-eligible students when such services qualify for reimbursement by the Virginia Medicaid program and may be provided by school divisions;

18. A provision for payment of medical assistance services for liver, heart and lung transplantation procedures for individuals over the age of 21 years when (i) there is no effective alternative medical or surgical therapy available with outcomes that are at least comparable; (ii) the transplant procedure and application of the procedure in treatment of the specific condition have been clearly demonstrated to be medically effective and not experimental or investigational; (iii) prior authorization by the Department of Medical Assistance Services has been obtained; (iv) the patient selection criteria of the specific transplant center where the surgery is proposed to be performed have been used by the transplant team or program to determine the appropriateness of the patient for the procedure; (v) current medical therapy has failed and the patient has failed to respond to appropriate therapeutic management; (vi) the patient is not in an irreversible terminal state; and (vii) the transplant is likely to prolong the patient's life and restore a range of physical and social functioning in the activities of daily living;

19. A provision for payment of medical assistance for colorectal cancer screening, specifically screening with an annual fecal occult blood test, flexible sigmoidoscopy or colonoscopy, or in appropriate circumstances radiologic imaging, in accordance with the most recently published recommendations established by the American College of Gastroenterology, in consultation with the American Cancer Society, for the ages, family histories, and frequencies referenced in such recommendations;

20. A provision for payment of medical assistance for custom ocular prostheses;

21. A provision for payment for medical assistance for infant hearing screenings and all necessary audiological examinations provided pursuant to § 32.1-64.1 using any technology approved by the United States Food and Drug Administration, and as recommended by the national Joint Committee on Infant Hearing in its most current position statement addressing early hearing detection and intervention programs. Such provision shall include payment for medical

assistance for follow-up audiological examinations as recommended by a physician, physician assistant, nurse practitioner, or audiologist and performed by a licensed audiologist to confirm the existence or absence of hearing loss;

22. A provision for payment of medical assistance, pursuant to the Breast and Cervical Cancer Prevention and Treatment Act of 2000 (P.L. 106-354), for certain women with breast or cervical cancer when such women (i) have been screened for breast or cervical cancer under the Centers for Disease Control and Prevention (CDC) Breast and Cervical Cancer Early Detection Program established under Title XV of the Public Health Service Act; (ii) need treatment for breast or cervical cancer, including treatment for a precancerous condition of the breast or cervix; (iii) are not otherwise covered under creditable coverage, as defined in § 2701 (c) of the Public Health Service Act; (iv) are not otherwise eligible for medical assistance services under any mandatory categorically needy eligibility group; and (v) have not attained age 65. This provision shall include an expedited eligibility determination for such women;

23. A provision for the coordinated administration, including outreach, enrollment, re-enrollment and services delivery, of medical assistance services provided to medically indigent children pursuant to this chapter, which shall be called Family Access to Medical Insurance Security (FAMIS) Plus and the FAMIS Plan program in § 32.1-351. A single application form shall be used to determine eligibility for both programs;

24. A provision, when authorized by and in compliance with federal law, to establish a public-private long-term care partnership program between the Commonwealth of Virginia and private insurance companies that shall be established through the filing of an amendment to the state plan for medical assistance services by the Department of Medical Assistance Services. The purpose of the program shall be to reduce Medicaid costs for long-term care by delaying or eliminating dependence on Medicaid for such services through encouraging the purchase of private long-term care insurance policies that have been designated as qualified state long-term care insurance partnerships and may be used as the first source of benefits for the participant's long-term care. Components of the program, including the treatment of assets for Medicaid eligibility and estate recovery, shall be structured in accordance with federal law and applicable federal guidelines;

25. A provision for the payment of medical assistance for otherwise eligible pregnant women during the first five years of lawful residence in the United States, pursuant to § 214 of the Children's Health Insurance Program Reauthorization Act of 2009 (P.L. 111-3); and

26. A provision for the payment of medical assistance for medically necessary health care services provided through telemedicine services, *as defined in § 38.2-3418.16, regardless of the originating site or whether the patient is accompanied by a health care provider at the time such services are provided. No health care provider who provides health care services through telemedicine services shall be required to use proprietary technology or applications in order to be reimbursed for providing telemedicine services.*

For the purposes of this subdivision, "originating site" means any location where the patient is located, including any medical care facility or office of a health care provider, the home of the patient, the patient's place of employment, or any public or private primary or secondary school or postsecondary institution of higher education at which the person to whom telemedicine services are provided is located.

B. In preparing the plan, the Board shall:

1. Work cooperatively with the State Board of Health to ensure that quality patient care is provided and that the health, safety, security, rights and welfare of patients are ensured.

2. Initiate such cost containment or other measures as are set forth in the appropriation act.

3. Make, adopt, promulgate and enforce such regulations as may be necessary to carry out the provisions of this chapter.

4. Examine, before acting on a regulation to be published in the Virginia Register of Regulations pursuant to § 2.2-4007.05, the potential fiscal impact of such regulation on local boards of social services. For regulations with potential fiscal impact, the Board shall share copies of the fiscal impact analysis with local boards of social services prior to submission to the Registrar. The fiscal impact analysis shall include the projected costs/savings to the local boards of social services to implement or comply with such regulation and, where applicable, sources of potential funds to implement or comply with such regulation.

5. Incorporate sanctions and remedies for certified nursing facilities established by state law, in accordance with 42 C.F.R. § 488.400 et seq. "Enforcement of Compliance for Long-Term Care Facilities With Deficiencies."

6. On and after July 1, 2002, require that a prescription benefit card, health insurance benefit card, or other technology that complies with the requirements set forth in § 38.2-3407.4:2 be issued to each recipient of medical assistance services, and shall upon any changes in the required data elements set forth in subsection A of § 38.2-3407.4:2, either reissue the card or provide recipients such corrective information as may be required to electronically process a prescription claim.

C. In order to enable the Commonwealth to continue to receive federal grants or reimbursement for medical assistance or related services, the Board, subject to the approval of the Governor, may adopt, regardless of any other provision of this chapter, such amendments to the state plan for medical assistance services as may be necessary to conform such plan with amendments to the United States Social Security Act or other relevant federal law and their implementing regulations or constructions of these laws and regulations by courts of competent jurisdiction or the United States Secretary of Health and Human Services.

In the event conforming amendments to the state plan for medical assistance services are adopted, the Board shall not be required to comply with the requirements of Article 2 (§ 2.2-4006 et seq.) of Chapter 40 of Title 2.2. However, the Board

shall, pursuant to the requirements of § 2.2-4002, (i) notify the Registrar of Regulations that such amendment is necessary to meet the requirements of federal law or regulations or because of the order of any state or federal court, or (ii) certify to the Governor that the regulations are necessitated by an emergency situation. Any such amendments that are in conflict with the Code of Virginia shall only remain in effect until July 1 following adjournment of the next regular session of the General Assembly unless enacted into law.

D. The Director of Medical Assistance Services is authorized to:

1. Administer such state plan and receive and expend federal funds therefor in accordance with applicable federal and state laws and regulations; and enter into all contracts necessary or incidental to the performance of the Department's duties and the execution of its powers as provided by law.

2. Enter into agreements and contracts with medical care facilities, physicians, dentists and other health care providers where necessary to carry out the provisions of such state plan. Any such agreement or contract shall terminate upon conviction of the provider of a felony. In the event such conviction is reversed upon appeal, the provider may apply to the Director of Medical Assistance Services for a new agreement or contract. Such provider may also apply to the Director for reconsideration of the agreement or contract termination if the conviction is not appealed, or if it is not reversed upon appeal.

3. Refuse to enter into or renew an agreement or contract, or elect to terminate an existing agreement or contract, with any provider who has been convicted of or otherwise pled guilty to a felony, or pursuant to Subparts A, B, and C of 42 C.F.R. Part 1002, and upon notice of such action to the provider as required by 42 C.F.R. § 1002.212.

4. Refuse to enter into or renew an agreement or contract, or elect to terminate an existing agreement or contract, with a provider who is or has been a principal in a professional or other corporation when such corporation has been convicted of or otherwise pled guilty to any violation of § 32.1-314, 32.1-315, 32.1-316, or 32.1-317, or any other felony or has been excluded from participation in any federal program pursuant to 42 C.F.R. Part 1002.

5. Terminate or suspend a provider agreement with a home care organization pursuant to subsection E of § 32.1-162.13.

~~6. [Expired.]~~

For the purposes of this subsection, "provider" may refer to an individual or an entity.

E. In any case in which a Medicaid agreement or contract is terminated or denied to a provider pursuant to subsection D, the provider shall be entitled to appeal the decision pursuant to 42 C.F.R. § 1002.213 and to a post-determination or post-denial hearing in accordance with the Administrative Process Act (§ 2.2-4000 et seq.). All such requests shall be in writing and be received within 15 days of the date of receipt of the notice.

The Director may consider aggravating and mitigating factors including the nature and extent of any adverse impact the agreement or contract denial or termination may have on the medical care provided to Virginia Medicaid recipients. In cases in which an agreement or contract is terminated pursuant to subsection D, the Director may determine the period of exclusion and may consider aggravating and mitigating factors to lengthen or shorten the period of exclusion, and may reinstate the provider pursuant to 42 C.F.R. § 1002.215.

F. When the services provided for by such plan are services which a marriage and family therapist, clinical psychologist, clinical social worker, professional counselor, or clinical nurse specialist is licensed to render in Virginia, the Director shall contract with any duly licensed marriage and family therapist, duly licensed clinical psychologist, licensed clinical social worker, licensed professional counselor or licensed clinical nurse specialist who makes application to be a provider of such services, and thereafter shall pay for covered services as provided in the state plan. The Board shall promulgate regulations which reimburse licensed marriage and family therapists, licensed clinical psychologists, licensed clinical social workers, licensed professional counselors and licensed clinical nurse specialists at rates based upon reasonable criteria, including the professional credentials required for licensure.

G. The Board shall prepare and submit to the Secretary of the United States Department of Health and Human Services such amendments to the state plan for medical assistance services as may be permitted by federal law to establish a program of family assistance whereby children over the age of 18 years shall make reasonable contributions, as determined by regulations of the Board, toward the cost of providing medical assistance under the plan to their parents.

H. The Department of Medical Assistance Services shall:

1. Include in its provider networks and all of its health maintenance organization contracts a provision for the payment of medical assistance on behalf of individuals up to the age of 21 who have special needs and who are Medicaid eligible, including individuals who have been victims of child abuse and neglect, for medically necessary assessment and treatment services, when such services are delivered by a provider which specializes solely in the diagnosis and treatment of child abuse and neglect, or a provider with comparable expertise, as determined by the Director.

2. Amend the Medallion II waiver and its implementing regulations to develop and implement an exception, with procedural requirements, to mandatory enrollment for certain children between birth and age three certified by the Department of Behavioral Health and Developmental Services as eligible for services pursuant to Part C of the Individuals with Disabilities Education Act (20 U.S.C. § 1471 et seq.).

3. Utilize, to the extent practicable, electronic funds transfer technology for reimbursement to contractors and enrolled providers for the provision of health care services under Medicaid and the Family Access to Medical Insurance Security Plan established under § 32.1-351.

4. Require any managed care organization with which the Department enters into an agreement for the provision of medical assistance services to include in any contract between the managed care organization and a pharmacy benefits manager provisions prohibiting the pharmacy benefits manager or a representative of the pharmacy benefits manager from conducting spread pricing with regards to the managed care organization's managed care plans. For the purposes of this subdivision:

"Pharmacy benefits management" means the administration or management of prescription drug benefits provided by a managed care organization for the benefit of covered individuals.

"Pharmacy benefits manager" means a person that performs pharmacy benefits management.

"Spread pricing" means the model of prescription drug pricing in which the pharmacy benefits manager charges a managed care plan a contracted price for prescription drugs, and the contracted price for the prescription drugs differs from the amount the pharmacy benefits manager directly or indirectly pays the pharmacist or pharmacy for pharmacist services.

I. The Director is authorized to negotiate and enter into agreements for services rendered to eligible recipients with special needs. The Board shall promulgate regulations regarding these special needs patients, to include persons with AIDS, ventilator-dependent patients, and other recipients with special needs as defined by the Board.

J. Except as provided in subdivision A 1 of § 2.2-4345, the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.) shall not apply to the activities of the Director authorized by subsection I of this section. Agreements made pursuant to this subsection shall comply with federal law and regulation.

§ 38.2-3418.16. Coverage for telemedicine services.

A. Notwithstanding the provisions of § 38.2-3419, each insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; each corporation providing individual or group accident and sickness subscription contracts; and each health maintenance organization providing a health care plan for health care services shall provide coverage for the cost of such health care services provided through telemedicine services, as provided in this section.

B. As used in this section:

"Originating site" means the location where the patient is located at the time services are provided by a health care provider through telemedicine services.

"Remote patient monitoring services" means the delivery of home health services using telecommunications technology to enhance the delivery of home health care, including monitoring of clinical patient data such as weight, blood pressure, pulse, pulse oximetry, blood glucose, and other condition-specific data; medication adherence monitoring; and interactive video conferencing with or without digital image upload.

"Telemedicine services" as it pertains to the delivery of health care services, means the use of electronic technology or media, including interactive audio or video, for the purpose of diagnosing or treating a patient, providing remote patient monitoring services, or consulting with other health care providers regarding a patient's diagnosis or treatment, regardless of the originating site and whether the patient is accompanied by a health care provider at the time such services are provided. "Telemedicine services" does not include an audio-only telephone, electronic mail message, facsimile transmission, or online questionnaire.

C. An insurer, corporation, or health maintenance organization shall not exclude a service for coverage solely because the service is provided through telemedicine services and is not provided through face-to-face consultation or contact between a health care provider and a patient for services appropriately provided through telemedicine services.

D. An insurer, corporation, or health maintenance organization shall not be required to reimburse the treating provider or the consulting provider for technical fees or costs for the provision of telemedicine services; however, such insurer, corporation, or health maintenance organization shall reimburse the treating provider or the consulting provider for the diagnosis, consultation, or treatment of the insured delivered through telemedicine services on the same basis that the insurer, corporation, or health maintenance organization is responsible for coverage for the provision of the same service through face-to-face consultation or contact. *No insurer, corporation, or health maintenance organization shall require a provider to use proprietary technology or applications in order to be reimbursed for providing telemedicine services.*

E. Nothing shall preclude the insurer, corporation, or health maintenance organization from undertaking utilization review to determine the appropriateness of telemedicine services, provided that such appropriateness is made in the same manner as those determinations are made for the treatment of any other illness, condition, or disorder covered by such policy, contract, or plan. Any such utilization review shall not require pre-authorization of emergent telemedicine services.

F. An insurer, corporation, or health maintenance organization may offer a health plan containing a deductible, copayment, or coinsurance requirement for a health care service provided through telemedicine services, provided that the deductible, copayment, or coinsurance does not exceed the deductible, copayment, or coinsurance applicable if the same services were provided through face-to-face diagnosis, consultation, or treatment.

G. No insurer, corporation, or health maintenance organization shall impose any annual or lifetime dollar maximum on coverage for telemedicine services other than an annual or lifetime dollar maximum that applies in the aggregate to all items and services covered under the policy, or impose upon any person receiving benefits pursuant to this section any copayment, coinsurance, or deductible amounts, or any policy year, calendar year, lifetime, or other durational benefit limitation or maximum for benefits or services, that is not equally imposed upon all terms and services covered under the policy, contract, or plan.

H. The requirements of this section shall apply to all insurance policies, contracts, and plans delivered, issued for delivery, reissued, or extended in the Commonwealth on and after January 1, ~~2011~~ 2021, or at any time thereafter when any term of the policy, contract, or plan is changed or any premium adjustment is made.

I. This section shall not apply to short-term travel, accident-only, or limited or specified disease policies or contracts, nor to policies or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under ~~state or~~ federal governmental plans.

J. The coverage required by this section shall include the use of telemedicine technologies as it pertains to medically necessary remote patient monitoring services to the full extent that these services are available.

K. Prescribing of controlled substances via telemedicine shall comply with the requirements of § 54.1-3303 and all applicable federal law.

§ 38.2-4319. (Effective until October 1, 2020) Statutory construction and relationship to other laws.

A. No provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-305, 38.2-316, 38.2-316.1, 38.2-322, 38.2-325, 38.2-326, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, and 38.2-600 through 38.2-629, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, and 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, and Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), 5.1 (§ 38.2-1334.3 et seq.), and 5.2 (§ 38.2-1334.11 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.), 2 (§ 38.2-1412 et seq.), and 4 (§ 38.2-1446 et seq.) of Chapter 14, Chapter 15 (§ 38.2-1500 et seq.), Chapter 17 (§ 38.2-1700 et seq.), §§ 38.2-1800 through 38.2-1836, 38.2-3401, 38.2-3405, 38.2-3405.1, 38.2-3406.1, 38.2-3407.2 through 38.2-3407.6:1, 38.2-3407.9 through 38.2-3407.20, 38.2-3411, 38.2-3411.2, 38.2-3411.3, 38.2-3411.4, 38.2-3412.1, 38.2-3414.1, 38.2-3418.1 through 38.2-3418.20, 38.2-3419.1, and 38.2-3430.1 through 38.2-3454, Article 8 (§ 38.2-3461 et seq.) of Chapter 34, § 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, and 38.2-3543.2, Article 5 (§ 38.2-3551 et seq.) of Chapter 35, Chapter 35.1 (§ 38.2-3556 et seq.), § 38.2-3610, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), Chapter 58 (§ 38.2-5800 et seq.) and Chapter 65 (§ 38.2-6500 et seq.) shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

B. For plans administered by the Department of Medical Assistance Services that provide benefits pursuant to Title XIX or Title XXI of the Social Security Act, as amended, no provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-322, 38.2-325, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, and 38.2-600 through 38.2-629, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, and 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), 5.1 (§ 38.2-1334.3 et seq.), and 5.2 (§ 38.2-1334.11 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.), 2 (§ 38.2-1412 et seq.), and 4 (§ 38.2-1446 et seq.) of Chapter 14, §§ 38.2-3401, 38.2-3405, 38.2-3407.2 through 38.2-3407.5, 38.2-3407.6, 38.2-3407.6:1, 38.2-3407.9, 38.2-3407.9:01, and 38.2-3407.9:02, subdivisions F 1, 2, and 3 of § 38.2-3407.10, §§ 38.2-3407.11, 38.2-3407.11:3, 38.2-3407.13, 38.2-3407.13:1, 38.2-3407.14, 38.2-3411.2, 38.2-3418.1, 38.2-3418.2, 38.2-3418.16, 38.2-3419.1, 38.2-3430.1 through 38.2-3437, and 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, and 38.2-3543.2, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), ~~and~~ Chapter 58 (§ 38.2-5800 et seq.), and Chapter 65 (§ 38.2-6500 et seq.) shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

C. Solicitation of enrollees by a licensed health maintenance organization or by its representatives shall not be construed to violate any provisions of law relating to solicitation or advertising by health professionals.

D. A licensed health maintenance organization shall not be deemed to be engaged in the unlawful practice of medicine. All health care providers associated with a health maintenance organization shall be subject to all provisions of law.

E. Notwithstanding the definition of an eligible employee as set forth in § 38.2-3431, a health maintenance organization providing health care plans pursuant to § 38.2-3431 shall not be required to offer coverage to or accept applications from an employee who does not reside within the health maintenance organization's service area.

F. For purposes of applying this section, "insurer" when used in a section cited in subsections A and B shall be construed to mean and include "health maintenance organizations" unless the section cited clearly applies to health maintenance organizations without such construction.

§ 38.2-4319. (Effective October 1, 2020) Statutory construction and relationship to other laws.

A. No provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-305, 38.2-316, 38.2-316.1, 38.2-322, 38.2-325, 38.2-326, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-629, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, and 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, and Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317

et seq.), 5 (§ 38.2-1322 et seq.), 5.1 (§ 38.2-1334.3 et seq.), and 5.2 (§ 38.2-1334.11 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.), 2 (§ 38.2-1412 et seq.), and 4 (§ 38.2-1446 et seq.) of Chapter 14, Chapter 15 (§ 38.2-1500 et seq.), Chapter 17 (§ 38.2-1700 et seq.), §§ 38.2-1800 through 38.2-1836, 38.2-3401, 38.2-3405, 38.2-3405.1, 38.2-3406.1, 38.2-3407.2 through 38.2-3407.6:1, 38.2-3407.9 through 38.2-3407.20, 38.2-3411, 38.2-3411.2, 38.2-3411.3, 38.2-3411.4, 38.2-3412.1, 38.2-3414.1, 38.2-3418.1 through 38.2-3418.20, 38.2-3419.1, and 38.2-3430.1 through 38.2-3454, Articles 8 (§ 38.2-3461 et seq.) and 9 (§ 38.2-3465 et seq.) of Chapter 34, § 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, and 38.2-3543.2, Article 5 (§ 38.2-3551 et seq.) of Chapter 35, Chapter 35.1 (§ 38.2-3556 et seq.), § 38.2-3610, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), Chapter 58 (§ 38.2-5800 et seq.) and Chapter 65 (§ 38.2-6500 et seq.) shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

B. For plans administered by the Department of Medical Assistance Services that provide benefits pursuant to Title XIX or Title XXI of the Social Security Act, as amended, no provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-322, 38.2-325, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, and 38.2-600 through 38.2-629, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, and 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), 5.1 (§ 38.2-1334.3 et seq.), and 5.2 (§ 38.2-1334.11 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.), 2 (§ 38.2-1412 et seq.), and 4 (§ 38.2-1446 et seq.) of Chapter 14, §§ 38.2-3401, 38.2-3405, 38.2-3407.2 through 38.2-3407.5, 38.2-3407.6, 38.2-3407.6:1, 38.2-3407.9, 38.2-3407.9:01, and 38.2-3407.9:02, subdivisions F 1, 2, and 3 of § 38.2-3407.10, §§ 38.2-3407.11, 38.2-3407.11:3, 38.2-3407.13, 38.2-3407.13:1, 38.2-3407.14, 38.2-3411.2, 38.2-3418.1, 38.2-3418.2, 38.2-3418.16, 38.2-3419.1, 38.2-3430.1 through 38.2-3437, and 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, and 38.2-3543.2, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.), and Chapter 65 (§ 38.2-6500 et seq.) shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

C. Solicitation of enrollees by a licensed health maintenance organization or by its representatives shall not be construed to violate any provisions of law relating to solicitation or advertising by health professionals.

D. A licensed health maintenance organization shall not be deemed to be engaged in the unlawful practice of medicine. All health care providers associated with a health maintenance organization shall be subject to all provisions of law.

E. Notwithstanding the definition of an eligible employee as set forth in § 38.2-3431, a health maintenance organization providing health care plans pursuant to § 38.2-3431 shall not be required to offer coverage to or accept applications from an employee who does not reside within the health maintenance organization's service area.

F. For purposes of applying this section, "insurer" when used in a section cited in subsections A and B shall be construed to mean and include "health maintenance organizations" unless the section cited clearly applies to health maintenance organizations without such construction.

2. That the Department of Medical Assistance Services shall continue to reimburse health care providers for Medicaid-covered services delivered via audio-only equipment and by telemedicine services, as described in guidance issued by the Department of Medical Assistance Services on March 19, 2020, until July 1, 2021.

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

CHAPTER 54

An Act to amend and reenact § 55.1-1245 of the Code of Virginia, relating to the Virginia Residential Landlord and Tenant Act; landlord remedies; noncompliance with rental agreement; payment plan.

[S 5088]

Approved November 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 55.1-1245 of the Code of Virginia is amended and reenacted as follows:

§ 55.1-1245. Noncompliance with rental agreement; monetary penalty.

A. Except as otherwise provided in this chapter, if there is a material noncompliance by the tenant with the rental agreement or a violation of § 55.1-1227 materially affecting health and safety, the landlord may serve a written notice on the tenant specifying the acts and omissions constituting the breach and stating that the rental agreement will terminate upon a date not less than 30 days after receipt of the notice if the breach is not remedied in 21 days and that the rental agreement shall terminate as provided in the notice.

B. If the breach is remediable by repairs or the payment of damages or otherwise and the tenant adequately remedies the breach prior to the date specified in the notice, the rental agreement shall not terminate.

C. If the tenant commits a breach that is not remediable, the landlord may serve a written notice on the tenant specifying the acts and omissions constituting the breach and stating that the rental agreement will terminate upon a date not less than 30 days after receipt of the notice. Notwithstanding anything to the contrary, when a breach of the tenant's obligations under this chapter or the rental agreement involves or constitutes a criminal or a willful act that is not remediable and that poses a threat to health or safety, the landlord may terminate the rental agreement immediately and proceed to obtain possession of the premises. For purposes of this subsection, any illegal drug activity involving a controlled substance, as used or defined by the Drug Control Act (§ 54.1-3400 et seq.), or any activity that involves or constitutes a criminal or willful act that also poses a threat to health and safety, by the tenant, an authorized occupant, or a guest or invitee of the tenant shall constitute an immediate nonremediable violation for which the landlord may proceed to terminate the tenancy without the necessity of waiting for a conviction of any criminal offense that may arise out of the same actions. In order to obtain an order of possession from a court of competent jurisdiction terminating the tenancy for illegal drug activity or for any other activity that involves or constitutes a criminal or willful act that also poses a threat to health and safety, the landlord shall prove any such violations by a preponderance of the evidence. However, where the illegal drug activity or any activity that involves or constitutes a criminal or willful act that also poses a threat to health and safety is engaged in by an authorized occupant or a guest or invitee of the tenant, the tenant shall be presumed to have knowledge of such activities unless the presumption is rebutted by a preponderance of the evidence. The initial hearing on the landlord's action for immediate possession of the premises shall be held within 15 calendar days from the date of service on the tenant; however, the court shall order an earlier hearing when emergency conditions are alleged to exist upon the premises that constitute an immediate threat to the health or safety of the other tenants. After the initial hearing, if the matter is scheduled for a subsequent hearing or for a contested trial, the court, to the extent practicable, shall order that the matter be given priority on the court's docket. Such subsequent hearing or contested trial shall be heard no later than 30 calendar days from the date of service on the tenant. During the interim period between the date of the initial hearing and the date of any subsequent hearing or contested trial, the court may afford any further remedy or relief as is necessary to protect the interests of parties to the proceeding or the interests of any other tenant residing on the premises. Failure by the court to hold either of the hearings within the time limits set out in this section shall not be a basis for dismissal of the case.

D. If the tenant is a victim of family abuse as defined in § 16.1-228 that occurred in the dwelling unit or on the premises and the perpetrator is barred from the dwelling unit pursuant to § 55.1-1246 on the basis of information provided by the tenant to the landlord, or by a protective order from a court of competent jurisdiction pursuant to § 16.1-253.1 or 16.1-279.1 or subsection B of § 20-103, the lease shall not terminate solely due to an act of family abuse against the tenant. However, these provisions shall not be applicable if (i) the tenant fails to provide written documentation corroborating the tenant's status as a victim of family abuse and the exclusion from the dwelling unit of the perpetrator no later than 21 days from the alleged offense or (ii) the perpetrator returns to the dwelling unit or the premises, in violation of a bar notice, and the tenant fails to promptly notify the landlord within 24 hours that the perpetrator has returned to the dwelling unit or the premises, unless the tenant proves by a preponderance of the evidence that the tenant had no actual knowledge that the perpetrator violated the bar notice, or it was not possible for the tenant to notify the landlord within 24 hours, in which case the tenant shall promptly notify the landlord, but in no event later than seven days. If the provisions of this subsection are not applicable, the tenant shall remain responsible for the acts of the other co-tenants, authorized occupants, or guests or invitees pursuant to § 55.1-1227 and is subject to termination of the tenancy pursuant to the lease and this chapter.

E. If the tenant has been served with a prior written notice that required the tenant to remedy a breach, and the tenant remedied such breach, where the tenant intentionally commits a subsequent breach of a like nature as the prior breach, the landlord may serve a written notice on the tenant specifying the acts and omissions constituting the subsequent breach, make reference to the prior breach of a like nature, and state that the rental agreement will terminate upon a date not less than 30 days after receipt of the notice.

F. ~~For a landlord who owns four or fewer rental dwelling units, if rent is unpaid when due, and the tenant fails to pay rent within five 14 days after written notice is served on him notifying the tenant of his nonpayment, and of the landlord's intention to terminate the rental agreement if the rent is not paid within the five-day 14-day period, the landlord may terminate the rental agreement and proceed to obtain possession of the premises as provided in § 55.1-1251.~~

For a landlord who owns more than four rental dwelling units or more than a 10 percent interest in more than four rental dwelling units, whether individually or through a business entity, in the Commonwealth, if rent is unpaid when due, the landlord shall serve upon the tenant a written notice informing the tenant of the total amount due and owed. The written notice shall also offer the tenant a payment plan under which the tenant shall be required to pay the total amount due and owed in equal monthly installments over a period of the lesser of six months or the time remaining under the rental agreement. The total amount due and owed under a payment plan shall not include any late fees, and no late fees shall be assessed during any time period in which a tenant is making timely payments under a payment plan. This notice shall also inform the tenant that if the tenant fails to either pay the total amount due and owed or enter into the payment plan offered, or an alternative payment arrangement acceptable to the landlord, within 14 days of receiving the written notice from the landlord, the landlord may terminate the rental agreement and proceed to obtain possession of the premises as provided in § 55.1-1251. If the tenant fails to pay in full or enter into a payment plan with the landlord within 14 days of when the notice is served on him, the landlord may terminate the rental agreement and proceed to obtain possession of the premises as

provided in § 55.1-1251. If the tenant enters into a payment plan and after the plan becomes effective, fails to pay any installment required by the plan within 14 days of its due date, the landlord may terminate the rental agreement and proceed to obtain possession of the premises as provided in § 55.1-1251, provided that he has sent the tenant a new notice advising the tenant that the rental agreement will terminate unless the tenant pays the total amount due and owed as stated on the notice within 14 days of receipt. The option of entering into a payment plan or alternative payment arrangement pursuant to this subsection may only be utilized once during the time period of the rental agreement. Nothing in this subsection shall preclude a tenant from availing himself of any other rights or remedies available to him under the law, nor shall the tenant's eligibility to participate or participation in any rent relief program offered by a nonprofit organization or under the provisions of any federal, state, or local law, regulation, or action prohibit the tenant from taking advantage of the provisions of this subsection.

G. If a check for rent is delivered to the landlord drawn on an account with insufficient funds, or if an electronic funds transfer has been rejected because of insufficient funds or a stop-payment order has been placed in bad faith by the authorizing party, and the tenant fails to pay rent within five days after written notice is served on him notifying the tenant of his nonpayment and of the landlord's intention to terminate the rental agreement if the rent is not paid by cash, cashier's check, certified check, or a completed electronic funds transfer within the five-day period, the landlord may terminate the rental agreement and proceed to obtain possession of the premises as provided in § 55.1-1251. Nothing shall be construed to prevent a landlord from seeking an award of costs or attorney fees under § 8.01-27.1 or civil recovery under § 8.01-27.2, as a part of other damages requested on the unlawful detainer filed pursuant to § 8.01-126, provided that the landlord has given notice in accordance with § 55.1-1202, which notice may be included in the five-day termination notice provided in accordance with this section.

~~G.~~ H. Except as otherwise provided in this chapter, the landlord may recover damages and obtain injunctive relief for any noncompliance by the tenant with the rental agreement or § 55.1-1227. In the event of a breach of the rental agreement or noncompliance by the tenant, the landlord shall be entitled to recover from the tenant the following, regardless of whether a lawsuit is filed or an order is obtained from a court: (i) rent due and owing as contracted for in the rental agreement, (ii) other charges and fees as contracted for in the rental agreement, (iii) late charges contracted for in the rental agreement, (iv) reasonable attorney fees as contracted for in the rental agreement or as provided by law, (v) costs of the proceeding as contracted for in the rental agreement or as provided by law only if court action has been filed, and (vi) damages to the dwelling unit or premises as contracted for in the rental agreement.

~~H.~~ I. In a case where a lawsuit is pending before the court upon a breach of the rental agreement or noncompliance by the tenant and the landlord prevails, the court shall award a money judgment to the landlord and against the tenant for the relief requested, which may include the following: (i) rent due and owing as of the court date as contracted for in the rental agreement; (ii) other charges and fees as contracted for in the rental agreement; (iii) late charges contracted for in the rental agreement; (iv) reasonable attorney fees as contracted for in the rental agreement or as provided by law, unless in any such action the tenant proves by a preponderance of the evidence that the tenant's failure to pay rent or vacate was reasonable; (v) costs of the proceeding as contracted for in the rental agreement or as provided by law; and (vi) damages to the dwelling unit or premises.

2. That the provisions of this act shall expire on July 1, 2021.

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

CHAPTER 55

An Act to amend and reenact §§ 9.1-101, 9.1-102, 15.2-1123.1, and 52-11.3 of the Code of Virginia and to amend the Code of Virginia by adding in Title 2.2 a chapter numbered 55.4, consisting of a section numbered 2.2-5515, by adding a section numbered 15.2-1721.1, and by adding in Title 19.2 a chapter numbered 7.1, consisting of sections numbered 19.2-83.3, 19.2-83.4, and 19.2-83.5, relating to acquisition and use of military property by law-enforcement agencies.

[H 5049]

Approved November 18, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-101, 9.1-102, 15.2-1123.1, and 52-11.3 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 2.2 a chapter numbered 55.4, consisting of a section numbered 2.2-5515, by adding a section numbered 15.2-1721.1, and by adding in Title 19.2 a chapter numbered 7.1, consisting of sections numbered 19.2-83.3, 19.2-83.4, and 19.2-83.5, as follows:

CHAPTER 55.4.

LIMITATION ON ACQUISITION OF MILITARY PROPERTY.

§ 2.2-5515. Acquisition of military property.

A. No agency of the Commonwealth or director or chief executive of any agency or department employing law-enforcement officers as defined in § 9.1-101 shall acquire or purchase (i) weaponized unmanned aerial vehicles; (ii) aircraft that are configured for combat or are combat-coded and have no established commercial flight application; (iii) grenades or similar explosives or grenade launchers from a surplus program operated by the federal government; (iv) armored multi-wheeled vehicles that are mine-resistant, ambush-protected, and configured for combat, also known as

MRAPs, from a surplus program operated by the federal government; (v) bayonets; (vi) firearms of .50 caliber or higher; (vii) ammunition of .50 caliber or higher; or (viii) weaponized tracked armored vehicles.

Nothing in this subsection shall restrict the acquisition or purchase of an armored high mobility multi-purpose wheeled vehicle, also known as HMMWVs, or preclude the seizure of any prohibited item in connection with a criminal investigation or proceeding or subject to a civil forfeiture. Any property obtained by seizure shall be disposed of at the conclusion of any investigation or as otherwise provided by law.

B. Any agency of the Commonwealth or director or chief executive of any agency or department employing law-enforcement officers as defined in § 9.1-101 that has previously acquired any item listed in subsection A is prohibited from using such items unless such agency, director, or chief executive has received a waiver to use such items from the Criminal Justice Services Board. Any waiver request made to the Criminal Justice Services Board, except a waiver request from the Department of State Police, shall be limited to special weapons and tactics unit or other equivalent unit use only. The Department of State Police may seek a waiver for any of its units. The Criminal Justice Services Board may grant a waiver upon a showing of good cause by the requesting agency, director, or chief executive that the continued use of the item that is the subject of the waiver request has a bona fide public safety purpose.

Any agency, director, or chief executive that has filed a waiver request with the Criminal Justice Services Board may continue to use such prohibited items while such waiver request is pending before the Criminal Justice Services Board. If such waiver request is denied, the agency, director, or chief executive that filed such waiver shall no longer use such prohibited item.

C. Nothing in this section shall be construed as prohibiting the acquisition, purchase, or otherwise acceptance of any personal protective equipment, naloxone or other lifesaving medication, or any personal property that is not specifically prohibited pursuant to subsection A from the federal government.

D. The provisions of this section shall not apply to the Virginia National Guard or Virginia Defense Force.

§ 9.1-101. Definitions.

As used in this chapter or in Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, unless the context requires a different meaning:

"Administration of criminal justice" means performance of any activity directly involving the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders or the collection, storage, and dissemination of criminal history record information.

"Board" means the Criminal Justice Services Board.

"Conviction data" means information in the custody of any criminal justice agency relating to a judgment of conviction, and the consequences arising therefrom, in any court.

"Correctional status information" means records and data concerning each condition of a convicted person's custodial status, including probation, confinement, work release, study release, escape, or termination of custody through expiration of sentence, parole, pardon, or court decision.

"Criminal history record information" means records and data collected by criminal justice agencies on adult individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal charges, and any disposition arising therefrom. The term shall not include juvenile record information which is controlled by Chapter 11 (§ 16.1-226 et seq.) of Title 16.1, criminal justice intelligence information, criminal justice investigative information, or correctional status information.

"Criminal justice agency" means (i) a court or any other governmental agency or subunit thereof which as its principal function performs the administration of criminal justice and any other agency or subunit thereof which performs criminal justice activities, but only to the extent that it does so; (ii) for the purposes of Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, any private corporation or agency which, within the context of its criminal justice activities, employs special conservators of the peace appointed under Chapter 2 (§ 19.2-12 et seq.) of Title 19.2, provided that (a) such private corporation or agency requires its officers or special conservators to meet compulsory training standards established by the Criminal Justice Services Board and submits reports of compliance with the training standards and (b) the private corporation or agency complies with the provisions of Article 3 (§ 9.1-126 et seq.), but only to the extent that the private corporation or agency so designated as a criminal justice agency performs criminal justice activities; and (iii) the Office of the Attorney General, for all criminal justice activities otherwise permitted under clause (i) and for the purpose of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.).

"Criminal justice agency" includes any program certified by the Commission on VASAP pursuant to § 18.2-271.2.

"Criminal justice agency" includes the Department of Criminal Justice Services.

"Criminal justice agency" includes the Virginia Criminal Sentencing Commission.

"Criminal justice agency" includes the Virginia State Crime Commission.

"Criminal justice information system" means a system including the equipment, facilities, procedures, agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of criminal history record information. The operations of the system may be performed manually or by using electronic computers or other automated data processing equipment.

"Department" means the Department of Criminal Justice Services.

"Dissemination" means any transfer of information, whether orally, in writing, or by electronic means. The term shall not include access to the information by officers or employees of a criminal justice agency maintaining the information who have both a need and right to know the information.

"Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's office which is a part of or administered by the Commonwealth or any political subdivision thereof, or any full-time or part-time employee of a private police department, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, and shall include any (i) special agent of the Virginia Alcoholic Beverage Control Authority; (ii) police agent appointed under the provisions of § 56-353; (iii) officer of the Virginia Marine Police; (iv) conservation police officer who is a full-time sworn member of the enforcement division of the Department of Wildlife Resources; (v) investigator who is a sworn member of the security division of the Virginia Lottery; (vi) conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115; (vii) full-time sworn member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217; (viii) animal protection police officer employed under § 15.2-632 or 15.2-836.1; (ix) campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1; (x) member of the investigations unit designated by the State Inspector General pursuant to § 2.2-311 to investigate allegations of criminal behavior affecting the operations of a state or nonstate agency; (xi) employee with internal investigations authority designated by the Department of Corrections pursuant to subdivision 11 of § 53.1-10 or by the Department of Juvenile Justice pursuant to subdivision A 7 of § 66-3; or (xii) private police officer employed by a private police department. Part-time employees are those compensated officers who are not full-time employees as defined by the employing police department, sheriff's office, or private police department.

"Private police department" means any police department, other than a department that employs police agents under the provisions of § 56-353, that employs private police officers operated by an entity authorized by statute or an act of assembly to establish a private police department or such entity's successor in interest, provided it complies with the requirements set forth herein. No entity is authorized to operate a private police department or represent that it is a private police department unless such entity has been authorized by statute or an act of assembly or such entity is the successor in interest of an entity that has been authorized pursuant to this section, provided it complies with the requirements set forth herein. The authority of a private police department shall be limited to real property owned, leased, or controlled by the entity and, if approved by the local chief of police or sheriff, any contiguous property; such authority shall not supersede the authority, duties, or jurisdiction vested by law with the local police department or sheriff's office including as provided in §§ 15.2-1609 and 15.2-1704. The chief of police or sheriff who is the chief local law-enforcement officer shall enter into a memorandum of understanding with the private police department that addresses the duties and responsibilities of the private police department and the chief law-enforcement officer in the conduct of criminal investigations. Private police departments and private police officers shall be subject to and comply with the Constitution of the United States; the Constitution of Virginia; the laws governing municipal police departments, including the provisions of §§ 9.1-600, 15.2-1705 through 15.2-1708, 15.2-1719, 15.2-1721, 15.2-1721.1, and 15.2-1722; and any regulations adopted by the Board that the Department designates as applicable to private police departments. Any person employed as a private police officer pursuant to this section shall meet all requirements, including the minimum compulsory training requirements, for law-enforcement officers pursuant to this chapter. A private police officer is not entitled to benefits under the Line of Duty Act (§ 9.1-400 et seq.) or under the Virginia Retirement System, is not a "qualified law enforcement officer" or "qualified retired law enforcement officer" within the meaning of the federal Law Enforcement Officers Safety Act, 18 U.S.C. § 926B et seq., and shall not be deemed an employee of the Commonwealth or any locality. An authorized private police department may use the word "police" to describe its sworn officers and may join a regional criminal justice academy created pursuant to Article 5 (§ 15.2-1747 et seq.) of Chapter 17 of Title 15.2. Any private police department in existence on January 1, 2013, that was not otherwise established by statute or an act of assembly and whose status as a private police department was recognized by the Department at that time is hereby validated and may continue to operate as a private police department as may such entity's successor in interest, provided it complies with the requirements set forth herein.

"School resource officer" means a certified law-enforcement officer hired by the local law-enforcement agency to provide law-enforcement and security services to Virginia public elementary and secondary schools.

"School security officer" means an individual who is employed by the local school board or a private or religious school for the singular purpose of maintaining order and discipline, preventing crime, investigating violations of the policies of the school board or the private or religious school, and detaining students violating the law or the policies of the school board or the private or religious school on school property, school buses, or at school-sponsored events and who is responsible solely for ensuring the safety, security, and welfare of all students, faculty, staff, and visitors in the assigned school.

"Unapplied criminal history record information" means information pertaining to criminal offenses submitted to the Central Criminal Records Exchange that cannot be applied to the criminal history record of an arrested or convicted person (i) because such information is not supported by fingerprints or other accepted means of positive identification or (ii) due to an inconsistency, error, or omission within the content of the submitted information.

§ 9.1-102. Powers and duties of the Board and the Department.

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions, and (ii) temporary or probationary status, and establish the time required for completion of such training;

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;

4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;

5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;

6. [Repealed];

7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;

8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;

9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies and correctional officers employed by the Department of Corrections under the provisions of Title 53.1. For correctional officers employed by the Department of Corrections, such standards shall include training on the general care of pregnant women, the impact of restraints on pregnant inmates and fetuses, the impact of being placed in restrictive housing or solitary confinement on pregnant inmates, and the impact of body cavity searches on pregnant inmates;

10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;

12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and institutions of higher education within or outside the Commonwealth, concerning the development of police training schools and programs or courses of instruction;

13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the holding of any such school whether approved or not;

14. Establish and maintain police training programs through such agencies and institutions as the Board deems appropriate;

15. Establish compulsory minimum qualifications of certification and recertification for instructors in criminal justice training schools approved by the Department;

16. Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement;

17. Make recommendations concerning any matter within its purview pursuant to this chapter;

18. Coordinate its activities with those of any interstate system for the exchange of criminal history record information, nominate one or more of its members to serve upon the council or committee of any such system, and participate when and as deemed appropriate in any such system's activities and programs;

19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to submit information, reports, and statistical data with respect to its policy and operation of information systems or with respect to its collection, storage, dissemination, and usage of criminal history record information and correctional status information, and such criminal justice agencies shall submit such information, reports, and data as are reasonably required;

20. Conduct audits as required by § 9.1-131;

21. Conduct a continuing study and review of questions of individual privacy and confidentiality of criminal history record information and correctional status information;

22. Advise criminal justice agencies and initiate educational programs for such agencies with respect to matters of privacy, confidentiality, and security as they pertain to criminal history record information and correctional status information;

23. Maintain a liaison with any board, commission, committee, or other body which may be established by law, executive order, or resolution to regulate the privacy and security of information collected by the Commonwealth or any political subdivision thereof;

24. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination of criminal history record information and correctional status information, and the privacy, confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and court orders;

25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal justice information system, produce reports, provide technical assistance to state and local criminal justice data system users, and provide analysis and interpretation of criminal justice statistical information;

26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the Commonwealth, and periodically update that plan;

27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, including planning district commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other activities for improving law enforcement and the administration of criminal justice throughout the Commonwealth, including allocating and subgranting funds for these purposes;

28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and activities for the Commonwealth and units of general local government, or combinations thereof, in the Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal justice at every level throughout the Commonwealth;

29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or alterations to such programs, projects, and activities for the purpose of improving law enforcement and the administration of criminal justice;

30. Coordinate the activities and projects of the state departments, agencies, and boards of the Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;

31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

32. Receive, administer, and expend all funds and other assistance available to the Board and the Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

33. Apply for and accept grants from the United States government or any other source in carrying out the purposes of this chapter and accept any and all donations both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall have the power to comply with conditions and execute such agreements as may be necessary;

34. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including but not limited to, contracts with the United States, units of general local government or combinations thereof, in Virginia or other states, and with agencies and departments of the Commonwealth;

35. Adopt and administer reasonable regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to units of general local government, and for carrying out the purposes of this chapter and the powers and duties set forth herein;

36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;

37. Establish training standards and publish and periodically update model policies for law-enforcement personnel in the following subjects:

a. The handling of family abuse, domestic violence, sexual assault, and stalking cases, including standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall provide technical support and assistance to law-enforcement agencies in carrying out the requirements set forth in subsection A of § 9.1-1301;

b. Communication with and facilitation of the safe return of individuals diagnosed with Alzheimer's disease;

c. Sensitivity to and awareness of cultural diversity and the potential for biased policing;

d. Protocols for local and regional sexual assault response teams;

e. Communication of death notifications;

f. The questioning of individuals suspected of driving while intoxicated concerning the physical location of such individual's last consumption of an alcoholic beverage and the communication of such information to the Virginia Alcoholic Beverage Control Authority;

g. Vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls;

h. Criminal investigations that embody current best practices for conducting photographic and live lineups;

i. Sensitivity to and awareness of human trafficking offenses and the identification of victims of human trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or street patrol duties; ~~and~~

j. Missing children, missing adults, and search and rescue protocol; *and*

k. *The handling and use of tear gas or other gases and kinetic impact munitions, as defined in § 19.2-83.3, that embody current best practices for using such items as a crowd control measure or during an arrest or detention of another person;*

38. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to ensure sensitivity to and awareness of cultural diversity and the potential for biased policing;

39. Review and evaluate community-policing programs in the Commonwealth, and recommend where necessary statewide operating procedures, guidelines, and standards which strengthen and improve such programs, including sensitivity to and awareness of cultural diversity and the potential for biased policing;

40. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with Virginia law-enforcement agencies, provide technical assistance and administrative support, including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may provide accreditation assistance and training, resource material, and research into methods and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;

41. Promote community policing philosophy and practice throughout the Commonwealth by providing community policing training and technical assistance statewide to all law-enforcement agencies, community groups, public and private organizations and citizens; developing and distributing innovative policing curricula and training tools on general community policing philosophy and practice and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia organizations with specific community policing needs; facilitating continued development and implementation of community policing programs statewide through discussion forums for community policing leaders, development of law-enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide information source on the subject of community policing including, but not limited to periodic newsletters, a website and an accessible lending library;

42. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, including school security officers described in clause (b) of § 22.1-280.2:1, which training and certification shall be administered by the Virginia Center for School and Campus Safety (VCSCS) pursuant to § 9.1-184. Such training standards shall be specific to the role and responsibility of school security officers and shall include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques such as a physical alternative to restraint; (v) disaster and emergency response; (vi) awareness of cultural diversity and implicit bias; (vii) working with students with disabilities, mental health needs, substance abuse disorders, and past traumatic experiences; and (viii) student behavioral dynamics, including child and adolescent development and brain research. The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of the standards and certification requirements in this subdivision. The Department shall require any school security officer who carries a firearm in the performance of his duties to provide proof that he has completed a training course provided by a federal, state, or local law-enforcement agency that includes training in active shooter emergency response, emergency evacuation procedure, and threat assessment;

43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11 (§ 9.1-185 et seq.);

44. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

45. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal justice agencies regarding the investigation, registration, and dissemination of information requirements as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and (iii) certification requirements for campus security officers. Such training standards shall include, but not be limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and personal liability issues, security awareness in the campus environment, and disaster and emergency response. The Department shall provide technical support and assistance to campus police departments and campus security departments on the establishment and implementation of policies and procedures, including but not limited to: the management of such departments, investigatory procedures, judicial referrals, the establishment and management of databases for campus safety and security information sharing, and development of uniform record keeping for disciplinary records and statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of college administrators, college police chiefs, college security department chiefs, and local law-enforcement officials to assist in the development of the standards and certification requirements and training pursuant to this subdivision;

47. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established pursuant to § 9.1-187;

48. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia;

49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of § 46.2-117;

50. Administer the activities of the Virginia Sexual and Domestic Violence Program Professional Standards Committee by providing technical assistance and administrative support, including staffing, for the Committee;

51. In accordance with § 9.1-102.1, design and approve the issuance of photo-identification cards to private security services registrants registered pursuant to Article 4 (§ 9.1-138 et seq.);

52. In consultation with the State Council of Higher Education for Virginia and the Virginia Association of Campus Law Enforcement Administrators, develop multidisciplinary curricula on trauma-informed sexual assault investigation;

53. In consultation with the Department of Behavioral Health and Developmental Services, develop a model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail officers, administrators, or superintendents in any local or regional jail. Such program shall be based on any existing addiction recovery programs that are being administered by any local or regional jails in the Commonwealth. Participation in the model addiction recovery program shall be voluntary, and such program may address aspects of the recovery process, including medical and clinical recovery, peer-to-peer support, availability of mental health resources, family dynamics, and aftercare aspects of the recovery process;

54. Establish compulsory minimum training standards for certification and recertification of law-enforcement officers serving as school resource officers. Such training shall be specific to the role and responsibility of a law-enforcement officer working with students in a school environment and shall include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques; (v) disaster and emergency response; (vi) awareness of cultural diversity and implicit bias; (vii) working with students with disabilities, mental health needs, substance abuse disorders, or past traumatic experiences; and (viii) student behavioral dynamics, including current child and adolescent development and brain research;

55. Establish a model policy for the operation of body-worn camera systems as defined in § 15.2-1723.1 that also addresses the storage and maintenance of body-worn camera system records;

56. Establish compulsory minimum training standards for detector canine handlers employed by the Department of Corrections, standards for the training and retention of detector canines used by the Department of Corrections, and a central database on the performance and effectiveness of such detector canines that requires the Department of Corrections to submit comprehensive information on each canine handler and detector canine, including the number and types of calls and searches, substances searched for and whether or not detected, and the number of false positives, false negatives, true positives, and true negatives;

57. Establish compulsory training standards for basic training of law-enforcement officers for recognizing and managing stress, self-care techniques, and resiliency; ~~and~~

58. *Establish and administer a waiver process, in accordance with §§ 2.2-5515 and 15.2-1721.1, for law-enforcement agencies to use certain military property. Any waivers granted by the Criminal Justice Services Board shall be published by the Department on the Department's website; and*

59. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

§ 15.2-1123.1. Lynchburg Regional Airport police department.

The City of Lynchburg may by ordinance establish an airport police department at the Lynchburg Regional Airport. The authority of the airport police department shall be limited to real property owned, leased, or controlled by the Airport. Such authority shall not supersede the authority, duties, or jurisdiction vested by law with the local police department or sheriff's office, including as provided in §§ 15.2-1609 and 15.2-1704. The airport police department and airport police officers shall be subject to and comply with the Constitution of the United States; the Constitution of Virginia; the laws governing municipal police departments, including the provisions of §§ 9.1-600, 15.2-1705 through 15.2-1708, 15.2-1719, 15.2-1721, 15.2-1721.1, and 15.2-1722; and any regulations adopted by the Criminal Justice Services Board that the Department of Criminal Justice Services designates as applicable to private police departments. Any person employed as an airport police officer pursuant to this section shall meet all requirements, including the minimum compulsory training requirements, for law-enforcement officers pursuant to Chapter 1 (§ 9.1-100 et seq.) of Title 9.1. An airport police officer is not entitled to benefits under the Line of Duty Act (§ 9.1-400 et seq.) or under the Virginia Retirement System, is not a "qualified law-enforcement officer" or "qualified retired law-enforcement officer" within the meaning of the federal Law Enforcement Officers Safety Act, 18 U.S.C. § 926B et seq., and shall not be deemed an employee of the Commonwealth. The airport police department may use the word "police" to describe its sworn officers and may join a regional criminal justice academy created pursuant to Article 5 (§ 15.2-1747 et seq.) of Chapter 17 of Title 15.2.

§ 15.2-1721.1. Acquisition of military property by localities.

A. *No locality, sheriff, chief of police, or director or chief executive of any agency or department employing deputy sheriffs or law-enforcement officers as defined in § 9.1-101 or any public or private institution of higher education that has established a campus police department pursuant to Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1 shall acquire or purchase (i) weaponized unmanned aerial vehicles; (ii) aircraft that are configured for combat or are combat-coded and have no established commercial flight application; (iii) grenades or similar explosives or grenade launchers from a surplus*

program operated by the federal government; (iv) armored multi-wheeled vehicles that are mine-resistant, ambush-protected, and configured for combat, also known as MRAPs, from a surplus program operated by the federal government; (v) bayonets; (vi) firearms of .50 caliber or higher; (vii) ammunition of .50 caliber or higher; or (viii) weaponized tracked armored vehicles.

Nothing in this subsection shall restrict the acquisition or purchase of an armored high mobility multi-purpose wheeled vehicle, also known as HMMWVs, or preclude the seizure of any prohibited item in connection with a criminal investigation or proceeding or subject to a civil forfeiture. Any property obtained by seizure shall be disposed of at the conclusion of any investigation or as otherwise provided by law.

B. Any locality, sheriff, chief of police, or director or chief executive of any agency or department employing deputy sheriffs or law-enforcement officers as defined in § 9.1-101 that has previously acquired any item listed in subsection A is prohibited from using such items unless such locality, sheriff, chief of police, or director or chief executive has received a waiver to use such items from the Criminal Justice Services Board. Any waiver request made to the Criminal Justice Services Board shall be limited to special weapons and tactics unit or other equivalent unit use only. The Criminal Justice Services Board may grant a waiver upon a showing of good cause by the requesting locality, sheriff, chief of police, or director or chief executive that the continued use of the item that is the subject of the waiver request has a bona fide public safety purpose.

Any locality, sheriff, chief of police, or director or chief executive that has filed a waiver request with the Criminal Justice Services Board may continue to use such prohibited items while such waiver request is pending before the Criminal Justice Services Board. If such waiver request is denied, the locality, sheriff, chief of police, or director or chief executive that filed such waiver shall no longer use such prohibited item.

C. Nothing in this section shall be construed as prohibiting the acquisition, purchase, or otherwise acceptance of any personal protective equipment, naloxone or other lifesaving medication, or any personal property that is not specifically prohibited pursuant to subsection A from the federal government.

CHAPTER 7.1.

LAW-ENFORCEMENT OFFICER CONDUCT DURING AN ARREST OR DETENTION.

§ 19.2-83.3. Definitions.

As used in this chapter, unless the context requires a different meaning, "kinetic impact munitions" includes impact rounds and baton rounds, such as rubber batons, bean bag rounds, foam baton rounds, and plastic, wax, wood, or rubber-coated projectiles.

§ 19.2-83.4. Prohibited practices for law-enforcement officers during an arrest or detention.

The use of kinetic impact munitions by a law-enforcement officer is prohibited unless the use of kinetic impact munitions is necessary to protect the law-enforcement officer or another person from bodily injury.

§ 19.2-83.5. Penalties for violations of this chapter.

In addition to any other penalty authorized by law, any law-enforcement officer who knowingly violates the provisions of this chapter shall be subject to disciplinary action, including dismissal, demotion, suspension, or transfer of the law-enforcement officer or decertification as provided in subsection D of § 15.2-1707.

§ 52-11.3. Acquisition of military property.

A. The Superintendent of State Police is authorized to apply for and accept grants or loans of personal property from the ~~United States~~ U.S. Department of Defense for use in the law-enforcement activities of the Department of State Police or any other law-enforcement agency of the Commonwealth or its political subdivisions. In connection with the receipt of such property, the Department of State Police and any other law-enforcement agency to which the property is transferred, may agree to hold the United States government harmless against claims for damages arising out of the use of the property received. Such other law-enforcement agencies may also agree to hold the Commonwealth harmless against such claims.

B. Notwithstanding the provisions of subsection A, the Superintendent shall not acquire or purchase (i) weaponized unmanned aerial vehicles; (ii) aircraft that are configured for combat or are combat-coded and have no established commercial flight application; (iii) grenades or similar explosives or grenade launchers from a surplus program operated by the federal government; (iv) armored multi-wheeled vehicles that are mine-resistant, ambush-protected, and configured for combat, also known as MRAPs, from a surplus program operated by the federal government; (v) bayonets; (vi) firearms of .50 caliber or higher; (vii) ammunition of .50 caliber or higher; or (viii) weaponized tracked armored vehicles.

Nothing in this subsection shall restrict the acquisition or purchase of an armored high mobility multi-purpose wheeled vehicle, also known as HMMWVs, or preclude the seizure of any prohibited item in connection with a criminal investigation or proceeding or subject to a civil forfeiture. Any property obtained by seizure shall be disposed of at the conclusion of any investigation or as otherwise provided by law.

C. Nothing in this section shall be construed as prohibiting the acquisition, purchase, or otherwise acceptance of any personal protective equipment, naloxone or other lifesaving medication, or any personal property that is not specifically prohibited pursuant to subsection B from the federal government.

2. That the Department of Criminal Justice Services shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

2020 SPECIAL SESSION I

CHAPTER 56

An Act to amend and reenact Chapter 1289 of the 2020 Acts of Assembly, which appropriated funds for the 2020-22 Biennium and provided a portion of revenues for the two years ending, respectively, on the thirtieth day of June, 2021, and the thirtieth day of June, 2022.

[H 5005]

Approved November 18, 2020

Be it enacted by the General Assembly of Virginia:

1. That Items 43, 50,52, 57, 61, 69, 79, 83, 84, 111, 112, 113, 114, 127, 128, 131, 135, 141, 144, 145, 152, 214, 221, 247, 274, 275, 282, 292, 299, 300, 309, 312, 313, 315, 320, 322, 349, 350, 354, 356, 357, 359, 373, 374, 377, 378, 383, 391, 402, 403, 404, 406, 408, 427, 429, 430, 436, 443, 444, 477, 479, 479.10, C-12.10, C-42, C-61.50, C-66, C-69, C-72.10, C-73, C-74, C-75, §3-1.01, § 3-2.03, § 3-4.01, § 3-5.19, § 3-5.21, §4-0.01, § 4-5.07, § 4-5.11, § 4-8.01 and § 4-14 of Chapter 1289 of the 2020 Acts of Assembly, be hereby amended and reenacted and that the cited chapter be further amended by adding Items 262.80, 482.20 and C-76.10, and that the cited chapter be further amended by striking therefrom Items 42.10, 48.10, 51.10, 75.10, 82.10, 87.10, 106.10, 107.10, 112.10, 118.10, 123.10, 126.10, 128.10, 130.10, 134.10, 143.10, 146.10, 155.10, 159.10, 163.10, 167.10, 170.10, 174.10, 178.10, 182.10, 186.10, 190.10, 195.10, 202.10, 206.10, 213.10, 219.10, 225.10, 230.10, 235.10, 236.10, 240.10, 241.10, 244.10, 248.10, 249.10, 252.10, 253.10, 255.10, 256.10, 257.10, 258.10, 259.10, 260.10, 261.10, 262.10, 262.60, 279.10, 287.10, 293.10, 307.10, 317.10, 321.10, 322.10, 328.10, 338.10, 346.10, 348.10, 361.10, 369.10, 375.10, 380.10, 386.10, 390.10, 402.10, 409.10, 414.30, 417.10, 418.10, 428.10, 429.10, 466.10, 473.10, 482.10, and 497.10.

†2.§1. The following are hereby appropriated, for the current biennium, as set forth in succeeding parts, sections and items, for the purposes stated and for the years indicated:

A. The balances of appropriations made by previous acts of the General Assembly which are recorded as unexpended, as of the close of business on the last day of the previous biennium, on the final records of the State Comptroller; and

B. The public taxes and arrears of taxes, as well as moneys derived from all other sources, which shall come into the state treasury prior to the close of business on the last day of the current biennium. The term "moneys" means nontax revenues of all kinds, including but not limited to fees, licenses, services and contract charges, gifts, grants, and donations, and projected revenues derived from proposed legislation contingent upon General Assembly passage.

§ 2. Such balances, public taxes, arrears of taxes, and monies derived from all other sources as are not segregated by law to other funds, which funds are defined by the State Comptroller, pursuant to § 2.2-803, Code of Virginia, shall establish and constitute the general fund of the state treasury.

§ 3. The appropriations made in this act from the general fund are based upon the following:

	First Year	Second Year	Total
Unreserved Beginning Balance	\$1,185,284,382	\$0	-\$1,185,284,382
	\$2,874,058,799		\$2,874,058,799
Additions to Balance	\$120,137,243	(\$500,000)	-\$119,637,243
	(\$1,284,491,604)	\$29,850,000	(\$1,254,641,604)
Official Revenue Estimates	-\$22,687,832,509	-\$23,538,284,514	\$46,226,117,023
	\$21,353,132,509	\$22,185,484,514	\$43,538,617,023
Transfer	-\$655,758,189	-\$666,158,189	\$1,321,916,378
	\$610,436,934	\$612,358,189	\$1,222,795,123
Total General Fund Resources Available for			
Appropriation	\$24,649,012,323	\$24,203,942,703	\$48,852,955,026
	\$23,553,136,638	\$22,827,692,703	\$46,380,829,341

The appropriations made in this act from nongeneral fund revenues are based upon the following:

	First Year	Second Year	Total
Balance, June 30, 2020	\$7,596,232,598	\$0	\$7,596,232,598

Official Revenue Estimates	\$38,801,241,971 \$39,404,473,571	\$39,604,200,895	\$78,405,442,866 \$79,008,674,466
Lottery Proceeds Fund	\$657,959,397	\$666,104,670	\$1,324,064,067
Internal Service Fund	\$2,115,253,639	\$2,231,861,108	\$4,347,114,747
<i>Bond Proceeds</i>	-\$2,478,004,162 \$2,479,504,162	\$195,123,500	\$2,673,127,662 \$2,674,627,662
Total Nongeneral Fund Revenues Available for			
Appropriation	\$51,648,691,767 \$52,253,423,367	\$42,697,290,173	\$94,345,981,940 \$94,950,713,540
TOTAL PROJECTED REVENUES	-\$76,297,704,090 \$75,806,560,005	-\$66,901,232,876 \$65,524,982,876	\$143,198,936,966 \$141,331,542,881

§ 4. Nongeneral fund revenues which are not otherwise segregated pursuant to this act shall be segregated in accordance with the acts respectively establishing them.

§ 5. The sums herein appropriated are appropriated from the fund sources designated in the respective items of this act.

§ 6. When used in this act the term:

A. "Current biennium" means the period from the first day of July two thousand twenty, through the thirtieth day of June two thousand twenty-two, inclusive.

B. "Previous biennium" means the period from the first day of July two thousand eighteen, through the thirtieth day of June two thousand twenty, inclusive.

C. "Next biennium" means the period from the first day of July two thousand twenty-two, through the thirtieth day of June two thousand twenty-four, inclusive.

D. "State agency" means a court, department, institution, office, board, council or other unit of state government located in the legislative, judicial, or executive departments or group of independent agencies, or central appropriations, as shown in this act, and which is designated in this act by title and a three-digit agency code.

E. "Nonstate agency" means an organization or entity as defined in § 2.2-1505 C, Code of Virginia.

F. "Authority" sets forth the general enabling statute, either state or federal, for the operation of the program for which appropriations are shown.

G. "Discretionary" means there is no continuing statutory authority which infers or requires state funding for programs for which the appropriations are shown.

H. "Appropriation" shall include both the funds authorized for expenditure and the corresponding level of full-time equivalent employment.

I. "Sum sufficient" identifies an appropriation for which the Governor is authorized to exceed the amount shown in the Appropriation Act if required to carry out the purpose for which the appropriation is made.

J. "Item Details" indicates that, except as provided in § 6 H above, the numbers shown under the columns labeled Item Details are for information reference only.

K. Unless otherwise defined, terms used in this act dealing with budgeting, planning and related management actions are defined in the instructions for preparation of the Executive Budget.

§ 7. The total appropriations from all sources in this act have been allocated as follows:

	BIENNIUM 2020-22		
	General Fund	Nongeneral Fund	Total
OPERATING EXPENSES	\$48,210,719,520 \$46,078,617,618	\$87,561,122,474 \$88,155,431,265	\$135,771,841,994 \$134,234,048,883
LEGISLATIVE			
DEPARTMENT	\$212,883,582	\$8,050,998	\$220,934,580
JUDICIAL DEPARTMENT	\$1,068,689,563	\$70,735,744	\$1,139,425,307

		<i>\$74,735,744</i>	<i>\$1,143,425,307</i>
EXECUTIVE DEPARTMENT	\$46,915,591,881	\$85,426,164,830	\$132,341,756,711
	<i>\$44,783,489,979</i>	<i>\$86,016,473,621</i>	<i>\$130,799,963,600</i>
INDEPENDENT AGENCIES	<i>\$13,554,494</i>	<i>\$2,056,170,902</i>	<i>\$2,069,725,396</i>
STATE GRANTS TO NONSTATE AGENCIES	<i>\$0</i>	<i>\$0</i>	<i>\$0</i>
CAPITAL OUTLAY EXPENSES	\$20,956,290	\$3,279,347,625	\$3,300,303,915
	<i>\$0</i>	<i>\$3,280,847,625</i>	<i>\$3,280,847,625</i>
TOTAL	\$48,231,675,810	\$90,840,470,099	\$139,072,145,909
	<i>\$46,078,617,618</i>	<i>\$91,436,278,890</i>	<i>\$137,514,896,508</i>

§ 8. This chapter shall be known and may be cited as the "2020 Special Session I Amendments to the 2020 Appropriation Act."

ITEM 1.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

PART 1: OPERATING EXPENSES

LEGISLATIVE DEPARTMENT

- 1. Not set out.
- 2. Not set out.
- 3. Not set out.
- 4. Not set out.
- 5. Not set out.
- 6. Not set out.
- 7. Not set out.
- 8. Not set out.
- 9. Not set out.
- 10. Not set out.
- 11. Not set out.
- 12. Not set out.
- 13. Not set out.
- 14. Not set out.
- 15. Not set out.
- 16. Not set out.
- 17. Not set out.
- 18. Not set out.
- 19. Not set out.
- 20. Not set out.
- 21. Not set out.
- 22. Not set out.
- 23. Not set out.
- 24. Not set out.
- 25. Not set out.

ITEM 26.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
26.	Not set out.				
27.	Not set out.				
27.10	Not set out.				
27.20	Not set out.				
27.30	Not set out.				
27.40	Not set out.				
28.	Not set out.				
29.	Not set out.				
30.	Not set out.				
31.	Not set out.				
32.	Not set out.				
33.	Not set out.				
34.	Not set out.				
35.	Not set out.				
	TOTAL FOR LEGISLATIVE DEPARTMENT.....			\$110,440,509	\$110,494,071
	General Fund Positions.....	608.50	618.50		
	Nongeneral Fund Positions.....	32.50	32.50		
	Position Level.....	641.00	651.00		
	Fund Sources: General.....	\$106,415,010	\$106,468,572		
	Special.....	\$3,764,226	\$3,764,226		
	Trust and Agency.....	\$123,679	\$123,679		
	Federal Trust.....	\$137,594	\$137,594		

ITEM 36.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

JUDICIAL DEPARTMENT

§ 1-1. SUPREME COURT (111)

- 36. Not set out.
- 37. Not set out.
- 38. Not set out.
- 39. Not set out.
- 40. Not set out.
- 41. Not set out.

General District Courts (114)

- 42. Not set out.

42-10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted:

	FY 2021	FY 2022
Fund additional district court clerk positions	\$5,732,280	\$7,596,300
Fund additional judgeship for 19th Judicial District	\$323,437	\$323,437
Agency Total	\$6,055,717	\$7,919,737
Total for General District Courts.....		\$129,538,848 \$130,943,333
General Fund Positions.....	1,146.10	1,176.10
Position Level.....	1,146.10	1,176.10
Fund Sources: General.....	\$129,538,848	\$130,943,333

Juvenile and Domestic Relations District Courts (115)

43. Pre-Trial, Trial, and Appellate Processes (32100).....			\$107,875,063	\$107,675,016
Trial Processes (32103).....	\$71,056,587	\$71,056,587		
Other Court Costs And Allowances (Criminal Fund) (32104).....	\$36,553,729	\$36,353,682		
Involuntary Mental Commitments (32105).....	\$264,747	\$264,747		
Fund Sources: General.....	\$107,875,063	\$107,675,016		

ITEM 43.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>Authority: Article VI, Section 8, Constitution of Virginia; §§ 16.1-69.1 through 16.1-69.58, 16.1-226 through 16.1-334, 19.2-163 and 37.2-809 through 37.2-813., Code of Virginia.</p> <p>A. Out of the amounts in this Item for Trial Processes shall be paid:</p> <p>1. The annual salaries of all full-time Juvenile and Domestic Relations District Court Judges, \$158,252 from July 1, 2020 to June 9, 2021, \$ 158,252 from June 10, 2021 to June 30, 2022. Such salary shall be 90 percent of the annual salary fixed by law for judges of the Circuit Courts and shall represent the total compensation for Juvenile and Domestic Relations District Court Judges.</p> <p>2. The salaries of substitute judges and court personnel.</p> <p>B. There is hereby reappropriated the unexpended balances remaining at the close of business on June 30, 2020, in the appropriation made in Item 42, Chapter 854, Acts of Assembly of 2019, in the Item details Other Court Costs and Allowances (Criminal Fund) and Involuntary Mental Commitments and the balances remaining in these item details on June 30, 2021.</p> <p>C. Any balance, or portion thereof, in the Item detail Involuntary Mental Commitments, may be transferred between Items 42, 43, 44, and 310, as needed, to cover any deficits incurred for Involuntary Mental Commitments by the Supreme Court or the Department of Medical Assistance Services.</p> <p>D. The appropriation in this Item for Other Court Costs and Allowances (Criminal Fund) shall be used to implement the provisions of § 8.01-384.1:1, Code of Virginia.</p> <p>E. Out of the amounts appropriated in this Item, \$310,300 the first year and \$310,300 the second year from the general fund is included to cover the cost of fee changes to mediators appointed in any custody and support or visitation cases.</p> <p>F. Notwithstanding the provisions of § 20-124.4, Code of Virginia, the fee paid to mediators shall be \$120 per appointment mediated. For such purpose, \$303,000 the first year and \$303,000 the second year from the general fund is included in the appropriation for this item.</p> <p><i>G. Notwithstanding any other provision of law, during a declared judicial state of emergency as defined in § 17.1-330, Code of Virginia, and for up to 90 days after the declaration has been rescinded or expires, a chief judge may waive the ceremonial requirements pursuant to § 46.2-336, Code of Virginia, or otherwise conduct juvenile licensing ceremonies in an alternative manner prescribed by the court. The judge may mail or otherwise deliver driver's licenses to licensees at the time such licenses are received by the judge. The Chief judge may also coordinate with the Department of Motor Vehicles to have licenses mailed directly to licensees.</i></p>				
	Total for Juvenile and Domestic Relations District Courts.....		\$107,875,063	\$107,675,016
	General Fund Positions.....	617.10	617.10	
	Position Level.....	617.10	617.10	
	Fund Sources: General.....	\$107,875,063	\$107,675,016	
44.	Not set out.			
45.	Not set out.			
	Grand Total for Supreme Court.....		\$472,963,550	\$473,413,830
	General Fund Positions.....	2,807.71	2,837.71	
	Nongeneral Fund Positions.....	8.00	8.00	
	Position Level.....	2,815.71	2,845.71	
	Fund Sources: General.....	\$462,511,302	\$462,961,582	
	Special.....	\$303,655	\$303,655	

ITEM 45.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
	Dedicated Special Revenue.....	\$8,833,848	\$8,833,848		
	Federal Trust.....	\$1,314,745	\$1,314,745		

46. Not set out.

47. Not set out.

§ 1-2. INDIGENT DEFENSE COMMISSION (848)

48. Not set out.

48-10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted:

	FY 2021	FY 2022
Provide funding for additional public defenders	\$3,798,726	\$5,698,089
Agency Total	\$3,798,726	\$5,698,089
Total for Indigent Defense Commission.....		\$61,249,487
General Fund Positions.....	660.00	660.00
Position Level.....	660.00	660.00
Fund Sources: General.....	\$61,237,507	\$63,136,870
Special.....	\$11,980	\$11,980

49. Not set out.

§ 1-3. VIRGINIA STATE BAR (117)

50. Legal Defense (32700).....		\$14,921,912	\$14,921,912
		\$16,921,912	\$16,921,912
Criminal Indigent Defense Services (32701).....	\$352,500	\$352,500	
Indigent Defense, Civil (32704).....	\$14,569,412	\$14,569,412	
	\$16,569,412	\$16,569,412	
Fund Sources: General.....	\$7,571,912	\$7,571,912	
Special.....	\$7,350,000	\$7,350,000	
	\$8,350,000	\$8,350,000	
Dedicated Special Revenue.....	\$1,000,000	\$1,000,000	

Authority: § 17.1-278, Code of Virginia.

A. The Virginia State Bar and the Legal Services Corporation of Virginia shall not use funds provided for in this act, and those available from financial institutions pursuant to § 54.1-3916, Code of Virginia, to file lawsuits on behalf of aliens present in the United States in violation of law.

B.1. The amounts for Indigent Defense, Civil, include up to \$75,000 the first year and up to \$75,000 the second year from the general fund for the Community Tax Law Project, to

ITEM 50.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

provide indigent defense services in matters related to taxation disputes, and educational services involving the rights and responsibilities of taxpayers.

2. *The amounts for Indigent Defense, Civil, include up to \$7,125,000 the first year and up to \$7,125,000 the second year from the general fund and \$2,000,000 the first year and \$2,000,000 the second year from nongeneral funds to provide grants for high quality civil legal assistance to low income Virginians and to promote equal access to justice.*

3. The amounts for Indigent Defense, Criminal, include up to \$352,500 the first year and up to \$352,500 the second year from the general fund to provide grants to the Virginia Capital Representation Resource Center for representation to people sentenced to death in Virginia and to promote equal access to justice.

C. The Virginia State Bar and the Legal Services Corporation of Virginia shall annually, on or about January 1, provide a report to the Chairmen of the House Appropriations and Senate Finance Committees, and the Director, Department of Planning and Budget regarding the status of legal services assistance programs in the Commonwealth. The report shall include, but not be limited to, efforts to maintain and improve the accuracy of caseload data, case opening and case closure information, and program activity levels as it relates to clients.

51. Not set out.

51:10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021		FY 2022
Additional funding to hire additional housing attorneys to combat Virginia's housing crisis	\$1,500,000		\$1,500,000
Agency Total	\$1,500,000		\$1,500,000
Total for Virginia State Bar.....			\$30,643,103 \$32,643,103
Nongeneral Fund Positions.....	178.00	89.00	
Position Level.....	178.00	89.00	
Fund Sources: General.....	\$7,571,912	\$7,571,912	
Special.....	\$7,350,000	\$7,350,000	
	\$8,350,000	\$8,350,000	
Dedicated Special Revenue.....	\$15,721,191	\$15,721,191	
	\$16,721,191	\$16,721,191	
TOTAL FOR JUDICIAL DEPARTMENT.....			\$568,537,832 \$570,537,832
General Fund Positions.....	3,480.71	3,510.71	
Nongeneral Fund Positions.....	195.00	106.00	
Position Level.....	3,675.71	3,616.71	
Fund Sources: General.....	\$533,169,960	\$535,519,603	

ITEM 51.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Special.....	\$9,498,088	\$9,498,088		
	\$10,498,088	\$10,498,088		
Dedicated Special Revenue.....	\$24,555,039	\$24,555,039		
	\$25,555,039	\$25,555,039		
Federal Trust.....	\$1,314,745	\$1,314,745		

ITEM 52.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

EXECUTIVE DEPARTMENT

EXECUTIVE OFFICES

§ 1-4. OFFICE OF THE GOVERNOR (121)

52.	Administrative and Support Services (79900).....			\$6,508,769	\$6,572,269
	General Management and Direction (79901).....	\$6,508,769	\$6,572,269	\$6,808,769	
	Fund Sources: General.....	\$6,508,122	\$6,571,622		
	Federal Trust.....	\$647	\$647		

Authority: Article V, Constitution of Virginia; Title 2.2, Chapter 1, Code of Virginia.

A. This appropriation includes \$175,000 the first year and \$175,000 the second year from the general fund to pay the salary of the Governor.

B. Out of the amounts for General Management and Direction, \$75,000 each year is included for the Governor's discretionary expenses.

C. This item includes \$599,192 \$899,192 the first year and \$599,192 the second year to fund the Office of the Chief Diversity Officer.

D. This item includes \$599,192 the first year and \$599,192 the second year to fund the Office of the Chief Workforce Advisor.

E. Out of the appropriation for this item \$103,800 from the general fund is provided each year for the Governor's Fellows program. Any balances remaining from the appropriation identified in this paragraph shall be brought forward and made available to support the Governor's Fellows in the subsequent fiscal year. The Department of Planning and Budget is authorized to transfer amounts from the appropriation in this paragraph to applicable state agencies as required to execute the purposes of this paragraph.

F. This item includes \$416,000 the first year and \$479,500 the second year from the general fund and four and a half positions to establish the Office of the Children's Ombudsman in the Executive Branch.

53. Not set out.

54. Not set out.

55. Not set out.

	Total for Office of the Governor.....			\$7,849,409	\$7,912,909
				\$8,149,409	

	General Fund Positions.....	50.17	50.17		
	Nongeneral Fund Positions.....	1.33	1.33		
	Position Level.....	51.50	51.50		
	Fund Sources: General.....	\$7,684,495	\$7,747,995		
		\$7,984,495			
	Commonwealth Transportation.....	\$164,267	\$164,267		
	Federal Trust.....	\$647	\$647		

56. Not set out.

§ 1-5. ATTORNEY GENERAL AND DEPARTMENT OF LAW (141)

ITEM 57.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
57. Legal Advice (32000).....			\$37,064,003	\$37,064,003
			\$37,133,302	\$37,682,025
State Agency/Local Legal Assistance and Advice (32002).....	\$37,064,003	\$37,064,003		
	\$37,133,302	\$37,682,025		
Fund Sources: General.....	\$23,169,033	\$23,169,033		
	\$23,238,332	\$23,787,055		
Special.....	\$12,644,138	\$12,644,138		
Federal Trust.....	\$1,250,832	\$1,250,832		

Authority: Title 2.2 Chapter 5, Code of Virginia.

A. Out of this appropriation shall be paid:

1. The salary of the Attorney General, \$150,000 the first year and \$150,000 the second year.
2. Expenses of the Attorney General not otherwise reimbursed, \$9,000 each year in equal monthly installments.
3. Salary expenses necessary to provide legal services pursuant to Title 2.2, Chapter 5, Code of Virginia.

B. Out of this appropriation, \$738,536 the first year and \$738,536 the second year from the general fund is designated for efforts to enforce the 1998 Tobacco Master Settlement Agreement and Article 1 (§ 3.2-4200, et seq.), Chapter 42, Title 3.2, Code of Virginia. The Department of Law shall be responsible for enforcement of Article 1 (§ 3.2-4200, et seq.), Chapter 42, Title 3.2, Code of Virginia and the 1998 Tobacco Master Settlement Agreement. The general fund shall be reimbursed on a proportional basis from the Tobacco Indemnification and Community Revitalization Fund and the Virginia Tobacco Settlement Fund for costs associated with the enforcement of the 1998 Tobacco Master Settlement Agreement pursuant to transfers directed by Item 479 and § 3-1.01, Paragraph N of this act.

C. Upon notification by the Attorney General, agencies that administer programs which are funded wholly or partially from nongeneral fund appropriations shall transfer to the Department of Law the necessary funds to cover the costs of legal services that are related to such nongeneral funds. The Attorney General, in consultation with the respective agency heads, shall determine the amounts for transfer. It is the intent of the General Assembly that legal services provided by the Office of the Attorney General for general fund-supported programs shall be provided out of this appropriation.

D. At the request of the Attorney General, the Director, Department of Planning and Budget, shall provide an amount not to exceed \$100,000 per year from the Miscellaneous Contingency Reserve Account to pay the compensation, fees, and expenses of (i) counsel appointed by the Office of the Attorney General in actions brought pursuant to § 15.2-1643, Code of Virginia, to cause court facilities to be made secure, or put in good repair, or rendered otherwise safe, and (ii) counsel representing court personnel, including clerks, judges, and Justices in actions arising out of their official duties.

E.1. Pursuant to Chapter 577 of the Acts of Assembly of 2008, the Office of the Attorney General shall provide legal service in civil matters and consultation and legal advice in suits and other legal actions to soil and water conservation district directors and districts upon the request of those district directors or districts at no charge, inclusive of all fees, expenses, or other costs associated with litigation, excluding the payment of damages.

2. If the Office of the Attorney General is unable to provide legal services to the soil and water conservation districts, and as a result the districts incur costs from retaining other counsel, then the Director of the Department of Planning and Budget shall transfer general fund appropriations from the Office of the Attorney General to the Department of Conservation and Recreation in an amount equal to the cost incurred by the soil and water conservation districts to be used to reimburse the districts for costs incurred.

F. The Attorney General shall prepare and submit a report to the Chairmen of the House Appropriations and Senate Finance Committees by November 1 of each year detailing expenditures in the prior fiscal year for special outside counsel by any executive branch agencies. The report shall include the reasoning why outside counsel is necessary, the hourly

ITEM 57.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
rate charged by outside counsel, total expenditures, and funding source.				
<p>G. Except as otherwise specifically provided by law, all legal services of the Office of the Attorney General shall be performed exclusively by (i) an employee of the Office, (ii) an employee of another Virginia governmental entity as may be provided by law, (iii) an employee of a federal governmental entity pursuant to an agreement between the Office of the Attorney General and such federal governmental entity, or (iv) law students or recent law school graduates sponsored by a separate institution with a stipend. Except as otherwise specifically provided under this act, the sole source of compensation paid to employees of the Office of the Attorney General for performing legal services on behalf of the Commonwealth shall be from the appropriations provided under this act. In any case in which the Office of the Attorney General is authorized under law to contract with, hire, or engage a person other than a person described in clauses (i), (ii), (iii), or (iv) to perform legal services on behalf of the Commonwealth, the sole consideration for such legal services shall be a monetary amount bargained for in an arm's length transaction with such person and the Office of the Attorney General or another Virginia governmental entity, stating under what authority that office enters the contract. Only persons described in clauses (i), (ii), (iii), or (iv) shall perform legal services on premises leased by the Office of the Attorney General. Nothing in this paragraph shall prohibit the Office of the Attorney General from entering into a settlement agreement with a defendant arising from a case litigated or prosecuted by a federal governmental entity, local governmental entity, or an Attorney General's Office in another state or United States territory. Nothing in this paragraph shall prohibit the Office of the Attorney General from employing and providing office space to an unpaid intern assisting in performing legal services, provided that such intern does not possess a current license to practice law in the Commonwealth, any other state, or any United States territory.</p>				
58.	Not set out.			
59.	Not set out.			
60.	Not set out.			
61.	Personnel Management Services (70400).....		\$929,917	\$929,917
	Compliance and Enforcement (70414).....		\$1,044,626	\$1,159,335
	Fund Sources: General.....		\$853,468	\$853,468
	Federal Trust.....		\$968,177	\$1,082,886
			\$76,449	\$76,449
<p>Authority: Title 2.2, Chapter 26, Article 12, and Chapter 39; Title 15.2, Chapter 16, § 15.2-1604, Code of Virginia.</p>				
Total for Attorney General and Department of Law			\$56,683,118	\$56,683,118
			\$56,867,126	\$57,530,558
	General Fund Positions.....		242.75	242.75
			245.75	253.75
	Nongeneral Fund Positions.....		203.25	203.25
	Position Level.....		446.00	446.00
			449.00	457.00
	Fund Sources: General.....		\$26,248,212	\$26,248,212
			\$26,432,220	\$27,095,652
	Special.....		\$18,504,588	\$18,504,588
	Federal Trust.....		\$11,930,318	\$11,930,318
62.	Not set out.			
Grand Total for Attorney General and Department of Law.....			\$60,037,564	\$60,037,564
			\$60,221,572	\$60,885,004

ITEM 62.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
General Fund Positions.....	242.75	242.75		
	245.75	253.75		
Nongeneral Fund Positions.....	230.25	230.25		
Position Level.....	473.00	473.00		
	476.00	484.00		
Fund Sources: General.....	\$26,248,212	\$26,248,212		
	\$26,432,220	\$27,095,652		
Special.....	\$21,859,034	\$21,859,034		
Federal Trust.....	\$11,930,318	\$11,930,318		
63. Not set out.				
64. Not set out.				
65. Not set out.				
TOTAL FOR EXECUTIVE OFFICES.....			\$78,343,882	\$78,407,382
			\$78,827,890	\$79,254,822
General Fund Positions.....	339.92	339.92		
	342.92	350.92		
Nongeneral Fund Positions.....	247.58	247.58		
Position Level.....	587.50	587.50		
	590.50	598.50		
Fund Sources: General.....	\$41,905,043	\$41,968,543		
	\$42,389,051	\$42,815,983		
Special.....	\$22,141,424	\$22,141,424		
Commonwealth Transportation.....	\$2,248,113	\$2,248,113		
Dedicated Special Revenue.....	\$118,337	\$118,337		
Federal Trust.....	\$11,930,965	\$11,930,965		

ITEM 66.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

OFFICE OF ADMINISTRATION

- 66. Not set out.
- 67. Not set out.

§ 1-6. COMPENSATION BOARD (157)

68.	Not set out.			
69.	Financial Assistance for Confinement of Inmates in Local and Regional Facilities (35600).....			\$59,182,111 \$59,199,386 \$56,649,386
	Financial Assistance for Local Jail Per Diem (35601).....	\$27,867,884	\$27,885,159 \$26,686,659	
	Financial Assistance for Regional Jail Per Diem (35604).....	\$31,314,227	\$31,314,227 \$29,962,727	
	Fund Sources: General.....	\$59,182,111	\$59,199,386 \$56,649,386	

Authority: §§ 53.1-83.1, 53.1-84 and 53.1-85, Code of Virginia.

A. In the event the appropriation in this Item proves to be insufficient to fund all of its provisions, any amount remaining as of June 1, 2021, and June 1, 2022, may be reallocated among localities on a pro rata basis according to such deficiency.

B. For the purposes of this Item, the following definitions shall be applicable:

1. Effective sentence--a convicted offender's sentence as rendered by the court less any portion of the sentence suspended by the court.
2. Local responsible inmate--(a) any person arrested on a state warrant and incarcerated in a local correctional facility, as defined by § 53.1-1, Code of Virginia, prior to trial; (b) any person convicted of a misdemeanor offense and sentenced to a term in a local correctional facility; or (c) any person convicted of a felony offense and given an effective sentence of (i) twelve months or less or (ii) less than one year.
3. State responsible inmate--any person convicted of one or more felony offenses and (a) the sum of consecutive effective sentences for felonies, committed on or after January 1, 1995, is (i) more than 12 months or (ii) one year or more, or (b) the sum of consecutive effective sentences for felonies, committed before January 1, 1995, is more than two years.

C. The individual or entity responsible for operating any facility which receives funds from this Item may, if requested by the Department of Corrections, enter into an agreement with the department to accept the transfer of convicted felons, from other local facilities or from facilities operated by the Department of Corrections. In entering into any such agreements, or in effecting the transfer of offenders, the Department of Corrections shall consider the security requirements of transferred offenders and the capability of the local facility to maintain such offenders. For purposes of calculating the amount due each locality, all funds earned by the locality as a result of an agreement with the Department of Corrections shall be included as receipts from these appropriations.

D. Out of this appropriation, an amount not to exceed \$377,010 the first year and \$377,010 the second year from the general fund, is designated to be held in reserve for unbudgeted medical expenses incurred by local correctional facilities in the care of state responsible felons.

E. The following amounts shall be paid out of this appropriation to compensate localities for the cost of maintaining prisoners in local correctional facilities, as defined by § 53.1-1, Code of Virginia, or if the prisoner is not housed in a local correctional facility, in an

ITEM 69.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
alternative to incarceration program operated by, or under the authority of, the sheriff or jail board:				
1. For local responsible inmates--\$4 per inmate day, or, if the inmate is housed and maintained in a jail farm not under the control of the sheriff, the rate shall be \$18 per inmate day.				
2. For state responsible inmates--\$12 per inmate day.				
F. For the payment specified in paragraph E.1. of this Item for prisoners in alternative punishment or alternative to incarceration programs:				
1. Such payment is intended to be made for prisoners that would otherwise be housed in a local correctional facility. It is not intended for prisoners that would otherwise be sentenced to community service or placed on probation.				
2. No such payment shall be made unless the program has been approved by the Department of Corrections or the Department of Criminal Justice Services. Alternative punishment or alternative to incarceration programs, however, may include supervised work experience, treatment, and electronic monitoring programs.				
G.1. Except as provided for in paragraph G.2., and notwithstanding any other provisions of this Item, the Compensation Board shall provide payment to any locality with an average daily jail population of under ten in FY 1995 an inmate per diem rate of \$18 per day for local responsible inmates and \$12 per day for state responsible inmates held in these jails in lieu of personal service costs for corrections' officers.				
2. Any locality covered by the provisions of this paragraph shall be exempt from the provisions thereof provided that the locally elected sheriff, with the assistance of the Compensation Board, enters into good faith negotiations to house his prisoners in an existing local or regional jail. In establishing the per diem rate and capital contribution, if any, to be charged to such locality by a local or regional jail, the Compensation Board and the local sheriff or regional jail authority shall consider the operating support and capital contribution made by the Commonwealth, as required by §§ 15.2-1613, 15.2-1615.1, 53.1-80, and 53.1-81, Code of Virginia. The Compensation Board shall report periodically to the Chairmen of the House Appropriations and Senate Finance Committees on the progress of these negotiations and may withhold the exemption granted by this paragraph if, in the board's opinion, the local sheriff fails to negotiate in good faith.				
H.1. The Compensation Board shall recover the state-funded costs associated with housing federal inmates, District of Columbia inmates or contract inmates from other states. The Compensation Board shall determine, by individual jail, the amount to be recovered by the Commonwealth by multiplying the jail's current inmate days for this population by the proportion of the jail's per inmate day salary funds provided by the Commonwealth, as identified in the most recent Jail Cost Report prepared by the Compensation Board. Beginning July 1, 2009, the Compensation Board shall determine, by individual jail, the amount to be recovered by the Commonwealth by multiplying the jail's current inmate days for this population by the proportion of the jail's per inmate day operating costs provided by the Commonwealth, excluding payments otherwise provided for in this Item, as identified in the most recent Jail Cost Report prepared by the Compensation Board. If a jail is not included in the most recent Jail Cost Report, the Compensation Board shall use the statewide average of per inmate day salary funds provided by the Commonwealth.				
2. The Compensation Board shall deduct the amount to be recovered by the Commonwealth from the facility's next quarterly per diem payment for state-responsible and local-responsible inmates. Should the next quarterly per diem payment owed the locality not be sufficient against which to net the total quarterly recovery amount, the locality shall remit the remaining amount not recovered to the Compensation Board.				
3. Any local or regional jail which receives funding from the Compensation Board shall give priority to the housing of local-responsible, state-responsible, and state contract inmates, in that order, as provided in paragraph H.1.				
4. The Compensation Board shall not provide any inmate per diem payments to any local or regional jail which holds federal inmates in excess of the number of beds contracted for with				

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	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

the Department of Corrections, unless the Director, Department of Corrections, certifies to the Chairman of the Compensation Board that a) such contract beds are not required; b) the facility has operational capacity built under contract with the federal government; c) the facility has received a grant from the federal government for a portion of the capital costs; or d) the facility has applied to the Department of Corrections for participation in the contract bed program with a sufficient number of beds to meet the Department of Corrections' need or ability to fund contract beds at that facility in any given fiscal year.

5. The Compensation Board shall apply the cost recovery methodology set out in paragraph H.1. of this Item to any jail which holds inmates from another state on a contractual basis. However, recovery in such circumstances shall not be made for inmates held pending extradition to other states or pending transfer to the Virginia Department of Corrections.

6. The provisions of this paragraph shall not apply to any local or regional jail where the cumulative federal share of capital costs exceeds the Commonwealth's cumulative capital contribution.

7. For a local or regional jail which operates bed space specifically built utilizing federal capital or grant funds for the housing of federal inmates and for which Compensation Board funding has never been authorized for staff for such bed space, the Compensation Board shall allow an exemption from the recovery provided in paragraph H.1. for a defined number of federal prisoners upon certification by the sheriff or superintendent that the federal government has paid for the construction of bed space in the facility or provided a grant for a portion of the capital cost. Such certification shall include specific funding amounts paid by the federal government, localities, and/or regional jail authorities, and the Commonwealth for the construction of bed space specifically built for the housing of federal inmates and for the construction of the jail facility in its entirety. The defined number of federal prisoners to be exempted from the recovery provided in paragraph H.1. shall be based upon the proportion of funding paid by the federal government and localities and/or regional jail authorities for the construction of bed space to house federal prisoners to the total funding paid by all sources, including the Commonwealth, for all construction costs for the jail facility in its entirety.

8. Beginning March 1, 2013, federal inmates placed in the custody of a regional jail pursuant to a work release program operated by the federal Bureau of Prisons shall be exempt from the recovery of costs associated with housing federal inmates pursuant to paragraph H.1. of this item if such federal inmates have been assigned by the federal Bureau of Prisons to a home electronic monitoring program in place for such inmates by agreement with the jail on or before January 1, 2012 and are not housed in the jail facility. However, no such exemption shall apply to any federal inmate while they are housed in the regional jail facility.

I. Any amounts in the program Financial Assistance for Confinement of Inmates in Local and Regional Facilities, may be transferred between Items 68 and 69, as needed, to cover any deficits incurred in the programs Financial Assistance for Sheriffs' Offices and Regional Jails and Financial Assistance for Confinement of Inmates in Local and Regional Facilities.

J.1. The Compensation Board shall provide an annual report on the number and diagnoses of inmates with mental illnesses in local and regional jails, the treatment services provided, and expenditures on jail mental health programs. The report shall be prepared in cooperation with the Virginia Sheriffs Association, the Virginia Association of Regional Jails, the Virginia Association of Community Services Boards, and the Department of Behavioral Health and Developmental Services, and shall be coordinated with the data submissions required for the annual jail cost report. Copies of this report shall be provided by November 1 of each year to the Governor, Director, Department of Planning and Budget, and the Chairmen of the Senate Finance and House Appropriations Committees.

2. Whenever a person is admitted to a local or regional correctional facility, the staff of the facility shall screen such person for mental illness using a scientifically validated instrument. The Commissioner of Behavioral Health and Developmental Services shall designate the instrument to be used for the screenings and such instrument shall be capable of being administered by an employee of the local or regional correctional facility,

ITEM 69.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

other than a health care provider, provided that such employee is trained in the administration of such instrument.

K. Out of the amounts appropriated in this item, \$198,664 the first year and \$215,939 the second year from the general fund is provided for the purpose of reimbursing the County of Nottoway for the expense of confining residents of the Virginia Center for Behavioral Rehabilitation arrested for new offenses and held in Piedmont Regional Jail at the expense of the County. Reimbursements by the Board are to be made quarterly, and shall be equal to demonstrated costs incurred by the County of Nottoway for confinement of these individuals, and shall not exceed the amounts provided in this paragraph for each fiscal year. Demonstrated costs may include expenses incurred in the last month of the prior fiscal year if not previously reimbursed. The County of Nottoway, the Virginia Center for Behavioral Rehabilitation, and Piedmont Regional Jail shall upon request provide the Compensation Board any information and assistance it determines is necessary to calculate amounts to be reimbursed to the County of Nottoway.

70. Not set out.

71. Not set out.

72. Not set out.

73. Not set out.

74. Not set out.

75. Not set out.

75-10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted:

	FY 2021	FY 2022
Establish a minimum of three staff in each Circuit Court Clerk's office	\$358,578	\$391,176
Fund 25 percent of the staffing need in Sheriffs' offices	\$979,399	\$1,113,082
Fund 25 percent of the staffing need in the Commonwealth's Attorneys offices	\$1,350,989	\$1,433,928
Fund position to address agency information technology needs	\$119,775	\$119,775
Provide salary adjustment for Commissioners of Revenue	\$950,656	\$1,037,069
Provide salary adjustment for Treasurers' offices	\$821,028	\$1,642,054
Provide technology funding to Circuit Court Clerks' offices	\$1,000,000	\$1,000,000
Additional funding for Statewide Automated Victim Network System	\$600,000	\$600,000

ITEM 75.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
(SAVIN)				
Adjust salary for circuit court clerks		\$1,820,339		\$1,985,824
Adjust entry-level salary increases for regional jail officers		\$2,668,059		\$2,910,609
Adjust salary of constitutional office staff based on increases in locality population		\$260,230		\$260,230
Agency Total		\$10,929,053		\$12,493,747
Total for Compensation Board.....			\$745,264,213	\$749,100,297 \$746,550,297
General Fund Positions.....	20.00	20.00		
Nongeneral Fund Positions.....	1.00	1.00		
Position Level.....	21.00	21.00		
Fund Sources: General.....	\$728,657,985	\$732,494,069 \$729,944,069		
Trust and Agency.....	\$8,003,370	\$8,003,370		
Dedicated Special Revenue.....	\$8,602,858	\$8,602,858		

§ 1-7. DEPARTMENT OF GENERAL SERVICES (194)

76.	Not set out.			
77.	Not set out.			
78.	Not set out.			
79.	Physical Plant Management Services (74100).....		\$56,751,163 \$57,834,163	\$57,668,843
	Parking Facilities Management (74105).....	\$5,468,350		\$5,468,350
	Statewide Building Management (74106).....	\$45,215,900 \$46,298,900		\$46,389,195
	Statewide Engineering and Architectural Services (74107).....	\$5,484,480		\$5,228,865
	Seat of Government Mail Services (74108).....	\$582,433		\$582,433
	Fund Sources: General.....	\$1,666,623 \$2,749,623		\$1,316,623
	Special.....	\$5,468,350		\$5,468,350
	Internal Service.....	\$49,616,190		\$50,883,870

Authority: Title 2.2, Chapter 11, Articles 4, 6, and 8; § 58.1-3403, Code of Virginia.

A.1. Out of this appropriation, \$44,645,792 the first year and \$45,819,087 the second year for Statewide Building Management represent a sum sufficient internal service fund which shall be paid from revenues from rental charges assessed to occupants of seat of government buildings controlled, maintained, and operated by the Department of General Services and fees paid for other building maintenance and operation services provided through service agreements and special work orders. The internal service fund shall support the facilities at the seat of government and maintenance and operation of such other state-owned facilities as the Governor or department may direct, as otherwise provided by law.

2. The rent rate for occupants of office space in seat of government facilities operated and maintained by the Department of General Services, excluding the building occupants that currently have maintenance service agreements with the department, shall be \$17.51 per square foot the first year and \$18.24 the second year.

3. On or before September 1 of each year, the Department of General Services shall report to the Chairmen of the House Appropriations and Senate Finance Committees, the Secretary of Administration, and the Department of Planning and Budget regarding the

ITEM 79.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

operations and maintenance costs of all buildings controlled, maintained, and operated by the Department of General Services. The report shall include, but not be limited to, the cost and fund source associated with the following: utilities, maintenance and repairs, security, custodial services, groundskeeping, direct administration and other overhead, and any other operations or maintenance costs for the most recently concluded fiscal year. The amount of unleased space in each building shall also be reported.

4. Further, out of the estimated cost for Statewide Building Management, amounts estimated at \$2,424,879 the first year and \$2,424,879 the second year shall be paid for Payment in Lieu of Taxes. In addition to the amounts for Statewide Building Management, the following sums, estimated at the amounts shown for this purpose, are included in the appropriations for the agencies identified:

	FY 2021	FY 2022
Alcoholic Beverage Control Authority	\$79,698	\$79,698
Department of Motor Vehicles	\$196,017	\$196,017
Department of State Police	\$639	\$639
Department of Transportation	\$186,030	\$186,030
Department for the Blind and Vision Impaired	\$4,630	\$4,630
Science Museum of Virginia	\$17,904	\$17,904
Virginia Employment Commission	\$57,662	\$57,662
Virginia Museum of Fine Arts	\$158,513	\$158,513
Virginia Retirement System	\$42,920	\$42,920
Veterans Services	\$135,180	\$135,180
Workers' Compensation Commission	\$64,116	\$64,116
TOTAL	\$943,309	\$943,309

B.1. Out of this appropriation, \$4,970,398 the first year and \$5,064,783 the second year for Statewide Engineering and Architectural Services provided by the Division of Engineering and Buildings represent a sum sufficient internal service fund which shall be paid from revenues from fees paid by state agencies and institutions of higher education for the review of architectural, mechanical, and life safety plans of capital outlay projects.

2. In administering this internal service fund, the Division of Engineering and Buildings (DEB) shall provide capital project cost review services to state agencies and institutions of higher education and produce capital project cost analysis work products for the Department of Planning and Budget. DEB shall collect fees, consistent with those fees authorized above in paragraph B.1, from state agencies and institutions of higher education for completed capital project cost review services or work products.

3. The hourly rate for engineering and architectural services shall be \$150.00 the first year and \$154.00 the second year, excluding contracted services and other special rates as authorized pursuant to § 4-5.03 of this act.

4. Out of the amounts appropriated in this Item, \$164,082 the first year and \$164,082 the second year from the general fund is provided for the Division of Engineering and Buildings to support the Commonwealth's capital budget and capital pool process for which fees authorized in this paragraph cannot otherwise be assessed.

C. Interest on the employee vehicle parking fund authorized by § 4-6.04 c of this act shall be added to the fund as earned.

D. The Department of General Services shall, in conjunction with affected agencies, develop, implement, and administer a consolidated mail function to process inbound and outbound mail for agencies located in the Richmond metropolitan area. The consolidated mail function shall include the establishment of a centralized mail receiving and outbound processing location or locations, and the enhancement of mail security capabilities within these location(s).

E. All new and renovated state-owned facilities, if the renovations are in excess of 50 percent of the structure's assessed value, that are over 5,000 gross square feet shall be designed and

ITEM 79.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

constructed consistent with energy performance standards at least as stringent as the U.S. Green Building Council's LEED rating system or the Green Globes rating system.

F. Effective July 1, 2009, the total service charge for the property known as the General Assembly Building and the State Capitol Building shall not exceed \$70,000 per fiscal year.

G. The Director of the Department of General Services shall work with the Commissioner of the Department of Transportation and other agencies to maximize the use of light-emitting diodes (LEDs) instead of traditional incandescent light bulbs when any state agency installs new outdoor lighting fixtures or replaces nonfunctioning light bulbs on existing outdoor lighting fixtures as long as the LEDs lights are determined to be cost effective.

H. Out of this appropriation, \$350,000 the first year from the general fund is designated for the Department of General Services (DGS), with the cooperation of the Department of Behavioral Health and Developmental Services (DBHDS), to review the DBHDS capital outlay, maintenance reserve, maintenance and operations and real estate activities across the DBHDS agency. DGS shall develop system-wide recommendations that are cost effective and promote operational efficiency. DGS shall report its findings and recommendations to the Governor and Chairs of the House Appropriations and Senate Finance and Appropriations Committees no later than October 1, 2021.

I. Notwithstanding the provisions of Acts of Assembly 1889, Chapter 24, which is hereby repealed, the Department of General Services, in accordance with the direction and instruction of the Governor, shall remove and store the Robert E. Lee Monument or any part thereof.

80. Not set out.

81. Not set out.

82. Not set out.

82:10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
DGS review of DBHDS capital outlay operations	\$350,000	\$0
Agency Total	\$350,000	\$0
Total for Department of General Services.....		\$264,962,491 \$266,045,491
General Fund Positions.....	248.50	248.50
Nongeneral Fund Positions.....	435.50	435.50
Position Level.....	684.00	684.00
Fund Sources: General.....	\$25,302,532	\$24,724,963
Special.....	\$26,385,532	\$9,121,076
	\$9,121,076	

ITEM 82.10.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022
Enterprise.....	\$42,156,754	\$40,948,140		
Internal Service.....	\$181,087,297	\$184,246,593		
Federal Trust.....	\$7,294,832	\$7,294,832		

§ 1-8. DEPARTMENT OF HUMAN RESOURCE MANAGEMENT (129)

83.	Personnel Management Services (70400).....			\$108,932,147	\$108,413,840
	Agency Human Resource Services (70401).....	\$2,365,564	\$2,065,564		
	Human Resource Service Center (70402).....	\$1,176,473	\$1,114,273		
	Equal Employment Services (70403).....	\$725,773	\$725,773		
	Health Benefits Services (70406).....	\$7,096,747	\$7,096,747		
	Personnel Development Services (70409).....	\$406,738	\$382,338		
	Personnel Management Information System (70410)..	\$1,395,087	\$1,263,380		
	Employee Dispute Resolution Services (70416).....	\$1,182,370	\$1,182,370		
	State Employee Program Services (70417).....	\$1,905,191	\$1,905,191		
	State Employee Workers' Compensation Services (70418).....	\$91,463,439	\$91,463,439		
	Administrative and Support Services (70419).....	\$1,214,765	\$1,214,765		
	Fund Sources: General.....	\$5,590,750	\$5,266,350		
	Special.....	\$1,805,051	\$1,742,851		
	Enterprise.....	\$2,596,995	\$2,596,995		
	Internal Service.....	\$7,104,757	\$6,973,050		
	Trust and Agency.....	\$91,834,594	\$91,834,594		

Authority: Title 2.2, Chapters 12 and 28, 29, 30, and 32, Code of Virginia.

A. The Department of Human Resource Management shall report any proposed changes in premiums, benefits, carriers, or provider networks to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees at least sixty days prior to implementation.

B.1. The Department of Human Resource Management shall operate a human resource service center to support the human resource needs of those agencies identified by the Secretary of Administration in consultation with the Department of Planning and Budget. The agencies identified shall cooperate with the Department of Human Resource Management by transferring such records and functions as may be required.

2. Nothing in this paragraph shall prohibit additional agencies from using the services of the center; however, these additional agencies' use of the human resource service center shall be subject to approval by the affected cabinet secretary and the Secretary of Administration.

3. The cost of the human resource center's services shall be recovered and paid solely from revenues derived from charges for services. The rates required to recover the costs of the human resource service center shall be provided by the Department of Human Resource Management to the Department of Planning and Budget by September 1 each year for review and approval of the subsequent fiscal year's rate in accordance with § 4-5.03 of this act.

4. The rates for the human resource service center shall be \$1,306.00 per full-time equivalent and \$483.00 per wage employee the first year and \$1,237.00 per full-time equivalent and \$458.00 per wage employee the second year.

C. The institutions of higher education shall be exempt from the centralized advertising requirements identified in Executive Order 73 (01).

D.1. To ensure fair and equitable performance reviews, the Department of Human Resource Management, within available resources, is directed to provide performance management training to agencies and institutions of higher education with classified employees.

2. Agency heads in the Executive Department are directed to require appropriate performance management training for all agency supervisors and managers.

E. The Department of Human Resource Management shall take into account the claims experience of each agency and institution when setting premiums for the workers'

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	FY2021	FY2022	FY2021	FY2022

compensation program.

F.1. The Department of Human Resource Management shall report to the Governor and Chairmen of the House Appropriations and Senate Finance Committees by October 30 of each year, on its recommended workers' compensation premiums for state agencies for the following biennium. This report shall also include the basis for the department's recommendations; the status and recommendations of the loss control program authorized in paragraph F. 2; the number and amount of workers' compensation settlements concluded in the previous fiscal year, inclusive of those authorized in paragraph F. 3.a; and the impact of those settlements on the workers' compensation program's reserves.

2. Beginning July 1, 2015, the Department of Human Resource Management shall conduct an annual review of each state agency's loss control history, to include the severity of workers' compensation claims, experience modification factor, and frequency normalized by payroll. Based on the annual review, state agencies deemed by the Department of Human Resource Management as having higher than normal loss history shall be required to participate in a loss control program. All executive, judicial, legislative, and independent agencies required to participate in the loss control program shall fully cooperate with the Department of Human Resource Management's review.

3.a. A working capital advance of up to \$20,000,000 shall be provided to the Department of Human Resource Management to identify and potentially settle certain workers' compensation claims open for more than one year but less than 10 years. The Department of Human Resource Management shall pay back the working capital advance from annual premiums over a seven-year period.

b. The Secretary of Finance and Secretary of Administration shall approve the drawdowns from this working capital advance prior to the expenditure of funds. The State Comptroller shall notify the Governor and the Chairmen of the House Appropriations and Senate Finance Committees of any approved drawdowns.

G. The Department of Human Resource Management shall report to the Governor and Chairmen of the House Appropriations and Senate Finance Committees, by October 15 of each year, on the renewal cost of the state employee health insurance program premiums that will go into effect on July 1 of the following year. This report shall include the impact of the renewal cost on employee and employer premiums and a valuation of liabilities as required by Other Post Employment Benefits reporting standards.

H. Out of this appropriation, \$606,439 the first year and \$606,439 the second year from the general fund is provided for the time, attendance and leave system.

I. The Department of Human Resource Management shall develop and distribute instructions and guidelines to all executive department agencies for the provision of an annual statement of total compensation for each classified employee. The statement should account for the full cost to the Commonwealth and the employee of cash compensation as well as Social Security, Medicare, retirement, deferred compensation, health insurance, life insurance, and any other benefits. The Director, Department of Human Resource Management, shall ensure that all executive department agencies provide this notice to each employee. The Department of Accounts and the Virginia Retirement System shall provide assistance upon request. Further, the Director of the Department of Human Resource Management shall provide instructions and guidelines for the development notices of total compensation to all independent, legislative, and judicial agencies, and institutions of higher education for preparation of annual statements to their employees.

J. 1. The appropriation for the Personnel Management Information System (PMIS) is a sum sufficient and amounts shown are estimates from an internal service fund which shall be paid solely from revenues derived from charges to participating agencies, identified by the Department of Human Resource Management and approved by the Department of Planning and Budget, to support the operation of PMIS and its subsystems authorized in this Item.

2.a. The rate for agencies to support PMIS and its subsystems, operated and maintained by the Department of Human Resource Management, shall be \$10.91 per position the first

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year and no more than \$10.66 per position the second year. The rate is based upon the higher of the agency's maximum employment level as of July 1, 2019, and filled wage positions as of June 30, 2019, or the total number of filled classified and wage positions as of June 30, 2019.

b. The rates authorized to support the operation of PMIS and its subsystems shall be provided by the Department of Human Resource Management and approved by the Department of Planning and Budget by September 1 each year for review and approval of the subsequent fiscal year's rate in accordance with § 4-5.03 of this act.

3. The State Comptroller shall recover the cost of services provided for the administration of the internal service fund through interagency transactions as determined by the State Comptroller.

K. The Department of Human Resource Management shall work with the Virginia Information Technologies Agency to develop a pilot program, beginning in July of 2019, utilizing a currently available electronic platform, to track and evaluate the productivity contract staff when teleworking or working in an office that is not part of the agency for which they work or for which they have a contract. The Departments shall identify specific executive branch agencies which have a significant number of such contractors and work with these agencies to develop the pilot project. The Departments shall report to the Chairmen of the House Appropriations and Senate Finance Committees on the results of the pilot program by November 15, 2020.

L. Out of the amounts appropriated for this item, \$24,400 from the general fund the first year is provided for the development of a diversity and cultural competency training module, which is to be administered to all state employees employed on or after January 1, 2021.

M. *The Director of the Department of Human Resource Management shall communicate to all executive branch agencies the requirement that all employees with state email addresses and state phone numbers include contact information in their email signature, which shall include, at a minimum, an office phone number and/or state cell phone number.*

Total for Department of Human Resource Management.....			\$108,932,147	\$108,413,840
General Fund Positions.....	43.90	43.90		
Nongeneral Fund Positions.....	71.10	71.10		
Position Level.....	115.00	115.00		
Fund Sources: General.....	\$5,590,750	\$5,266,350		
Special.....	\$1,805,051	\$1,742,851		
Enterprise.....	\$2,596,995	\$2,596,995		
Internal Service.....	\$7,104,757	\$6,973,050		
Trust and Agency.....	\$91,834,594	\$91,834,594		

Administration of Health Insurance (149)

84.	Personnel Management Services (70400).....			\$2,197,071,067	\$2,301,071,067
	Health Benefits Services (70406).....	\$1,574,195,823	\$1,678,195,823		
	Local Health Benefit Services (70407).....	\$587,455,244	\$587,455,244		
	Health Insurance Benefit Payment Under the Line of Duty Act (70408).....	\$35,420,000	\$35,420,000		
	Fund Sources: Enterprise.....	\$587,455,244	\$587,455,244		
	Internal Service.....	\$1,574,195,823	\$1,678,195,823		
	Trust and Agency.....	\$35,420,000	\$35,420,000		

Authority: § 2.2-2818, § 2.2-1204, and Title 9.1, Chapter 4, Code of Virginia.

A. The appropriation for Health Benefits Services is sum sufficient and amounts shown are estimates from an internal service fund which shall be paid from revenues paid by state agencies to the Department of Human Resource Management.

B. The amounts for Local Health Benefits Services include estimated revenues received from localities for the local choice health benefits program.

ITEM 84.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>C.1. In the event that the total of all eligible claims exceeds the balance in the state employee medical reimbursement account, there is hereby appropriated a sum sufficient from the general fund of the state treasury to enable the payment of such eligible claims.</p> <p>2. The term "employee medical reimbursement account" means the account administered by the Department of Human Resource Management pursuant to § 125 of the Internal Revenue Code in connection with the health insurance program for state employees (§ 2.2-2818, Code of Virginia).</p> <p>D. Any balances remaining in the reserved component of the Employee Health Insurance Fund shall be considered part of the overall Health Insurance Fund. It is the intent of the General Assembly that future premiums for the state employee health insurance program shall be set in a manner so that the balance in the Health Insurance Fund will be sufficient to meet the estimated Incurred But Not Paid liability for the Fund and maintain a contingency reserve at a level recommended by the Department of Human Resource Management for a self-insured plan subject to the approval of the General Assembly.</p> <p>E. The Department of Human Resource Management shall implement a Medication Therapy Management pilot program for state employees with certain disease states including Type II diabetes. The department shall continue to consult with all provider stakeholders in order to establish program parameters.</p> <p>F. Concurrent with the date the Governor introduces the budget bill, the Directors of the Departments of Planning and Budget and Human Resource Management shall provide to the Chairmen of the House Appropriations and Senate Finance Committees a report detailing the assumptions included in the Governor's introduced budget for the state employee health insurance plan. The report shall include the proposed premium schedule that would be effective for the upcoming fiscal year and any proposed changes to the benefit structure.</p> <p>G. Of money appropriated for the state employee health insurance fund, \$650,000 the first year and \$650,000 the second year shall be held separate and apart from the fund to pay for any required fees due to the Patient-Centered Outcomes Research Institute.</p> <p>H. In addition to such other payments as may be available, the full cost of group health insurance, net of any deductions and credits, for the surviving spouses and dependents of certain public safety officers killed in the line of duty and for certain public safety officers disabled in the line of duty, and the spouses and dependents of such disabled officers, are payable from this Item pursuant to Title 9.1, Chapter 4, Code of Virginia, effective July 1, 2017.</p> <p><i>I. The Department of Human Resource Management (DHRM) shall work with the Joint Legislative Audit and Review Commission (JLARC) to enable the private actuarial firm that contracts with JLARC, to perform a peer review of the actuarial calculations used for the State Health Insurance Program. The review shall (1) review the reasonableness of actuarial methods, and accuracy of reports produced by the actuary; (2) assess the data and methods used to establish rates; (3) review and comment on actuarial models used to estimate the impact of plan changes, develop rates and budget projections, and monitor claims experience; and (4) provide recommendations concerning the appropriate target level of cash balances for the fund. DHRM shall reimburse JLARC for expenses incurred in the review from the balances in the health insurance fund. JLARC shall report the findings by September 30, 2021.</i></p>				
			\$2,197,071,067	\$2,301,071,067
	Fund Sources: Enterprise.....	\$587,455,244	\$587,455,244	
	Internal Service.....	\$1,574,195,823	\$1,678,195,823	
	Trust and Agency.....	\$35,420,000	\$35,420,000	
85.	Not set out.			
	Grand Total for Department of Human Resource Management.....		\$2,307,482,553	\$2,410,964,246

ITEM 85.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
General Fund Positions.....	44.90	44.90		
Nongeneral Fund Positions.....	71.10	71.10		
Position Level.....	116.00	116.00		
Fund Sources: General.....	\$7,070,089	\$6,745,689		
Special.....	\$1,805,051	\$1,742,851		
Enterprise.....	\$590,052,239	\$590,052,239		
Internal Service.....	\$1,581,300,580	\$1,685,168,873		
Trust and Agency.....	\$127,254,594	\$127,254,594		

§ 1-9. DEPARTMENT OF ELECTIONS (132)

86.	Electoral Services (72300).....			\$18,858,038	\$16,823,166
	Electoral Administration, Uniformity, Legality, and Quality Assurance Services (72302).....	\$1,621,062	\$1,621,062		
	Statewide Voter Registration System and Associated Information Technology Services (72304).....	\$13,422,132	\$11,386,990		
	Campaign Finance Disclosure Administration Services (72309).....	\$178,568	\$178,568		
	Voter Services and Communications (72311).....	\$1,060,726	\$1,060,726		
	Administrative Services (72312).....	\$2,575,550	\$2,575,820		
	Fund Sources: General.....	\$15,805,788	\$13,770,916		
	Special.....	\$52,250	\$52,250		
	Trust and Agency.....	\$3,000,000	\$3,000,000		

Authority: Title 24.2, Chapter 1, Code of Virginia.

A. It is the intention of the General Assembly that all local precincts, other than central absentee precincts established under § 24.2-712, Code of Virginia, will use electronic pollbooks for elections held beginning in November, 2010.

B. Any locality using paper pollbooks for elections held beginning in November, 2010, shall be responsible for entering voting credit as provided in § 24.2-668. Additionally, any locality using paper pollbooks for elections held after November, 2010 may be required to reimburse the Department of Elections for state costs associated with providing paper pollbooks.

C. Municipalities will pay all expenses associated with May elections after June 30, 2009, including those costs incurred by the Department of Elections.

D. The State Board of Elections shall by regulation provide for an administrative fee up to \$25 for each non-electronic report filed with the State Board under § 24.2-947.5. The regulation shall provide for waiver of the fee based upon indigence.

E. All unpaid charges and civil penalties assessed under Title 24.2 shall be subject to interest, the administrative collection fee and late penalties authorized in the Virginia Debt Collection Act, Chapter 48 of Title 2.2, § 2.2-4800 et seq.

F. Out of this appropriation, \$212,687 the first year and \$212,687 the second year from the general fund is provided for voter outreach and education required to inform voters about the photo identification requirements pursuant to Chapter 725 of the Acts of Assembly of 2013. It is the intent of the General Assembly that registration cards containing the voter's photograph and signature be provided free to any eligible voter upon request to the general registrar.

G. Out of this appropriation, \$212,423 the first year and \$212,423 the second year from the general fund is provided for conducting list maintenance mailings as required by the National Voter Registration Act.

H. Out of this appropriation, \$6,800 each year from the general fund is provided to increase the membership of the State Board of Elections from three members to five members, consistent with the provisions of § 24.2-102, Code of Virginia.

I. It is the intent of the General Assembly that federal awards from the Help America Vote Act of 2002 (HAVA) under P.L. 116-93 be used to replace the Virginia Election and

ITEM 86.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

Registration Information System (VERIS) by July 1, 2022. Out of the amounts included in this item, \$2,035,142 the first year from the general fund shall serve as the state's required match to receive the federal HAVA award.

J. Out of the amounts included in this item, \$96,644 the first year and \$96,644 the second year from the general fund and one position shall support a permanent, full-time director of operations position subject to the Virginia Personnel Act (§ 2.2-2900 et seq.) within the Department.

87. Not set out.

87:10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted:

	FY 2021	FY 2022
Increase funding for the salaries of state-supported local employees	\$2,534,575	\$2,534,575
Agency Total	\$2,534,575	\$2,534,575
Total for Department of Elections.....		\$27,667,991
General Fund Positions.....	57.00	57.00
Position Level.....	57.00	57.00
Fund Sources: General.....	\$24,615,741	\$22,580,869
Special.....	\$52,250	\$52,250
Trust and Agency.....	\$3,000,000	\$3,000,000

§ 1-10. VIRGINIA INFORMATION TECHNOLOGIES AGENCY (136)

88. Omitted.

89. Omitted.

90. Not set out.

91. Not set out.

92. Not set out.

93. Not set out.

Total for Virginia Information Technologies Agency.....			\$332,185,763	\$332,375,486
General Fund Positions.....	2.00	2.00		
Nongeneral Fund Positions.....	237.40	237.40		
Position Level.....	239.40	239.40		
Fund Sources: General.....	\$282,252	\$282,252		

ITEM 93.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Special.....	\$10,428,054	\$10,428,054		
Internal Service.....	\$321,475,457	\$321,665,180		
TOTAL FOR OFFICE OF ADMINISTRATION.....			\$3,681,918,697	\$3,788,422,438
			\$3,683,001,697	\$3,785,872,438
General Fund Positions.....	385.40	385.40		
Nongeneral Fund Positions.....	745.00	747.00		
Position Level.....	1,130.40	1,132.40		
Fund Sources: General.....	\$787,682,285	\$788,581,528		
	\$788,765,285	\$786,031,528		
Special.....	\$21,406,431	\$21,344,231		
Enterprise.....	\$632,208,993	\$631,000,379		
Internal Service.....	\$2,086,465,334	\$2,193,340,646		
Trust and Agency.....	\$138,257,964	\$138,257,964		
Dedicated Special Revenue.....	\$8,602,858	\$8,602,858		
Federal Trust.....	\$7,294,832	\$7,294,832		

ITEM 94.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

OFFICE OF AGRICULTURE AND FORESTRY

94. Not set out.

§ 1-11. DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (301)

95. Not set out.

96. Not set out.

97. Not set out.

98. Not set out.

99. Not set out.

100. Not set out.

101. Not set out.

102. Not set out.

103. Not set out.

104. Not set out.

105. Not set out.

106. Not set out.

106.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Enhance economic growth and food safety in the Commonwealth	\$267,201	\$256,701
Fulfill Virginia's phase III watershed implementation plan	\$240,021	\$185,021
Holiday Lake 4-H Center Improvements Project	\$250,000	\$0
Agency Total	\$757,222	\$441,722
Total for Department of Agriculture and Consumer Services.....		\$80,619,801
General Fund Positions.....	344.00	344.00
		\$78,635,573

ITEM 106.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Nongeneral Fund Positions.....	214.00	214.00		
Position Level.....	558.00	558.00		
Fund Sources: General.....	\$42,378,884	\$40,394,656		
Special.....	\$7,347,613	\$7,347,613		
Trust and Agency.....	\$7,288,394	\$7,288,394		
Dedicated Special Revenue.....	\$10,464,327	\$10,464,327		
Federal Trust.....	\$13,140,583	\$13,140,583		

§ 1-12. DEPARTMENT OF FORESTRY (411)

107. Not set out.

107-10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted:

	FY 2021	FY 2022
Establish apprenticeship program	\$51,888	\$51,888
Establish hardwood forest habitat program	\$154,000	\$521,842
Fulfill Virginia's phase III watershed implementation plan	\$433,016	\$433,016
Plan for replacement of the agency's mission critical business system	\$44,250	\$0
Agency Total	\$683,154	\$1,006,746
Total for Department of Forestry.....		\$36,508,061
		\$36,831,653

General Fund Positions.....	165.59	165.59
Nongeneral Fund Positions.....	113.41	113.41
Position Level.....	279.00	279.00
Fund Sources: General.....	\$21,094,319	\$21,417,911
Special.....	\$10,927,516	\$10,927,516
Trust and Agency.....	\$106,538	\$106,538
Dedicated Special Revenue.....	\$89,535	\$89,535
Federal Trust.....	\$4,290,153	\$4,290,153

108. Not set out.

109. Not set out.

110. Not set out.

TOTAL FOR OFFICE OF AGRICULTURE AND FORESTRY.....			\$121,345,573	\$119,684,937
General Fund Positions.....	512.59	512.59		
Nongeneral Fund Positions.....	337.41	337.41		

ITEM 110.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Position Level.....	850.00	850.00		
Fund Sources: General.....	\$63,991,584	\$62,330,948		
Special.....	\$21,483,784	\$21,483,784		
Trust and Agency.....	\$7,394,932	\$7,394,932		
Dedicated Special Revenue.....	\$11,044,537	\$11,044,537		
Federal Trust.....	\$17,430,736	\$17,430,736		

ITEM 111.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

OFFICE OF COMMERCE AND TRADE

§ 1-13. SECRETARY OF COMMERCE AND TRADE (192)

111.	Administrative and Support Services (79900).....			\$1,110,829	\$1,110,829
	General Management and Direction (79901).....	\$1,110,829	\$1,110,829		
	Fund Sources: General.....	\$1,110,829	\$1,110,829		

Authority: Title 2.2, Chapter 2, Article 3; § 2.2-201, Code of Virginia.

A. It is the intent of the General Assembly that state programs providing financial, technical, or training assistance to local governments for economic development projects or directly to businesses seeking to relocate or expand operations in Virginia should not be used to help a company relocate or expand its operations in one or more Virginia communities when the same company is simultaneously closing facilities in other Virginia communities. It is the responsibility of the Secretary of Commerce and Trade to enforce this policy and to inform the Chairmen of the Senate Finance and House Appropriations Committees in writing of the justification to override this policy for any exception.

B. The Secretary shall develop and implement, as a component of the comprehensive economic development policy requirements as established in § 2.2-205, Code of Virginia, a strategic workforce development plan for the Commonwealth.

C. Notwithstanding any contrary provision of law, the authority and responsibilities of the Secretary of Technology referenced in § 2.2-205, § 2.2-2221, § 2.2-2221.1, § 2.2-2233.1, § 2.2-2240.1, § 2.2-2485, § 2.2-2698, § 2.2-2699.1, § 2.2-2738, § 15.2-2425, § 23.1-2911.1, § 23.1-3102, § 23.1-3132, § 58.1-322.02, and § 58.1-402, Code of Virginia, shall be executed by the Secretary of Commerce and Trade. Notwithstanding any contrary provision of law, the authority and responsibilities of the Secretary of Technology referenced in § 2.2-225, Code of Virginia, shall be divided between the Secretary of Administration and the Secretary of Commerce and Trade as determined by the Governor.

D.1. The Chief Workforce Development Advisor and Secretary of Commerce and Trade are hereby directed to study the development, implementation and costs of a statewide paid family and medical leave program for all employers including the Commonwealth of Virginia. In conducting this study, the designated executive branch officials shall: (i) research other states that have fully implemented paid family and medical leave; (ii) quantify economic impact on businesses and workers if a paid family and medical leave was implemented; (iii) develop an operating plan which includes designated agency or entity, staffing needs, technology requirements, implementation timeline and business practices; (iv) identify resources needed to implement a statewide program; and (v) research start up loans for paid leave programs in other states and loan payback. Such study shall be reported to the Governor and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees on or before September 30, 2020.

2. In completing the study required in paragraph D.1. of this item, the Chief Workforce Development Advisor and Secretary of Commerce and Trade shall convene a workgroup of industry stakeholders. Such stakeholders may include, but not be limited to, representatives from small business owners, chambers of commerce, the insurance industry, labor, and health care.

E.1. The Commonwealth's Chief Workforce Advisor to the Governor shall convene a workgroup to review the Commonwealth's state public works payment process to contractor employees to identify whether misclassification of workers is a prevalent problem. If the findings reveal such misclassification, the workgroup shall identify and make process improvement recommendations to correct any identified issues.

2. The workgroup shall consist of the Commonwealth's Chief Workforce Advisor to the Governor, Secretary of Finance, Secretary of Administration, and Secretary of Commerce and Trade, or their designees, staff from the House Appropriations and Senate Finance and Appropriations Committees, representatives from Virginia public colleges and universities and state agencies, two representatives from labor organizations that can bring forth to the

ITEM 111.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p><i>workgroup documented situations where such misclassification has occurred on Commonwealth public work projects, two representatives from the general contractor business community with experience in providing construction services to the Commonwealth, and representatives from the Department of General Services, Department of Small Business and Supplier Diversity, Department of Labor and Industry, and Department of Taxation. The membership of this workgroup shall not exceed 20 individuals.</i></p> <p><i>3. The Chief Workforce Advisor shall report initial findings and recommendations to the Chairs of the House Appropriations Committee and Senate Finance and Appropriations Committee no later than December 15, 2020. A final report to the Chairs of the House Appropriations Committee and Senate Finance and Appropriations Committee will be submitted no later than April 15, 2021.</i></p>				
Total for Secretary of Commerce and Trade.....			\$1,110,829	\$1,110,829
General Fund Positions.....	9.00	9.00		
Position Level.....	9.00	9.00		
Fund Sources: General.....	\$1,110,829	\$1,110,829		

Economic Development Incentive Payments (312)

112. Economic Development Services (53400).....			\$77,898,533	\$55,528,283
			\$71,491,733	\$51,830,483
Financial Assistance for Economic Development (53410).....	\$77,898,533	\$55,528,283		
	\$71,491,733	\$51,830,483		
Fund Sources: General.....	\$77,118,533	\$55,117,283		
	\$71,341,733	\$51,680,483		
<i>Special</i>	\$630,000	\$261,000		
	\$0	\$0		
Dedicated Special Revenue.....	\$150,000	\$150,000		

Authority: Discretionary Inclusion.

A.1. Out of the appropriation for this Item, \$19,750,000 the first year and \$19,750,000 the second year from the general fund shall be deposited to the Commonwealth's Development Opportunity Fund, as established in § 2.2-115, Code of Virginia. Such funds shall be used at the discretion of the Governor, subject to prior consultation with the Chairmen of the House Appropriations and Senate Finance Committees, to attract economic development prospects to locate or expand in Virginia. If the Governor, pursuant to the provisions of § 2.2-115, E.1., Code of Virginia, determines that a project is of regional or statewide interest and elects to waive the requirement for a local matching contribution, such action shall be included in the report on expenditures from the Commonwealth's Development Opportunity Fund required by § 2.2-115, F., Code of Virginia. Such report shall include an explanation on the jobs anticipated to be created, the capital investment made for the project, and why the waiver was provided.

2. The Governor may allocate these funds as grants or loans to political subdivisions. Loans shall be approved by the Governor and made in accordance with procedures established by the Virginia Economic Development Partnership and approved by the State Comptroller. Loans shall be interest-free unless otherwise determined by the Governor and shall be repaid to the general fund of the state treasury. The Governor may establish the interest rate to be charged, otherwise, any interest charged shall be at market rates as determined by the State Treasurer and shall be indicative of the duration of the loan. The Virginia Economic Development Partnership shall be responsible for monitoring repayment of such loans and reporting the receivables to the State Comptroller as required.

3. Funds may be used for public and private utility extension or capacity development on and off site; road, rail, or other transportation access costs beyond the funding capability of existing programs; site acquisition; grading, drainage, paving, and other activity required to prepare a site for construction; construction or build-out of publicly-owned

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buildings; grants or loans to an industrial development authority, housing and redevelopment authority, or other political subdivision pursuant to their duties or powers; training; or anything else permitted by law.				
4. Consideration should be given to economic development projects that 1) are in areas of high unemployment; 2) link commercial development along existing transportation/transit corridors within regions; and 3) are located near existing public infrastructure.				
5. It is the intent of the General Assembly that the Virginia Economic Development Partnership shall work with localities awarded grants from the Commonwealth's Development Opportunity Fund to recover such moneys when the economic development projects fail to meet minimal agreed-upon capital investment and job creation targets. All such recoveries shall be deposited and credited to the Commonwealth's Development Opportunity Fund.				
6. Up to \$5,000,000 of previously awarded funds and funds repaid by political subdivisions or business beneficiaries and deposited to the Commonwealth's Development Opportunity Fund may be used to assist Prince George County with site improvements related to the location of a major aerospace engine manufacturer to the Commonwealth.				
B.1. Out of the appropriation for this Item, \$4,946,900 \$5,223,700 the first year and \$4,541,900 \$4,978,700 the second year from the general fund shall be deposited to the Investment Performance Grant subfund of the Virginia Investment Partnership Grant Fund to be used to pay investment performance grants in accordance with § 2.2-5101, Code of Virginia.				
2. Consideration should be given to economic development projects that 1) are in areas of high unemployment; 2) link commercial development along existing transportation/transit corridors within regions; and 3) are located near existing public infrastructure.				
C. Out of the appropriation for this Item, \$4,000,000 the first year and \$4,000,000 the second year from the general fund and an amount estimated at \$150,000 the first year and \$150,000 the second year from nongeneral funds shall be deposited to the Governor's Motion Picture Opportunity Fund, as established in § 2.2-2320, Code of Virginia. These nongeneral fund revenues shall be deposited to the fund from revenues generated by the digital media fee established pursuant to § 58.1-1731, et seq., Code of Virginia. Such funds shall be used at the discretion of the Governor to attract film industry production activity to the Commonwealth.				
D. Out of the appropriation for this Item, \$3,000,000 the first year and \$3,000,000 the second year from the general fund shall be deposited to the Aerospace Manufacturing Performance Grant Fund; and \$630,000 the first year and \$261,000 the second year from the Aerospace Manufacturer Workforce Training Grant Fund is hereby appropriated. These funds shall be used for grants in accordance with §§ 59.1-284.20 and 59.1-284.22; Code of Virginia.				
DE.1. Out of the appropriation for this Item, \$1,000,000 the first year and \$1,000,000 the second year from the general fund shall be deposited to the Virginia Economic Development Incentive Grant subfund of the Virginia Investment Partnership Grant Fund to be used to pay investment performance grants in accordance with § 2.2-5102.1, Code of Virginia.				
2. Consideration should be given to economic development projects that 1) are in areas of high unemployment; 2) link commercial development along existing transportation/transit corridors within regions; and 3) are located near existing public infrastructure.				
3. Notwithstanding § 2.2-5102.1.E. or any other provision of law, and subject to appropriation by the General Assembly, up to \$8,000,000 in economic development incentive grants is authorized for eligible projects to be awarded on or after July 1, 2017, but before June 30, 2019. Any eligible project awarded such grants shall be subject to the conditions set forth in § 2.2-5102.1. Any additional grant awards not authorized by this act, including any awards after June 30, 2019, shall require separate legislation.				
EF. Out of the appropriation for this Item, \$4,669,833 the first year and \$4,669,833 the second year from the general fund shall be available for eligible businesses under the Virginia Jobs Investment Program. Pursuant to § 2.2-1611, Code of Virginia, the appropriation provided for the Virginia Jobs Investment Program for eligible businesses shall be deposited to the Virginia Jobs Investment Program Fund.				

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<i>FG.</i>	Out of the appropriation for this Item, \$500,000 the first year and \$500,000 the second year from the general fund may be provided to the Virginia Economic Development Partnership to facilitate additional domestic and international marketing and trade missions approved by the Governor. The Director, Department of Planning and Budget, is authorized to provide these funds to the Virginia Economic Development Partnership upon written approval of the Governor.			
<i>GH.</i>	Out of the appropriation for this Item, \$20,000,000 the first year from the general fund shall be deposited to the Semiconductor Manufacturing Grant Fund for the award of grants to a qualified semiconductor manufacturing company in a qualified locality in accordance with § 59.1-284.32, Code of Virginia, and subject to performance metrics agreed to in a memorandum of understanding with the Commonwealth.			
<i>HI.</i>	Out of the appropriation in this Item, \$8,000,000 the first year and \$8,000,000 second year from the general fund shall be deposited to the Advanced Shipbuilding Production Facility Grant Fund for grants to be paid in accordance with § 59.1-284.29, Code of Virginia.			
<i>IJ.</i>	Out of the appropriation in this Item, \$5,310,000 the first year and \$2,900,000 the second year from the general fund shall be deposited to the Special Workforce Grant Fund for grants to be paid in accordance with § 59.1-284.30, Code of Virginia.			
<i>JK.</i>	Out of the appropriation in this Item, \$2,000,000 the first year and \$2,000,000 the second year from the general fund shall be deposited to a special, nonreverting fund for the award of grants to a qualified truck manufacturing company in a qualified locality in accordance with § 59.1-284.33, Code of Virginia. legislation to be considered by the 2020 General Assembly and subject to performance metrics agreed to in a memorandum of understanding with the Commonwealth.			
<i>KL.1.</i>	Out of the appropriation in this Item, \$730,000 \$3,230,000 the first year and \$2,993,750 the second year from the general fund shall be deposited to a special, nonreverting fund for the award of grants in accordance with § 59.1-284.36, Code of Virginia. legislation to be considered by the 2020 General Assembly.			
<i>2.</i>	Of the amounts deposited to the fund, \$2,500,000 the first year and \$2,500,000 the second year may be awarded as grants to a qualified pharmaceutical company in a qualified locality pursuant to §§ 59.1-284.35 and 59.1-284.36, Code of Virginia. the legislation and subject to performance metrics agreed to in a memorandum of understanding with the Commonwealth.			
<i>3.</i>	Of the amounts deposited to the fund, \$730,000 the first year and \$493,750 the second year may be awarded as grants to a comprehensive community college and a baccalaureate public institution of higher education in or near the eligible county pursuant to § 59.1-284.37, Code of Virginia. the legislation.			
<i>LM.</i>	Out of the appropriation in this Item, \$500,000 the second year from the general fund shall be deposited to a special, nonreverting fund for the award of grants to a qualified advanced production company in a qualified locality in accordance with § 59.1-284.34, Code of Virginia. legislation to be considered by the 2020 General Assembly and subject to performance metrics agreed to in a memorandum of understanding with the Commonwealth.			
<i>MN.1.</i>	Out of the amounts in this item, \$425,000 the first year and \$825,000 the second year from the general fund shall be deposited to the Governor's New Airline Service Incentive Fund to assist in the provision of marketing, advertising, or promotional activities by airlines in connection with the launch of new air passenger service at Virginia airports, and to incentivize airlines that have committed to commencing new air passenger service in Virginia, pursuant to the provisions of § 2.2-2320.1, Code of Virginia.			
<i>2.</i>	Notwithstanding the provisions of § 2.2-2320.1, Code of Virginia, 25 percent of the annual appropriation to the Governor's New Airline Service Incentive Fund shall be set aside for projects in Virginia commercial airports with less than 400,000 enplanements per calendar year for the purposes of economic development in these areas. Enplanement data shall come from the Federal Aviation Administration.			

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112.10	<p>Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted:</p>			
		FY 2021		FY 2022
	Provide additional funding for the Governor's Motion Picture Opportunity Fund	\$1,000,000		\$1,000,000
	Support the Virginia Jobs Investment Program	\$2,000,000		\$2,000,000
	Agency Total	\$3,000,000		\$3,000,000
	Total for Economic Development Incentive Payments.....		\$77,898,533 \$71,491,733	\$55,528,283 \$51,830,483
	Fund Sources: General.....	\$77,118,533 \$71,341,733	\$55,117,283 \$51,680,483	
	Special.....	\$630,000 \$0	\$261,000 \$0	
	Dedicated Special Revenue.....	\$150,000	\$150,000	
	Grand Total for Secretary of Commerce and Trade....		\$79,009,362 \$72,602,562	\$56,639,112 \$52,941,312
	General Fund Positions.....	9.00	9.00	
	Position Level.....	9.00	9.00	
	Fund Sources: General.....	\$78,229,362 \$72,452,562	\$56,228,112 \$52,791,312	
	Special.....	\$630,000 \$0	\$261,000 \$0	
	Dedicated Special Revenue.....	\$150,000	\$150,000	
§ 1-14. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (165)				
113.	Housing Assistance Services (45800).....		\$130,060,089 \$155,060,089	\$126,060,089
	Housing Assistance (45801).....	\$61,370,766 \$86,370,766	\$59,370,766	
	Homeless Assistance (45804).....	\$16,477,905	\$16,477,905	
	Financial Assistance for Housing Services (45805)....	\$52,211,418	\$50,211,418	
	Fund Sources: General.....	\$50,975,897 \$75,975,897	\$48,975,897	
	Special.....	\$349,976	\$349,976	
	Dedicated Special Revenue.....	\$100,000	\$100,000	
	Federal Trust.....	\$78,634,216	\$76,634,216	

Authority: Title 36, Chapters 8, 9, and 11; and Title 58.1, Chapter 3, Articles 4 and 13, Code of Virginia.

A. Out of the amounts in this Item, \$3,482,705 from the general fund, \$100,000 from dedicated special revenue, and \$3,427,000 from federal trust funds the first year and

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<p>\$3,482,705 from the general fund, \$100,000 from dedicated special revenue, and \$3,427,000 from federal trust funds the second year shall be provided to support services for persons at risk of or experiencing homelessness and housing for populations with special needs, and \$4,050,000 the first year and \$4,050,000 the second year from the general fund shall be provided for homeless prevention. Of the general fund amount provided, the department is authorized to use up to two percent in each year for program administration. The amounts allocated for services for persons at risk of or experiencing homelessness may be matched through local or private sources. Any balances for the purposes specified in this paragraph which are unexpended on June 30, 2021, and June 30, 2022, shall not revert to the general fund but shall be carried forward and reappropriated.</p>				
<p>B. The department shall report to the Chairmen of the Senate Finance, the House Appropriations Committees, and the Director, Department of Planning and Budget, by November 4 of each year on the state's homeless programs, including, but not limited to, the number of (i) emergency shelter beds, (ii) transitional housing units, (iii) single room occupancy dwellings, (iv) homeless intervention programs, (v) homeless prevention programs, and (vi) the number of homeless individuals supported by the permanent housing state funding on a locality and statewide basis and the accomplishments achieved by the additional state funding provided to the program in the first year. The report shall also include the number of Virginians served by these programs, the costs of the programs, and the financial and in-kind support provided by localities and nonprofit groups in these programs. In preparing the report, the department shall consult with localities and community-based groups.</p>				
<p>C. Out of the amounts in this Item, \$1,100,000 the first year and \$1,100,000 the second year from the general fund shall be provided for rapid re-housing efforts. In keeping with the specific goals of the Balance of State Continuum of Care, \$200,000 of this amount in each year shall be focused on ensuring that no veteran is homeless or in a shelter for more than 30 days. These funds shall be used to supplement other state and federal programs, shall be directed to areas throughout the state where federal funds are not available, and shall be used to serve those veterans ineligible for federal benefits.</p>				
<p>D. The department shall continue to collaborate with the Department of Veteran Services to ensure coordinated efforts towards reducing homelessness among veterans.</p>				
<p>E.1. Out of the amounts in this Item, \$30,000,000 \$55,000,000 the first year and \$30,000,000 the second year from the general fund shall be deposited to the Virginia Housing Trust Fund, established pursuant to § 36-142 et seq., Code of Virginia. Notwithstanding § 36-142, Code of Virginia, when awarding grants through eligible organizations for targeted efforts to reduce homelessness, priority consideration shall be given to efforts to reduce the number of homeless youth and families and to expand permanent supportive housing. Notwithstanding § 36-142, Code of Virginia, the department may use funds appropriated in paragraph E.1. of this Item to address housing issues resulting from the COVID-19 pandemic, <i>with the exception of monies provided for the continuation of the Virginia Rent and Mortgage Relief Program in paragraph E.2.</i></p>				
<p>2. <i>Out of the amounts appropriated in paragraph E.1., \$12,500,000 in the first year from the general fund is hereby designated to continue the Virginia Rent and Mortgage Relief Program when monies allocated from the Coronavirus Relief Funds awarded to the Commonwealth through the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136) expire. In addition to the amounts designated in this paragraph, it is the intent of the General Assembly that the Department use additional funds, if necessary, from the amounts appropriated in paragraph E.1. to sustain the Virginia Rent and Mortgage Relief Program, during the declared state of emergency pursuant to § 44-146.17, Code of Virginia, in response to a communicable disease of public health threat as defined in § 44-146.16, Code of Virginia.</i></p>				
<p>32. As part of the plan required by § 36-142 E., Code of Virginia, the department shall also report on the impact of the loans and grants awarded through the fund, including but not limited to: (i) the number of affordable rental housing units repaired or newly constructed, (ii) the number of individuals receiving down payments and/or closing assistance, (iii) the progress and accomplishments in reducing homelessness achieved by the additional support provided through the fund, and (iv) the progress in expanding permanent supportive housing options.</p>				

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<p><i>4.a. In administering the funds appropriated in paragraphs B.1. and B.2. of Item 479.10 for the Virginia Rent and Mortgage Relief Program, the Department shall allow for financial assistance to cover one-hundred percent of current and past due rent included in the application for rental assistance. The financial assistance supported with funds in paragraphs B.1. and B.2. of Item 479.10 for the Virginia Rent and Mortgage Relief Program shall cover the period between April 1, 2020 and expiration of the Coronavirus Relief Funds awarded to the Commonwealth through the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136).</i></p>				
<p><i>b. In administering the funds appropriated in paragraph E.2. of this item for the Virginia Rent and Mortgage Relief Program, the Department shall allow for financial assistance to cover one-hundred percent of current and past due rent included in the application for rental assistance. At such time the general funds provided in paragraph E.2. of this item are deployed, the Department may allow for financial assistance to be used to cover past due rent accumulated prior to April 1, 2020.</i></p>				
<p><i>c. Landlords and tenants shall be able to access the funds appropriated in paragraph E.2. of this item and paragraphs B.1. and B.2. of Item 479.10 for the Virginia Rent and Mortgage Relief Program.</i></p>				
<p>F. Out of the amounts in this Item, \$15,800,000 the first year and \$15,800,000 the second year from federal trust funds shall be provided to support Virginia affordable housing programs and the Indoor Plumbing Program.</p>				
<p>G. Out of the amounts in this Item, \$50,000 the first year and \$50,000 the second year from the general fund and one position shall be provided to support the administrative costs associated with administering the tax credits authorized pursuant to § 58.1-435, Code of Virginia.</p>				
<p>H. The department shall develop and implement strategies, that may include potential Medicaid financing, for housing individuals with serious mental illness. The department shall include other agencies in the development of such strategies including the Virginia Housing Development Authority, Department of Behavioral Health and Developmental Services, Department of Aging and Rehabilitative Services, Department of Medical Assistance Services, and Department of Social Services. The department shall also include stakeholders whose constituents have an interest in expanding supportive housing for people with serious mental illness, including the National Alliance on Mental Illness Virginia, the Virginia Housing Alliance and the Virginia Sheriff's Association. An annual report on such strategies and the progress on implementation shall be provided to the Chairmen of the House Appropriations and Senate Finance Committees by the first day of each General Assembly Regular Session.</p>				
<p>I. The Department of Housing and Community Development shall work with the Virginia Housing Commission to identify the impact of legislation that passed the 2019 session of the General Assembly that is designed to mitigate eviction rates and recommend if any further action is necessary to complement these efforts. The Department shall consider current federal, state and local resources, including but not limited to the following: (a) current counseling and social services provided by state agencies and authorities; (b) the potential needs of the cities of Richmond, Newport News, Hampton, Norfolk, and Chesapeake, as well as eviction prevention and diversion programs established in the cities of Arlington and Richmond; (c) data collected pursuant to Chapter 356, 2019 Acts of Assembly; and, (d) eviction prevention and diversion programs in other states. The Department shall analyze and recommend how to better coordinate current public and private resources and programs to reduce eviction rates in Virginia, as well as how current prevention efforts can coordinate with existing and newly created eviction diversion laws and programs.</p>				
<p>J.1. Out of the amounts appropriated in this item, \$3,300,000 the first year and \$3,300,000 the second year from the general fund shall be used to establish a competitive Eviction Prevention and Diversion Pilot Program that will support local or regional eviction prevention and diversion programs that utilize a systems approach with linkages to local departments of social services and legal aid resources. This program shall prioritize grant applications that provide a local match at an amount deemed appropriate by the Department.</p>				
<p>2. The resources provided in J.1. may be used to facilitate the development of a statement of</p>				

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tenant rights and responsibilities and implement the provisions of § 36-139 and § 55.1-1204, Code of Virginia.				
K. Out of the amounts in this item, \$2,000,000 the first year from the general fund is provided to establish an affordable housing pilot program in the City of Falls Church, for the purpose of providing grants or loans for the development or preservation of affordable housing units for individuals and families meeting income requirements. The department, with the cooperation of the Virginia Housing Development Authority, shall develop guidelines and procedures for administering the pilot program.				
114. Community Development Services (53300).....			\$115,532,362	\$111,082,362
			\$130,532,362	
Community Development and Revitalization (53301).....	\$58,017,794	\$58,017,794		
	\$73,017,794			
Financial Assistance for Regional Cooperation (53303).....	\$39,338,251	\$34,888,251		
Financial Assistance for Community Development (53305).....	\$18,176,317	\$18,176,317		
Fund Sources: General.....	\$86,061,590	\$81,611,590		
	\$101,061,590			
Special.....	\$5,221,893	\$5,221,893		
Trust and Agency.....	\$150,000	\$150,000		
Federal Trust.....	\$24,098,879	\$24,098,879		

Authority: Title 15.2, Chapter 13, Article 3 and Chapter 42; Title 36, Chapters 8, 10 and 11; and Title 59.1, Chapter 22, Code of Virginia.

A. Out of the amounts in this Item, \$351,930 the first year and \$351,930 the second year from the general fund is provided for annual membership dues to the Appalachian Regional Commission. These dues are payable from the amounts for Financial Assistance for Regional Cooperation.

B. The department and local program administrators shall make every reasonable effort to provide participants basic financial counseling to enhance their ability to benefit from the Indoor Plumbing Program and to foster their movement to economic self-sufficiency.

C. Out of the amounts in this Item shall be paid from the general fund in four equal quarterly installments each year:

1. To the Lenowisco Planning District Commission, \$89,971 the first year and \$89,971 the second year, which includes \$38,610 the first year and \$38,610 the second year for responsibilities originally undertaken and continued pursuant to § 15.2-4207, Code of Virginia, and the Virginia Coalfield Economic Development Authority.

2. To the Cumberland Plateau Planning District Commission, \$89,971 the first year and \$89,971 the second year, which includes \$42,390 the first year and \$42,390 the second year for responsibilities originally undertaken and continued pursuant to § 15.2-4207, Code of Virginia, and the Virginia Coalfield Economic Development Authority.

3. To the Mount Rogers Planning District Commission, \$89,971 the first year and \$89,971 the second year.

4. To the New River Valley Planning District Commission, \$89,971 the first year and \$89,971 the second year.

5. To the Roanoke Valley-Alleghany Regional Commission, \$89,971 the first year and \$89,971 the second year.

6. To the Central Shenandoah Planning District Commission, \$89,971 the first year and \$89,971 the second year.

7. To the Northern Shenandoah Valley Regional Commission, \$89,971 the first year and \$89,971 the second year.

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8. To the Northern Virginia Regional Commission, \$165,943 the first year and \$165,943 the second year.				
9. To the Rappahannock-Rapidan Regional Commission, \$89,971 the first year and \$89,971 the second year.				
10. To the Thomas Jefferson Planning District Commission, \$89,971 the first year and \$89,971 the second year.				
11. To the Region 2000 Local Government Council, \$89,971 the first year and \$89,971 the second year.				
12. To the West Piedmont Planning District Commission, \$89,971 the first year and \$89,971 the second year.				
13. To the Southside Planning District Commission, \$89,971 the first year and \$89,971 the second year.				
14. To the Commonwealth Regional Council, \$89,971 the first year and \$89,971 the second year.				
15. To the Richmond Regional Planning District Commission, \$127,957 the first year and \$127,957 the second year.				
16. To the George Washington Regional Commission, \$89,971 the first year and \$89,971 the second year.				
17. To the Northern Neck Planning District Commission, \$89,971 the first year and \$89,971 the second year.				
18. To the Middle Peninsula Planning District Commission, \$89,971 the first year and \$89,971 the second year.				
19. To the Crater Planning District Commission, \$89,971 the first year and \$89,971 the second year.				
20. To the Accomack-Northampton Planning District Commission, \$89,971 the first year and \$89,971 the second year.				
21. To the Hampton Roads Planning District Commission \$165,943 the first year, and \$165,943 the second year.				
D. Out of the amounts in this Item, \$1,568,442 the first year and \$1,568,442 the second year from the general fund shall be provided for the Southeast Rural Community Assistance Project (formerly known as the Virginia Water Project) operating costs and water and wastewater grants. The department shall disburse the total payment each year in twelve equal monthly installments.				
E. The department shall leverage any appropriation provided for the capital costs for safe drinking water and wastewater treatment in the Lenowisco, Cumberland Plateau, or Mount Rogers planning districts with other state moneys, federal grants or loans, local contributions, and private or nonprofit resources.				
F.1. Out of the amounts in this Item, \$95,000 the first year and \$95,000 the second year from the general fund shall be provided for the Center for Rural Virginia. The department shall report periodically to the Chairmen of the Senate Finance and House Appropriations Committees on the status, needs and accomplishments of the center.				
2. As part of its mission, the Center for Rural Virginia shall monitor the implementation of the budget initiatives approved by the 2005 Session of the General Assembly for rural Virginia and shall report periodically to the Chairmen of the Senate Finance and House Appropriations Committees on the effectiveness of these various programs in addressing rural economic development problems.				
G. Out of the amounts in this Item, \$171,250 the first year and \$171,250 the second year from the general fund shall be provided to support The Crooked Road: Virginia's Heritage Music				

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Trail.				
H. Out of the amounts in this Item, \$3,000,000 the first year and \$3,000,000 the second year from the general fund shall be deposited to the Virginia Removal or Rehabilitation of Derelict Structures Fund to support industrial site revitalization. Out of the amounts in this paragraph, \$1,000,000 each year from the general fund is designated for removing, renovating or modernizing port-related buildings and facilities in the cities of Portsmouth, Norfolk, Newport News, Richmond or Front Royal.				
I. Out of the amounts in this Item, \$500,000 the first year and \$500,000 the second year from the general fund shall be provided for the Virginia Main Street Program. This amount shall be in addition to other appropriations for this activity.				
J. Of the general fund amounts provided for the Virginia Main Street Program, the Indoor Plumbing Rehabilitation Program, and the water and wastewater planning and construction projects in Southwest Virginia, the department is authorized to use up to two percent of the appropriation in each year for program administration.				
K.1. Out of the amounts in this Item, \$875,000 the first year and \$875,000 the second year from the general fund shall be provided for the Southwest Virginia Cultural Heritage Foundation.				
2. The foundation shall report by September 1 of each year to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees on the expenditures of the foundation and its ongoing efforts to generate revenues sufficient to sustain operations.				
L.1. Out of the amounts in this Item, \$34,725,000 \$49,725,000 the first year and \$34,725,000 the second year from the general fund is provided for the Virginia Telecommunication Initiative. The funds shall be used for providing financial assistance to supplement construction costs by private sector broadband service providers to extend service to areas that presently are unserved by any broadband provider. Any balances for the purposes specified in this paragraph which are unexpended on June 30, 2021, and June 30, 2022, shall not revert to the general fund but shall be carried forward and reappropriated.				
2. The department shall develop appropriate criteria and guidelines for the use of the funding provided to the Virginia Telecommunication Initiative. Such criteria and guidelines shall: (i) facilitate the extension of broadband networks by the private sector and shall focus on unserved areas; (ii) attempt to identify the most cost-effective solutions, given the proposed technology and speed that is desired; (iii) give consideration to proposals that are public-private partnerships in which the private sector will own and operate the completed project; (iv) consider the number of locations where the applicant states that service will be made available, in addition to whether customers take the service in both evaluating applications and in establishing completion and accountability requirements; and, (v) require investment from the private sector partner in the project prior to making any award from the fund at an appropriate level determined by the Department. The department shall encourage additional assistance from the local governments in areas designated to receive funds to lower the overall cost and further assist in the timely completion of construction, including assistance with permits, rights of way, easement and other issues that may hinder or delay timely construction and increase the cost.				
3. The department shall post electronic copies of all submitted applications to the department's website after the deadline for application submissions has passed but before project approval, and shall establish a process for providers to challenge applications where providers assert the proposed area is served by another broadband provider.				
4. The department shall consult with the Broadband Advisory Council to designate the unserved areas to receive funds. The department shall report annually to the Governor's Broadband Advisory Council on the progress by the private sector on the designated projects.				
5. <i>The Broadband Advisory Council shall assess updating the Virginia Telecommunication Initiative (VATI) to allow for public broadband authorities to apply</i>				

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	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p><i>directly for VATI funds without investment from the private sector. The Department of Housing and Community Development on behalf of the Council shall submit feedback on the potential impacts of this policy change to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees on or before the start of the 2021 General Assembly Session.</i></p>				
<p>M. Out of the amounts in this item, \$1,158,647 the first year and \$1,158,647 the second year from the general fund is provided for administrative support for the the Virginia Telecommunications Initiative.</p>				
<p>N.1. Out of the amounts in this Item, \$34,450,000 the first year and \$30,000,000 the second year from the general fund shall be deposited to the Virginia Growth and Opportunity Fund to encourage regional cooperation among business, education, and government on strategic economic and workforce development efforts in accordance with § 2.2-2487, Code of Virginia.</p>				
<p>2. Of the amounts provided in this paragraph, the appropriation shall be distributed as follows: (i) \$2,250,000 the first year and \$2,250,000 the second year from the general fund shall be allocated to qualifying regions to support organizational and capacity building activities, which, notwithstanding § 2.2-2489, Code of Virginia, may not require matching funds if a waiver is granted by the Virginia Growth and Opportunity Board to a qualifying region upon request; (ii) \$16,900,000 the first year and \$16,900,000 the second year from the general fund shall be allocated to qualifying regions based on each region's share of the state population; and (iii) \$15,300,000 the first year and \$10,850,000 the second year from the general fund shall be awarded to regional councils on a competitive basis.</p>				
<p>3. The Virginia Growth and Opportunity Board may allocate monies among the distributions outlined in paragraph N.2. of this item to meet demonstrated demand for funds. However, only those regional councils whose allocation is less than \$1,000,000 in a fiscal year based the region's share of state population shall be eligible to receive an additional allocation, and the amount shall be limited such that the total allocation does not exceed \$1,000,000 in a fiscal year.</p>				
<p>4. The Chairman of the Virginia Growth and Opportunity Board shall convene a broadband telecommunications advisory workgroup in cooperation with the Secretary of Commerce and Trade and the Commonwealth Chief Broadband Advisor, including representatives of the Department of Housing and Community Development, the Center for Innovative Technology, Virginia Economic Development Partnership, Mid-Atlantic Broadband Communities Corporation, staff from the House Appropriations Committee and Senate Finance Committee, and representatives from the broadband telecommunications industry, to develop a framework for policies related to broadband telecommunications across the Commonwealth of Virginia. The framework shall be used to provide guidance on statewide policies for commercial and economic planning and project development, including regional solutions, to improve access to and utilization of broadband to support economic development goals, including those developed by qualifying regions and those areas of the Commonwealth recognized as having high unemployment. Such framework shall include, but not be limited to, the following principles: (i) potential broadband telecommunications development and deployment solutions must be technology-neutral in order to leverage all available or emerging technologies to identify the most cost-effective plan; (ii) solutions that utilize speeds greater than the minimum technology standards as prescribed by the Virginia Telecommunications Initiative for unserved areas; (iii) maximize opportunities for private sector driven models related to construction, operations, and maintenance and open access to private-sector Internet Service Providers where public ownership of infrastructure may be proposed; (iv) facilitate broadband development and deployment-friendly polices at the regional and local level to expedite implementation of plans and projects, as well as mitigate costs, and (v) opportunities to leverage new and existing broadband infrastructure, including transoceanic and transcontinental backbone lines, to encourage new private sector job creation and investment in the Commonwealth.</p>				
<p>5. The Virginia Growth and Opportunity Board may approve grants for assessments of commercial economic development demand and current access, and to advance the planning and engineering of broadband infrastructure that are aligned with the framework recommended by the working group, and shall give priority consideration for broadband technology development and deployment to facilitate the connectivity or upgrade of services</p>				

ITEM 114.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
to current and proposed business-ready sites in areas of high unemployment in qualifying regions.				
6. The department shall report one month after the close of each calendar quarter to the Governor and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees on grant awards and expenditures from the Virginia Growth and Opportunity Fund. The report shall include, but not be limited to, total appropriations made or transferred to the fund, total grants awarded, total expenditures from the fund, cash balances, and balances available for future commitments. The report shall further summarize such amounts by the allocations provided in paragraph N.2. of this item, including amounts allocated to support organizational and capacity building activities, amounts allocated to regional councils based on each region's share of the state population, and amounts to be awarded on a competitive basis.				
115.	Not set out.			
116.	Not set out.			
117.	Not set out.			
118.	Not set out.			
118.10	Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.			
		FY 2021		FY 2022
	Increase funding for Enterprise Zone Grants	\$250,000		\$250,000
	Affordable Housing Pilot Program	\$2,000,000		\$0
	Increase support for Planning District Commissions	\$294,000		\$294,000
	Establish an Eviction Prevention and Diversion Pilot Program	\$3,300,000		\$3,300,000
	Increase funding for the Southeast Rural Community Assistance Project	\$600,000		\$600,000
	Increase funding for the Virginia Housing Trust Fund	\$23,000,000		\$23,000,000
	Increase support for the Virginia Telecommunication Initiative (VATI) for broadband deployment	\$16,000,000		\$16,000,000
	Industrial Revitalization Fund	\$500,000		\$500,000
	Agency Total	\$45,944,000		\$43,944,000
	Total for Department of Housing and Community Development.....		\$267,537,822	\$259,087,822
			\$307,537,822	
	General Fund Positions.....	73.25	73.25	
	Nongeneral Fund Positions.....	60.75	60.75	

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	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Position Level.....	134.00	134.00		
Fund Sources: General.....	\$155,986,878	\$149,536,878		
	\$195,986,878			
Special.....	\$8,267,849	\$8,267,849		
Trust and Agency.....	\$150,000	\$150,000		
Dedicated Special Revenue.....	\$400,000	\$400,000		
Federal Trust.....	\$102,733,095	\$100,733,095		

§ 1-15. DEPARTMENT OF LABOR AND INDUSTRY (181)

- 119. Not set out.
- 120. Not set out.
- 121. Not set out.
- 122. Not set out.
- 123. Not set out.

~~123.10~~ Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted:

	FY 2021	FY 2022
Provide funding to support compliance positions in the Virginia Occupational Safety and Health program	\$1,483,850	\$1,483,850
Agency Total	\$1,483,850	\$1,483,850
Total for Department of Labor and Industry.....		\$21,078,050
General Fund Positions.....	134.55	134.55
Nongeneral Fund Positions.....	73.45	73.45
Position Level.....	208.00	208.00
Fund Sources: General.....	\$12,989,331	\$13,736,269
Special.....	\$1,974,282	\$1,974,282
Federal Trust.....	\$6,114,437	\$6,114,437

§ 1-16. DEPARTMENT OF MINES, MINERALS AND ENERGY (409)

- 124. Not set out.
- 125. Not set out.
- 126. Not set out.

~~126.10~~

ITEM 126.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.</p>				
		FY 2021		FY 2022
Establish office of offshore wind		\$387,500		\$387,500
Agency Total		\$387,500		\$387,500
Total for Department of Mines, Minerals and Energy.....			\$38,986,116	\$38,986,116
General Fund Positions.....	162.43	162.43		
Nongeneral Fund Positions.....	74.57	74.57		
Position Level.....	237.00	237.00		
Fund Sources: General.....	\$14,424,823	\$14,424,823		
Special.....	\$7,664,914	\$7,664,914		
Trust and Agency.....	\$525,000	\$525,000		
Dedicated Special Revenue.....	\$1,089,283	\$1,089,283		
Federal Trust.....	\$15,282,096	\$15,282,096		

§ 1-17. DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION (222)

127.	Regulation of Professions and Occupations (56000).....			\$25,028,025	\$25,026,017
	Licensure, Certification, and Registration of Professions and Occupations (56046).....	\$7,894,327	\$7,892,319		
	Enforcement of Licensing, Regulating and Certifying Professions and Occupations (56047).....	\$8,220,393	\$8,220,393		
	Administrative Services (56048).....	\$8,913,305	\$8,913,305		
	Fund Sources: Special.....	\$1,328,410	\$1,328,410		
	Dedicated Special Revenue.....	\$23,364,615	\$23,362,607		
	Federal Trust.....	\$335,000	\$335,000		

Authority: Title 54.1, Chapters 1, 2, 3, 4, 5, 6, 7, 8.1, 9, 11, 15, 18, 20.1, 20.2, 21, 22, 22.1, 23, 23.1, 23.2, 23.3, and 23.4; Title 55, Chapters 4.1, 4.2, 19, 21, 24, 26, 27, 28, and 29; and Title 36, Chapter 5.1, Code of Virginia.

A. Costs for professional and occupational regulation may be met by fees paid by the respective professions and occupations.

B. Any fund balances currently held in the Dedicated Special Revenue Fund (0900), the Common Interest Community Management Information Fund (0259) and the Special Revenue Fund (0200) shall be held in reserve and may not be disbursed by the Department of Professional and Occupational Regulation, but shall be applied to offset the anticipated, future costs of restructuring its organization, including additional staffing needs and the replacement or upgrade of the Department's information technology systems requirements that may be implemented pursuant to recommendations identified in assessments required in Item 119, paragraphs B. and C., Chapter 854, 2019 Acts of Assembly. Such reserve funds shall be disbursed only to cover expenses of the Department or its regulatory boards as provided in § 54.1-308.

ITEM 127.	Item Details(\$)		Appropriations(\$)		
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<p>C. The Department is authorized to provide electronic credentials to persons regulated by the Department or its regulatory boards. An "electronic credential" means an electronic method by which a person may display or transmit to another person information that verifies information about a person such as their certification, licensure, registration, or permit. Any statutory or regulatory requirement to display, post, or produce a credential issued by a Department regulatory board or the Department may be satisfied by the proffer of an electronic credential. The Department may use a third-party electronic credential system that is not maintained by the agency. Such electronic credential system shall include a verification system that is operated by the agency or its agent on its behalf for the purpose of verifying the authenticity and validity of electronic credentials issued by the Department. No funds are appropriated for this purpose.</p> <p>D. The COVID-19 Phase 3 or later Personal Care and Personal Grooming Services guidelines authorize any individual licensed to practice under Chapter 7 of Title 54.1 of the Code of Virginia to provide services effectively and safely. The guidelines may require enhanced safety precautions in the absence of a customer face covering, including requiring the licensee to wear a face shield and/or utilize some other similar barrier.</p>					
Total for Department of Professional and Occupational Regulation.....			\$25,028,025	\$25,026,017	
Nongeneral Fund Positions.....			204.00	204.00	
Position Level.....			204.00	204.00	
Fund Sources: Special.....			\$1,328,410	\$1,328,410	
Dedicated Special Revenue.....			\$23,364,615	\$23,362,607	
Federal Trust.....			\$335,000	\$335,000	
§ 1-18. DEPARTMENT OF SMALL BUSINESS AND SUPPLIER DIVERSITY (350)					
128.	Economic Development Services (53400).....			\$7,401,214	\$7,771,779
	Minority Business Enterprise Certification (53414)....		\$1,918,318	\$1,918,318	
	Business Information Services (53418).....		\$1,847,190	\$2,217,755	
	Administrative Services (53422).....		\$1,394,137	\$1,394,137	
	Financial Services for Economic Development (53423).....		\$2,241,569	\$2,241,569	
	Fund Sources: General.....		\$4,758,407	\$5,128,972	
	Special.....		\$837,232	\$837,232	
	Commonwealth Transportation.....		\$1,640,575	\$1,640,575	
	Trust and Agency.....		\$100,000	\$100,000	
	Dedicated Special Revenue.....		\$65,000	\$65,000	

Authority: Title 2.2, Chapters 16.1 and 22, Code of Virginia.

A. The Department of Small Business and Supplier Diversity, in conjunction with the Department of General Services, the Virginia Employment Commission, and the Virginia Department of Transportation, is authorized to conduct analyses of the availability of minority business enterprises in Virginia and the utilization of such businesses by the Commonwealth of Virginia, localities, or private industry in the acquisition of goods and services. The department also is authorized to receive and accept from the United States government, or any agency thereof, and from any other source, private or public, any and all gifts, grants, allotments, bequests or devises of any nature that would assist the department in conducting such analyses or otherwise strengthen its services to minority business enterprises. The Director, Department of Planning and Budget, is authorized to establish a nongeneral fund appropriation for the purposes of expending revenues that may be received for this effort.

B. By April 1 of each year, the department shall report to the Governor and the Secretary of Commerce and Trade the expenditures of the Small Business Jobs Grant Fund and anticipated needs for small business development in order to monitor the effective use of these funds.

C.1. Out of the amounts in this Item, \$819,753 the first year and \$819,753 the second year from the general fund shall be deposited to the Small Business Investment Grant Fund pursuant to § 2.2-1616, Code of Virginia. The department shall aggressively market the

ITEM 128.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>program and shall report to the Governor and the Secretary of Commerce and Trade on the status of the program by November 1 of each year.</p>				
<p><i>2. In administering the funds allocated in paragraphs B.1. and B.2. of Item 479.10 of this act for the Rebuild Virginia Grant program, the Department shall reexamine its program eligibility criteria and maximum grant award to ensure deployment of funds prior to the expiration of the Coronavirus Relief Funds awarded to the Commonwealth through the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136). At a minimum, the Department shall expand the eligibility criteria to include small businesses: that have already received CARES Act funding from any federal, state, regional or local agency or authority, meet the small business definition of § 2.2-1604 of the Code of Virginia, and are Virginia-based recreation and related tourism small businesses.</i></p>				
<p>D. Out of the amounts in this Item, \$500,000 the first year and \$500,000 the second year from the general fund shall be provided to support the Business One-Stop Program.</p>				
<p>E.1. Out of the amounts in this Item, \$170,591 from the general fund and \$1,002,232 from nongeneral funds the first year and \$170,591 from the general fund and \$1,002,232 from nongeneral funds the second year shall be provided for the Virginia Small Business Financing Authority. The general fund amount shall be used to support operating expenses of the authority.</p>				
<p>2. To meet changing financing needs of small businesses, the Executive Director, Virginia Small Business Financing Authority, with the approval of the Director, Department of Small Business and Supplier Diversity, may transfer moneys between funds managed by the authority. These include the Virginia Small Business Growth Fund (§ 2.2-2310, Code of Virginia); the Virginia Export Fund (§ 2.2-2309, Code of Virginia); and the Insurance or Guarantee Fund (§ 2.2-2290, Code of Virginia). The Executive Director, Virginia Small Business Financing Authority, shall report, by fund, the transfers made by January 1 of each year to the Chairmen of the Senate Finance and House Appropriations Committees.</p>				
<p>3. The Virginia Small Business Financing Authority is authorized to insure additional loans for eligible small businesses, pursuant to § 2.2-2290, Code of Virginia, up to an aggregate amount not to exceed four times the principal amount in the Insurance or Guarantee Fund, or up to an aggregate amount of \$15,000,000. In the event that the authority is called upon to pay on guaranties of loans of more than 10 percent of the aggregate amount of all outstanding insured loans, the authority shall not insure any further loans and shall immediately notify the Governor and the Chairmen of the House Appropriations and Senate Finance Committees. Pursuant to § 4-1.03 of this act, the Director, Department of Planning and Budget, is authorized to transfer a sum sufficient to the Insurance or Guarantee Fund in the event the amount in the fund falls below the amount needed to honor any guarantee.</p>				
<p>4. For the I-95 HOV/HOT Lanes project as evidenced by the Comprehensive Agreement approved pursuant to the Public-Private Transportation Act of 1995, the maximum fee and/or premium charged by the Virginia Small Business Financing Authority pursuant to §§ 2.2-2285 and 2.2-2291, Code of Virginia, for acting as the conduit issuer for any bond financing is not to exceed \$25,000 per annum.</p>				
<p>F. The Department of Small Business and Supplier Diversity shall include employment services organizations within the development and operation of any state procurement program or program goal and targets for small, women-owned, and minority-owned businesses consistent with requirements in the Code of Virginia requiring the Department to certify employment service organizations.</p>				
<p>G. Notwithstanding any other provision of law, any business certified on or after July 1, 2017, by the Virginia Department of Small Business and Supplier Diversity as a small, women-owned, or minority-owned business, shall be certified for a period of five years unless (i) the certification is revoked before the end of the five-year period, (ii) the business ceases operation, or (iii) the business no longer qualifies as a small, women- or minority-owned business.</p>				
<p>H. Beginning with the calendar quarter ending September 30, 2018, the Director of the Department of Small Business and Supplier Diversity shall report to the Secretary of</p>				

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	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>Commerce and Trade and the Chairmen of the House Appropriations and Senate Finance Committees on the agency's efforts to maximize job creation and retention among the Commonwealth's small businesses. The report shall include, at a minimum, measures of (i) the effectiveness of programs administered by the Small Business Financing Authority in assisting borrowers to create jobs and enable increased capital investment; (ii) the efficiency and effectiveness of Small, Women-owned, and Minority-owned Business and Disadvantaged Business Enterprise programs; (iii) the success of the agency's outreach and technical assistance activities; and, (iv) the number of businesses certified, and the average number of business days to process a certification application each month. The report shall be in a format prescribed by the Secretary, but shall include specific data breakouts for rural areas and service disabled veteran businesses currently certified in the SWaM certification, and shall be due within thirty days of the close of each calendar quarter.</p>				

~~128.10~~ Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted:

	FY 2021	FY 2022
Provide funding to establish a statewide strategic sourcing unit	\$370,565	\$741,130
Agency Total	\$370,565	\$741,130
Total for Department of Small Business and Supplier Diversity.....		\$7,401,214
General Fund Positions.....	33.00	33.00
Nongeneral Fund Positions.....	24.00	24.00
Position Level.....	57.00	57.00
Fund Sources: General.....	\$4,758,407	\$5,128,972
Special.....	\$837,232	\$837,232
Commonwealth Transportation.....	\$1,640,575	\$1,640,575
Trust and Agency.....	\$100,000	\$100,000
Dedicated Special Revenue.....	\$65,000	\$65,000

129. Not set out.

§ 1-19. VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP (310)

130. Not set out.

~~130.10~~ Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the

ITEM 130.10.	Item Details(\$)		Appropriations(\$)	
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revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted:				
		FY 2021		FY 2022
Expand the Virginia Business Ready Sites Program		\$12,500,000		\$0
Expand the Custom Workforce Incentive Program		\$0		\$4,679,613
Agency Total		\$12,500,000		\$4,679,613
Total for Virginia Economic Development Partnership.....			\$47,302,309	\$39,481,922
Fund Sources: General.....	\$47,302,309	\$39,481,922		

§ 1-20. VIRGINIA EMPLOYMENT COMMISSION (182)

131.	Workforce Systems Services (47000).....			\$555,338,468	\$552,133,812
	Job Placement Services (47001).....	\$31,718,264	\$31,718,264		
	Unemployment Insurance Services (47002).....	\$522,735,822	\$519,531,166		
	Workforce Development Services (47003).....	\$884,382	\$884,382		
	Fund Sources: Special.....	\$8,931,271	\$8,931,271		
	Trust and Agency.....	\$546,407,197	\$543,202,541		

Authority: Title 60.2, Chapters 1 through 6, Code of Virginia.

A. Revenues deposited into the Special Unemployment Compensation Administration Fund shall be used for the purposes set out in the following order of priority: 1) to make payment of any interest owed on loans from the U.S. Treasury for payment of unemployment compensation benefits; 2) to support essential services of the Commission, particularly in the event of reductions in federal funding; 3) to finance the cost of capital projects; and 4) to fund the discretionary fund established in § 60.2-315, Code of Virginia. Funding may be transferred from the capital budget to the operating budget consistent with this language.

B.1. Reed Act funds distributed by the Employment Security Financing Act of 1954 with respect to the federal fiscal years 1956, 1957, and 1958 and credited to the agency from the proceeds related to the sale of agency property with federal equity are hereby appropriated (up to \$600,000) to maintain service levels in the agency's local offices.

2. Reed Act funds distributed by the Balanced Budget Act of 1997 and credited to the unemployment trust fund with respect to federal fiscal years 2000, 2001, and 2002, under § 1103 of the Social Security Act (42 U.S.C.), as amended, shall be used only for the administration of the unemployment compensation program, under the direction of the Virginia Employment Commission, and shall not be subject to the requirements of § 60.2-305, Code of Virginia. Reed Act funds from the Balanced Budget Act are hereby appropriated (up to \$2.2 million, not to exceed the balance of said Reed Act funds) to pay for upgrading the information technology systems at the Virginia Employment Commission.

C. There is hereby appropriated out of the funds made available to this state under § 1103 of the Social Security Act (42 U.S.C.) as amended, the balance of the \$51,067,866 of Reed Act funds, if any, provided in Item 120 E. of Chapter 847, 2007 Acts of Assembly, for upgrading obsolete information technology systems, to include staff costs. This appropriation is subject to the provisions of § 60.2-305, Code of Virginia. Savings as a result of the new systems shall be retained by the commission.

D. Notwithstanding any other provision of law, all fees incurred by the Virginia Employment Commission with respect to the collection of debts authorized to be collected under § 2.2-4806 of the Code of Virginia, using the Treasury Offset Program of the United States, shall become part of the debt owed the Commission and may be recovered accordingly.

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E. Workforce development programs shall give priority to assisting Medicaid enrollees who are required to participate in the Training, Education, Employment and Opportunity Program to the extent allowed by federal law.				
F. The Governor shall have the authority to alter the administration of the provisions of the Virginia Unemployment Compensation Act, Title 60.2 of the Code of Virginia, to meet the exigencies of a health emergency crisis.				
<i>G. The Virginia Employment Commission shall establish and maintain one dedicated full-time customer service position responsible for investigating and responding to legislative inquiries.</i>				
132. Not set out.				
133. Not set out.				
Total for Virginia Employment Commission.....			\$558,430,056	\$555,225,400
Nongeneral Fund Positions.....	865.00	865.00		
Position Level.....	865.00	865.00		
Fund Sources: Special.....	\$9,471,331	\$9,471,331		
Trust and Agency.....	\$548,958,725	\$545,754,069		

§ 1-21. VIRGINIA TOURISM AUTHORITY (320)

134. Not set out.				
134.10	Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted:			

	FY 2021	FY 2022
Increase funding for the Virginia Coalfield Regional Tourism Authority	\$100,000	\$100,000
Provide funding for Birthplace of Country Music expansion	\$50,000	\$0
Agency Total	\$150,000	\$100,000
Total for Virginia Tourism Authority.....		
	\$21,143,272	\$21,093,272
Fund Sources: General.....	\$21,143,272	\$21,093,272

§ 1-22. VIRGINIA INNOVATION PARTNERSHIP AUTHORITY (309)

135. Economic Development Services (53400).....			\$25,700,000	\$39,700,000
			\$50,700,000	
Economic Development Services (53412).....	\$25,700,000	\$39,700,000		
	\$50,700,000			
Fund Sources: General.....	\$25,700,000	\$39,700,000		
Special.....	\$25,000,000	\$0		

ITEM 135.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

Authority: Discretionary Inclusion.

A. The appropriation in this item shall be used for the purpose of and in accordance with the terms and conditions specified in legislation to be considered by the 2020 General Assembly to establish the Virginia Innovation Partnership Authority to serve as a consolidated entity for innovation and new technology-based economic development in the Commonwealth. When viewed holistically, the activities, programs, and centers of excellence of the Virginia Innovation Partnership Authority within this item shall focus on outcomes of job creation, new company formation, investment in applied research projects, and capital investment in Virginia companies.

B. The Virginia Innovation Partnership Authority (VIPA) is hereby authorized to transfer funds in this appropriation to an established managing non-profit to expend said funds for realizing the statutory purposes of the Authority, by contracting with governmental and private entities, notwithstanding the provisions of § 4-1.05 b of this act.

C. This appropriation shall be disbursed in twelve equal monthly disbursements each fiscal year. The Director, Department of Planning and Budget, may authorize an increase in disbursements for any month not to exceed the total appropriation for the fiscal year if such an advance is necessary to meet payment obligations.

D.1. No later than June 15 of each year, the Authority shall provide to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, the Secretary of Commerce and Trade, and the Director, Department of Planning and Budget, a report of its operating plan for each year of the biennium. No later than September 30 of each year, the Authority shall submit to the same entities a detailed expenditure report for the concluded fiscal year. Both reports shall be prepared in the formats as approved by the Director, Department of Planning and Budget, and include, but not be limited, to the following:

- a. All planned and actual revenue and expenditures along with funding sources, including state, federal, and other revenue sources of both the Authority and the managing non-profit entity;
- b. By activity or program, total grants made and investments awarded for each grant and investment program;
- c. By activity or program, recoveries of previous grants or investments and sales of equity positions;
- d. Cash balances by funding source, and a report, by program, of available, committed and projected expenditures of all cash balance; and,
- e. Private investment activity related to the fund of funds established in P. of this item.

2. The President of the managing non-profit entity shall report quarterly to the entity's board of directors, and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, the Secretary of Commerce and Trade, and the Director, Department of Planning and Budget, in a format approved by the Board the following:

- a. The quarterly financial performance, determined by comparing the budgeted and actual revenues and expenditures to planned revenues and expenditures for the fiscal year;
- b. All investments and grants executed compared to projected investment closings, return on prior investments and grants, including all gains and losses; and
- c. The financial and programmatic performance of all operating entities owned by the managing non-profit entity.
- d. The timeline and associated activities for the transition into the new Authority including the appointment of a new board, the development of a new brand and name, the creation of guidelines and policies for funds and divisions managed directly by VIPA, the disbursement of funds contained in this item, and other such organizational change management strategies as deemed appropriate by the Chairs of the House Appropriations Committee and Senate Finance and Appropriations Committee.

ITEM 135.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
E.1. By November 1 of each year, the President of the Authority shall report to the Governor and the Chairs of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations, the Secretary of Commerce and Trade, and to the Director, Department of Planning and Budget, on key programs and funds managed directly by VIPA. The report shall summarize performance on the outcomes of public and private research investment in applied research projects, capital investment in Virginia companies, job creation, and new company formation.				
2. To the extent possible, the annual performance report shall contain information on the metrics outlined below.				
a. For activities associated with the Growth Accelerator Program (GAP): (i) the number of companies receiving investments from the fund, (ii) the state investment and amount of privately leveraged investments per company, (iii) the estimated number of jobs created, (iv) the estimated tax revenue generated, (v) the number of companies who have received investments from the GAP fund still operating in Virginia, (vi) return on investment, to include the value of proceeds from the sale of equity in companies that received support from the program and economic benefits to the Commonwealth, (vii) the number of state investments that failed and the state investment associated with failed investments, (viii) the number of new companies created or expanded and the number of patents filed, and (ix) the geographic distribution of investments.				
b. For activities associated with the Regional Innovation Fund: (i) the type and number of capacity building projects, (ii) the total state investment per project, (iii) the anticipated results of the investment, (iv) number of jobs created, (v) number of businesses founded, (vi) additional sources of investment in the projects receiving support from the fund, and (vii) the geographic distribution of the investments.				
c. For activities associated with the Commonwealth Commercialization Fund: (i) the number of research grants awarded by domain area, (ii) the state investment per research project, (iii) the number of eminent researchers attracted and retained, (iv) additional research dollars leveraged as a result of the state investment, (v) number of new products completed/released to production, (vi) start-ups created from the research investment, (vii) new licenses granted to companies within Virginia, (viii) new licenses granted to companies outside Virginia, and (ix) the geographic distribution of the investments.				
3. Such report shall include the prior fiscal year outcomes as well as the outcomes of each program managed directly by VIPA since inception. In addition, the report shall also include program changes anticipated in the subsequent fiscal year.				
F.1. Out of the appropriation in this item, \$3,100,000 the first year and \$3,100,000 the second year from the general fund shall be allocated to the Division of Investment to support the Commonwealth Growth Accelerator Program fund and other indirect investment mechanisms to foster the development of Virginia-based technology companies.				
2. Funds returned, including proceeds received due to the sale of a company that previously received a GAP investment, shall remain in the program and be used to make future early stage financing investments consistent with the goals of the program. The managing non-profit may recover the direct costs incurred associated with securing the return of such funds from the moneys returned.				
G. A total of \$2,000,000 the first year and \$2,000,000 the second year from the general fund shall be allocated to the Entrepreneurial Ecosystems Division and Regional Innovation Fund to support and promote technology-based entrepreneurial activities in the Commonwealth as specified in § 2.2-2357, Code of Virginia. Out of these amounts, \$1,000,000 the first year and \$1,000,000 the second year shall be used to co-fund entrepreneurial ecosystem projects identified by the Virginia Initiative for Growth and Opportunity in Each Region (GO Virginia) Board.				
H. A total of \$5,000,000 the second year from the general fund shall be allocated to the Commonwealth Commercialization Fund to foster innovative and collaborative research, development, and commercialization efforts in the Commonwealth in projects and programs with a high potential for economic development and job creation as specified in § 2.2-2359, Code of Virginia.				

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	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>I. A total of \$1,000,000 the first year and \$1,000,000 the second year from the general fund shall be allocated to the Technology Industry Development Services to support strategic initiatives to advance the Authority's public purpose. These initiatives may include: (i) seeking, or supporting others in seeking, federal grants, contracts, or other funding sources; (ii) assuming responsibility for strategic initiatives and partnerships with federal and local governments; (iii) taking a lead role in defining, promoting, and implementing policies that advance innovation and entrepreneurial activity; and (iv) contracting with federal and private entities to further innovation, commercialization, and entrepreneurship in the Commonwealth.</p>				
<p>J. Out of the appropriation in this item, \$1,000,000 the first year and \$1,000,000 the second year from the general fund shall be made available for the Virginia Center for Unmanned Systems. The Center shall serve as a catalyst for growth of unmanned and autonomous systems vehicles and technologies in Virginia. The Center will establish collaboration between businesses, investors, universities, entrepreneurs and government organizations to increase the Commonwealth's position as a leader of the Autonomous Systems community.</p>				
<p>K.1. Out of the appropriation in this item, \$3,750,000 the first year and \$3,750,000 the second year from the general fund <i>and \$5,000,000 the first year from nongeneral funds</i> shall be provided for the Virginia Biosciences Health Research Corporation (VBHRC), a non-stock corporation research consortium initially comprised of the University of Virginia, Virginia Commonwealth University, Virginia Polytechnic Institute and State University, George Mason University and the Eastern Virginia Medical School. The consortium will contract with private entities, foundations and other governmental sources to capture and perform research in the biosciences, as well as promote the development of bioscience infrastructure tools which can be used to facilitate additional research activities. The Department of Planning and Budget is authorized to provide these funds to the non-stock corporation research consortium referenced in this paragraph upon request filed with the Department of Planning and Budget by VBHRC.</p>				
<p>2. Of the amounts provided in K.1. for the research consortium, up to \$3,750,000 the first year and \$3,750,000 the second year may be used to develop or maintain investments in research infrastructure tools to facilitate bioscience research.</p>				
<p>3. The remaining funding shall be used to capture and perform research in the biosciences and must be matched at least dollar-for-dollar by funding provided by such private entities, foundations and other governmental sources. No research will be funded by the consortium unless at least two of the participating institutions, including the five founding institutions and any other institutions choosing to join, are actively and significantly involved in collaborating on the research. No research will be funded by the consortium unless the research topic has been vetted by a scientific advisory board and holds potential for high impact near-term success in generating other sponsored research, creating spin-off companies or otherwise creating new jobs. The consortium will set guidelines to disburse research funds based on advisory board findings. The consortium will have near-term sustainability as a goal, along with corporate-sponsored research gains, new Virginia company start-ups, and job creation milestones.</p>				
<p>4. Other publicly-supported institutions of higher education in the Commonwealth may choose to join the consortium as participating institutions. Participation in the consortium by the five founding institutions and by other participating institutions choosing to join will require a cash contribution from each institution in each year of participation of at least \$50,000.</p>				
<p>5. Of these funds, up to \$500,000 the first year and \$500,000 the second year may be used to pay the administrative, promotional and legal costs of establishing and administering the consortium, including the creation of intellectual property protocols, and the publication of research results.</p>				
<p>6. VHBRC, in consultation with the publicly-supported institutions of higher education in the Commonwealth participating in the consortium, shall provide to the Secretary of Commerce and Trade, the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, the Director of the Department of Planning and Budget, and</p>				

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	<p>VIPA by October 1 of each year a written report summarizing the activities of the consortium, including, but not limited to, a summary of how any funds disbursed to the consortium during the previous fiscal year were spent, and the consortium's progress during the fiscal year in expanding upon existing research opportunities and stimulating new research opportunities in the Commonwealth.</p>			
	<p>7. The accounts and records of the consortium shall be made available for review and audit by the Auditor of Public Accounts upon request.</p>			
	<p>8. Up to \$2,500,000 of the funds managed by the Commonwealth Health Research Board (CHRB), created pursuant to § 32.1-162.23, Code of Virginia, shall be directed toward collaborative research projects, approved by the boards of the VBHRC and CHRB, to support Virginia's core bioscience strengths, improve human health, and demonstrate commercial viability and a high likelihood of creating new companies and jobs in Virginia.</p>			
	<p><i>9.a. The VBHRC shall administer a one-time grant program designed to support the acceleration of clinical testing of a therapeutic drug that treats clinical symptoms caused by COVID-19. VBHRC shall consult with subject matter experts in the healthcare industry or academia to develop criteria for awarding funds provided in paragraph P.3. of this item. At a minimum, these criteria must include: (i) the company was founded in and is headquartered in Virginia; and (ii) the company is actively conducting a Phase 1 or Phase 2 clinical trial of a therapeutic drug approved by the United States Food and Drug Administration ("FDA") to treat life-threatening symptoms caused by COVID-19. In awarding these funds, the board of directors of the VBHRC may waive the requirements that (i) two of the participating institutions are actively and significantly involved in collaborating on the research, and (ii) funding be matched at least dollar-for-dollar by funding provided by private entities, foundations and other governmental sources.</i></p>			
	<p><i>b. In awarding these funds, VBHRC may, in consultation with the President and CEO of the Virginia Innovation Partnership Authority's managing nonprofit, the Center for Innovative Technology, and individuals with investment expertise in the area of pharmaceutical drug development: (i) require the grantee to offer to conduct subsequent clinical trials of its drug in hospitals located in Virginia, provided the hospitals have the capacity to participate in the trial in a timely manner that is consistent with and does not delay the company's clinical trial schedule; (ii) require the grantee to give a preference to qualified Virginia pharmaceutical manufacturers for production of the grantee's COVID-19 therapeutic drug, provided the manufacturers have the capacity to produce the drug in a timely manner that is consistent with and does not delay the company's production schedule; and, (iii) seek a reasonable amount of equity interest in the grantee company in return for the grant.</i></p>			
	<p>L.1. Out of the appropriation in this item, \$1,925,000 the first year and \$925,000 the second year from the general fund shall be made available to the Commonwealth Center for Advanced Manufacturing (CCAM) for rent, operating support, and maintenance. These funds shall not revert back to the general fund at the end of the fiscal year.</p>			
	<p>2. Out of the appropriation in this item, VIPA shall provide \$1,100,000 the first year and \$1,100,000 the second year from the general fund to CCAM for the purpose of providing private sector incentive grants to industry members of the CCAM as follows: (i) incentive grants for new industry members with no prior membership at CCAM; (ii) incentive grants to small manufacturing members who locate their primary job center in the Commonwealth, as determined by VEDP, in order to mitigate inaugural, industry membership costs associated with joining CCAM; (iii) grants dedicated to CCAM industry members to be used exclusively for research project costs and require a minimum one-to-one match in funds to conduct additional directed research at the CCAM facility after their base amount of directed research is programmed; and (iv) grants dedicated to matching funds for the purpose of attracting federal funds for research projects related to the COVID-19 pandemic to be conducted at the CCAM facility on a one to one basis.</p>			
	<p>3. Out of the appropriation in this item, VIPA shall provide \$600,000 the first year and \$600,000 the second year from the general fund to CCAM for university research grants requiring a minimum one-to-one match in funds that bring in external research funds from federal or private organizations for research to be conducted at the CCAM facility. All project approvals are contingent upon each university partner entering into a memorandum of understanding (MOU) with CCAM that includes specific details about the university's</p>			

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<p>anticipated commitment of financial and human resources, as well as programming and academic credentialing plans, to the CCAM facility.</p>				
<p>4. No grant funds shall be disbursed until the conditions of paragraph L.2 of this Item have been met and approval from VIPA has been granted.</p>				
<p>5. CCAM shall submit a report on October 1 of each year to the Secretary of Finance, Chairs of the House Appropriations and Senate Finance and Appropriations Committees, and VIPA containing a status update of all new incentive programs, including but not limited to the following: (i) MOUs it has entered into with each university partner; (ii) funds disbursed to both university and private sector partners of CCAM, as well as any other recipients; (iii) any other agreements CCAM has entered into with representatives of the public and private sectors that may impact current and future incentive fund disbursements; and (iv) any additional information requested by the Secretary of Finance, or the Chairs of the House Appropriations and Senate Finance and Appropriations Committees.</p>				
<p>M.1. Out of the appropriation in this item, \$5,000,000 the first year and \$10,000,000 the second year from the general fund is provided to scale the Commonwealth Cyber Initiative (CCI) and provide resources for faculty recruiting at both the Hub, Virginia Polytechnic Institute and State University, and Node sites. The Hub and certified Node sites will have the ability to seek matching funds for faculty recruitment and support for renovations and equipment. Certified institutions shall submit their funding request application to VIPA for review and evaluation from an investment from the Commonwealth Commercialization Fund. After completing its review, VIPA shall approve or deny the request for an allocation of funds. The amounts provided in this paragraph are non-reverting and shall constitute the base budget for subsequent fiscal years.</p>				
<p>2. Out of the appropriation in this item, \$2,500,000 the first year and \$7,500,000 the second year from the general fund is provided for the leasing of space and establishment of the Hub by the anchoring institution and for the establishment of research faculty, entrepreneurship programs, student internships and educational programming, and operations of the Hub. The amounts provided in this paragraph are non-reverting and shall constitute the base budget for subsequent fiscal years.</p>				
<p>3. CCI shall submit a report by October 1st of each year to the the Secretary of Commerce and Trade, the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, the Director of the Department of Planning and Budget, and VIPA detailing the use and leverage of the investment in this item in strengthening the state's cyber economy. The state report shall contain information on: (i) external research grants attracted to support the work of CCI, (ii) research grants awarded from the funds contained in this item, (iii) research faculty recruited, (iv) results of entrepreneurship and workforce programming, (v) collaborative partnerships and projects, (vi) correlated economic outcomes (jobs and new business formation), and (vii) the geographic distribution of awards from the funding contained in this item.</p>				
<p>N.1. Out of this appropriation, \$350,000 the first year and \$350,000 the second year from the general fund is designated for the Commonwealth Center for Advanced Logistics (CCALS) to provide seed money for collaborative public sector projects with partners, such as the Port of Virginia, Department of Corrections, and the Virginia Department of Transportation.</p>				
<p>2. CCALS shall submit a report by October 1st of each year to the Secretary of Commerce and Trade, the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, the Director of the Department of Planning and Budget, and VIPA to include (i) all planned and actual revenue and expenditures along with funding sources, including state, federal, and other revenue sources for CCALS, (ii) the research activities of CCALS, and (iii) relevant economic outcomes as a result of the CCALS' work in each fiscal year.</p>				
<p>O. Out of this appropriation, \$125,000 the first year and \$125,000 the second year is designated for the Virginia Academy of Engineering, Science and Medicine to provide technical assistance to VIPA.</p>				
<p>P.1. Out of the amounts transferred to the Authority as a result of actions pursuant to Item</p>				

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126.10, paragraph S.5 of the Chapter 854, 2019 Acts of Assembly, \$10,000,000 the first year shall be allocated to the Commonwealth Commercialization Fund to foster innovative and collaborative research, development, and commercialization efforts in the Commonwealth in projects and programs with a high potential for economic development and job creation as specified in § 2.2-2359, Code of Virginia.				
2. Out of the amounts transferred to the Authority as a result of actions pursuant to Item 126.10, paragraph S.5 of the Chapter 854, 2019 Acts of Assembly, \$5,000,000 the first year shall be allocated to scale the Commonwealth Cyber Initiative (CCI) for activities at the Hub, Virginia Polytechnic Institute and State University, and Node sites and \$5,000,000 the first year shall be allocated for the leasing of space and establishment of the Hub by the anchoring institution.				
3. <i>Out of the amounts transferred to the Authority as a result of actions pursuant to Item 126.10, paragraph S.5 of the Chapter 854, 2019 Acts of Assembly, \$5,000,000 the first year shall be allocated to the Virginia Biosciences Health Research Corporation to administer the program outlined in paragraph K.9. of this item. The funds provided in this paragraph shall be transferred to the Virginia Biosciences Health Research Corporation within 30 days of the passage of this act.</i>				
43. Excluding the amounts in paragraph P.1., and P.2., and P.3. of this item, any additional funds transferred to the Authority as a result of actions pursuant to Item 126.10, paragraph S.5 of the Chapter 854, 2019 Acts of Assembly may be used: (1) to enable the establishment of a fund of funds that will permit the Commonwealth to invest in one or more syndicated private investment funds; (2) to enhance direct investment programs by placing additional investments in partnership with Virginia accelerators and university technology commercialization programs; and (3) to enable the establishment of a sustainable program to enhance discovery of, and early investment in, technologies aligned with the Virginia Innovation Index. Decisions to invest in private funds shall be subject to approval by the Board of Directors. Investments in such funds shall be monitored by the Board of Directors.				
<i>Q. Until such time the VIPA Board of Directors is fully appointed, the President and CEO of the Authority's managing nonprofit, the Center for Innovative Technology shall have the authority to approve the funds provided for centers of excellence in this item. Centers of Excellence include Virginia Center for Unmanned Systems, Virginia Biosciences Health Research Corporation, Commonwealth Center for Advanced Manufacturing, and Commonwealth Cyber Initiative.</i>				
Total for Virginia Innovation Partnership Authority....			\$25,700,000 \$50,700,000	\$39,700,000
Fund Sources: General.....	\$25,700,000	\$39,700,000		
Special.....	\$25,000,000	\$0		
TOTAL FOR OFFICE OF COMMERCE AND TRADE.....			\$1,097,790,900 \$1,156,384,100	\$1,071,011,102 \$1,067,313,302
General Fund Positions.....	412.23	412.23		
Nongeneral Fund Positions.....	1,301.77	1,301.77		
Position Level.....	1,714.00	1,714.00		
Fund Sources: General.....	\$366,709,056	\$345,504,922		
	\$400,932,256	\$342,068,122		
Special.....	\$30,174,018	\$29,805,018		
	\$54,544,018	\$29,544,018		
Commonwealth Transportation.....	\$1,640,575	\$1,640,575		
Trust and Agency.....	\$549,733,725	\$546,529,069		
Dedicated Special Revenue.....	\$25,068,898	\$25,066,890		
Federal Trust.....	\$124,464,628	\$122,464,628		

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OFFICE OF EDUCATION

136. Not set out.

§ 1-23. DEPARTMENT OF EDUCATION, CENTRAL OFFICE OPERATIONS (201)

137. Not set out.

138. Not set out.

139. Not set out.

140. Not set out.

141.	Technology Assistance Services (18600).....			\$7,832,258	\$14,963,258
	Instructional Technology (18601).....	\$637,928	\$637,928		
	Distance Learning and Electronic Classroom (18602).....	\$7,194,330	\$14,325,330		
	Fund Sources: General.....	\$6,997,304	\$14,128,304		
	Special.....	\$105,000	\$105,000		
	Trust and Agency.....	\$674,678	\$674,678		
	Federal Trust.....	\$55,276	\$55,276		

Authority: Instructional Technology: §§ 22.1-20.1, 22.1-70.2, 22.1-199.1, 22.1-253.13:1 through 22.1-253.13:8, Code of Virginia; P.L. 107-110, Federal Code.

Distance Learning and Electronic Classroom: § 22.1-212.2, Code of Virginia.

A. This appropriation includes \$1,000,000 the first year and \$1,000,000 the second year from the general fund for statewide digital content development, online learning, and related support services, as prescribed through contract with the Department of Education. All digital content produced and delivery of online learning shall meet criteria established by the Department of Education, meet or exceed applicable Standards of Learning, and be correlated to such state standards.

B. In developing the deliverables for each contract, the Department of Education shall consult with division superintendents or their designated representatives to assess school divisions' needs for digital content, online learning, teacher training, and support services that advance technology integration into the K-12 classroom, as well as for additional educational resources that may be made available to school divisions throughout the Commonwealth.

C. Virtual Virginia Payments

1. From appropriations in this Item, the Department of Education shall provide assistance for the Virtual Virginia program.

2. This appropriation includes \$498,000 the first year and \$498,000 the second year from the general fund to support the Virtual Virginia full-time program for 200 students in grades nine through 12.

3. This appropriation includes \$330,000 the first year and \$330,000 the second year from the general fund to support the virtual mathematics outreach program.

4. The local share of costs associated with the operation of the Virtual Virginia program shall be computed using the composite index of local ability-to-pay.

5. The Department of Education shall develop a plan to establish a per-student, per-course fee schedule for local school divisions to participate in Virtual Virginia (VVA) coursework for elementary, middle, and high school students. Such fee schedule plan shall provide (i) an allotment of slots, determined by the Department, per course to a school

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division free of charge, and (ii) for any slots a school division wishes to use beyond the free slots, a per-course, per-student fee that may include discounts for school divisions based upon the composite index of local ability to pay. The department shall also include in its plan the current student participation enrollment by grade level in each VVA course, the number of students enrolled in VVA courses that a fee of any kind is charged and how such fee is currently paid for in each participating school division. The department shall submit its Virtual Virginia Plan to the Chairmen of House Appropriations and Senate Finance Committee upon completion of developing such plan.

D. Virginia Learner Equitable Access Platform (VA LEAP)

1. Out of this appropriation, \$7,131,000 the second year from the general fund is provided for the implementation of the VA LEAP statewide learning management system.

2. The Superintendent of Public Instruction shall convene a workgroup to develop a plan for the implementation of VA LEAP, including representatives of the Department of Education, school divisions with and without existing learning management systems, learning management system providers, eMediaVA, Virtual Virginia, and other appropriate stakeholders. The plan shall (i) address the integration of existing school division learning management systems into a statewide system, (ii) address the integration of VA LEAP with existing state investments, including eMediaVA, Virtual Virginia and #GoOpenVA, (iii) consider integrating these systems into a single sign-on system, (iv) include a cost-benefit analysis of various approaches to implementing a statewide learning management system, and (v) provide an update on the estimated costs to implement a learning management system based on anticipated local school division participation and technical requirements. Such plan shall be submitted to the Governor and the Chairs of the House Appropriations Committee and the Senate Finance and Appropriations Committee no later than December 1, 2020.

E. Virginia Initiative to Support Internet Outside of School Networks (VISION) program.

To support technology needs and internet access for virtual learning as a result of extended school closures and modified school schedules through the VISION program, \$26,900,000 in federal relief funds are provided from the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136), including \$18,000,000 in Governor's Education Emergency Relief (GEER) funds previously announced for this purpose and \$8,900,000 in GEER funds previously announced to support longer-term internet access initiatives.

142. Not set out.

143. Not set out.

143.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend; commit; or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted:

	FY 2021	FY 2022
Address increased workload in the Office of Teacher Education and Licensure	\$136,514	\$136,514
Develop the Virginia Learner Equitable Access Platform (VA LEAP)	\$0	\$7,131,000
Increase support for Virginia Preschool Initiative class observations and	\$650,000	\$650,000

ITEM 143.10.	Item Details(\$)		Appropriations(\$)	
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professional development				
Support annual Education Equity Summer Institute		\$135,000		\$135,000
Agency Total		\$921,514		\$8,052,514
Total for Department of Education, Central Office Operations.....			\$131,667,988	\$314,325,715
General Fund Positions.....	151.00	153.50		
Nongeneral Fund Positions.....	185.50	335.50		
Position Level.....	336.50	489.00		
Fund Sources: General.....	\$74,250,381	\$78,891,881		
Special.....	\$5,269,257	\$5,269,257		
Commonwealth Transportation.....	\$279,612	\$279,612		
Trust and Agency.....	\$679,678	\$679,678		
Federal Trust.....	\$51,189,060	\$229,205,287		

Direct Aid to Public Education (197)

144.	Financial Assistance for Educational, Cultural, Community, and Artistic Affairs (14300).....			\$45,771,554	\$44,194,141
	Financial Assistance for Supplemental Education (14304).....	\$45,771,554	\$44,194,141		
	Fund Sources: General.....	\$45,771,554	\$44,194,141		

Authority: Discretionary Inclusion.

**Appropriation Detail of Educational, Cultural, Community, and Artistic Affairs
(14300)**

Supplemental Education Assistance Programs (14304)	FY 2021	FY 2022
Achievable Dream	\$500,000	\$500,000
Active Learning Grants	\$250,000	\$0
American Civil War Museum	\$1,000,000	\$0
Black History Museum and Cultural Center of Virginia	\$1,300,000	\$0
Blue Ridge PBS	\$500,000	\$500,000
Bonder and Amanda Johnson	\$100,000	\$0
Community Development Corporation		
Brooks Crossing Innovation and Opportunity Center	\$250,000	\$250,000
Career and Technical Education Regional Centers	\$660,000	\$660,000
Career and Technical Education Resource Center	\$298,021	\$298,021
Career Council at Northern Neck Career & Technical Center	\$60,300	\$60,300
Chesterfield Recovery High School	\$250,000	\$250,000
College Partnership Laboratory School	\$50,000	\$50,000
Communities in Schools (CIS)	\$2,004,400	\$2,004,400
Computer Science Teacher Training	\$550,000	\$550,000
Early Childhood Educator Incentive	\$3,000,000	\$5,000,000
Emil and Grace Shihadeh Innovation Center	\$250,000	\$0
Great Aspirations Scholarship Program (GRASP)	\$500,000	\$500,000

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Jobs for Virginia Graduates (JVG)	\$2,243,776		\$2,243,776	
Literacy Lab - VPI Minority Educator Fellowship	\$300,000			\$0
National Board Certification Program	\$5,021,609		\$5,009,196	
Newport News Aviation Academy - STEM Program	\$100,000			\$0
Newport News - Soundscapes	\$90,000			\$0
Petersburg Executive Leadership Recruitment Incentives	\$350,000			\$350,000
Positive Behavioral Interventions & Support (PBIS)	\$1,598,000			\$1,598,000
Power Scholars Academy - YMCA BELL	\$1,000,000			\$1,000,000
Praxis and Virginia Communication and Literacy Assessment Assistance for Provisionally Licensed Minority Teachers	\$50,000			\$50,000
Project Discovery	\$962,500			\$962,500
School Program Innovation	\$500,000			\$500,000
Small School Division Assistance	\$145,896			\$145,896
Southside Virginia Regional Technology Consortium	\$108,905			\$108,905
Southwest Virginia Public Education Consortium	\$124,011			\$124,011
STEM Program / Research Study (VA Air & Space Center)	\$681,975			\$681,975
STEM Competition Team Grants	\$200,000			\$200,000
Targeted Extended/Enriched School Year and Year-round School Grants	\$7,763,312			\$7,763,312
Teach for America	\$500,000			\$500,000
Teacher Improvement Funding Initiative	\$15,000			\$15,000
Teacher Recruitment & Retention Grant Programs	\$2,181,000			\$2,181,000
Teacher Residency Program	\$1,750,000			\$1,750,000
Van Gogh Outreach Program	\$71,849			\$71,849
Virginia Early Childhood Foundation (VECF)	\$6,250,000			\$6,250,000
Virginia Reading Corps	\$600,000			\$600,000
Virginia Student Training and Refurbishment (VA STAR) Program	\$300,000			\$300,000
Vision Screening Grants	\$391,000			\$391,000
Vocational Lab Pilot	\$175,000			\$0
Western Virginia Public Education Consortium	\$50,000			\$50,000
Wolf Trap Model STEM Program	\$725,000			\$725,000
Total	\$45,771,554		\$44,194,141	

A. Out of this appropriation, the Department of Education shall provide \$2,243,776 the first year and \$2,243,776 the second year from the general fund for the Jobs for Virginia Graduates initiative.

B. Out of this appropriation, the Department of Education shall provide \$124,011 the first year and \$124,011 the second year from the general fund for the Southwest Virginia Public Education Consortium at the University of Virginia's College at Wise. An additional \$71,849 the first year and \$71,849 the second year from the general fund is provided to the Consortium to continue the Van Gogh Outreach program with Lee and Wise County Public Schools and expand the program to the twelve school divisions in Southwest Virginia.

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C. This appropriation includes \$108,905 the first year and \$108,905 the second year from the general fund for the Southside Virginia Regional Technology Consortium to expand the research and development phase of a technology linkage.				
D. An additional state payment of \$145,896 the first year and \$145,896 the second year from the general fund is provided as a Small School Division Assistance grant for the City of Norton. To receive these funds, the local school board shall certify to the Superintendent of Public Instruction that its division has entered into one or more educational, administrative or support service cost-sharing arrangements with another local school division.				
E. Out of this appropriation, \$298,021 the first year and \$298,021 the second year from the general fund shall be allocated for the Career and Technical Education Resource Center to provide vocational curriculum and resource instructional materials free of charge to all school divisions.				
F. It is the intent of the General Assembly that the Department of Education provide bonuses from state funds to classroom teachers in Virginia's public schools who hold certification from the National Board of Professional Teaching Standards. Such bonuses shall be \$5,000 the first year of the certificate and \$2,500 annually thereafter for the life of the certificate. This appropriation includes an amount estimated at \$5,021,609 the first year and \$5,009,196 the second year from the general fund for the purpose of paying these bonuses. By October 15 of each year, school divisions shall notify the Department of Education of the number of classroom teachers under contract for that school year that hold such certification.				
G. This appropriation includes \$2,181,000 the first year and \$2,181,000 the second year from the general fund for grants, scholarships, and incentive payments to attract, recruit, and retain high-quality teachers and fill critical teacher shortage disciplines in Virginia's public schools.				
1. Out of this appropriation, \$708,000 the first year and \$708,000 the second year from the general fund is provided for teaching scholarship loans. These scholarships shall be for undergraduate students in college with a cumulative grade point average of at least 2.7 on a 4.0 scale or its equivalent, who are nominated by their Virginia regionally accredited college or university, and who meet the criteria and qualifications, pursuant to § 22.1-290.01, Code of Virginia, except as provided herein. Awards shall be made to students who are enrolled full-time or part-time in approved undergraduate or graduate teacher education programs for the top ten critical teacher shortage disciplines, however minority students may be enrolled in any content area for teacher preparation. Upon program completion, scholarship recipients may fulfill the scholarship loan obligation by teaching in the public schools of the Commonwealth in the first full academic year after becoming eligible for a renewable teaching license in the appropriate endorsement area and teaching for at least two years in a school division (i) in one of the critical teacher shortage disciplines as established by the Board of Education; or (ii) in a Virginia public school with 50 percent or more of the students eligible for free or reduced price lunch; or (iii) in a school division designated critical shortage subject area, as defined in the Board of Education's Regulations Governing the Determination of Critical Teacher Shortage Areas. Scholarship recipients who only complete one year of the teaching obligation shall be forgiven for one-half of the scholarship loan amount. Scholarship amounts are based on up to \$10,000 per year for full-time students, and shall be prorated for part-time students based on the number of credit hours. The Department of Education shall report annually on the critical shortage teaching areas in Virginia.				
a. The Department of Education shall make payments on behalf of the scholarship recipients directly to the Virginia institution of higher education where the scholarship recipient is enrolled full-time or part-time in an approved undergraduate or graduate teacher education program.				
b. The Department of Education is authorized to recover total funds awarded as scholarships, or the appropriate portion thereof, in the event that scholarship recipients fail to honor the stipulated teaching obligation.				
c. Within the fiscal year, any funds not awarded from this program may be applied toward				

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the other teacher preparation, recruitment, and retention programs under paragraph G.

2. Out of this appropriation, \$808,000 the first year and \$808,000 the second year from the general fund is provided to attract, recruit, and retain high-quality diverse individuals to teach science, technology, engineering, or mathematics (STEM) subjects in Virginia's middle and high schools experiencing difficulty in recruiting qualified teachers. Eligible teachers must (i) be employed full-time in a Virginia school division or school with more than 40 percent of the students eligible for free or reduced price lunch; (ii) be entering their first, second, or third year of teaching experience; and (iii) hold a five- or ten-year valid Virginia teaching license with an endorsement in Middle Education 6-8: Mathematics, Mathematics-Algebra-I, Mathematics, Middle Education 6-8: Science, Biology, Chemistry, Earth and Space Science, Physics, Engineering, or Technology Education and be assigned to a teaching position in a corresponding STEM subject area. Selected eligible teachers will receive a \$5,000 incentive award after the completion of each year of full-time teaching experience, up to three consecutive years under the grant, in an eligible school division or school with a satisfactory performance evaluation and a written commitment to return in the same school division for the following school year. The maximum incentive award for each eligible teacher is \$15,000. Eligibility for these incentives shall be determined through an application process whereby school divisions shall apply to the Department of Education. Priority for distribution of these incentives shall be to school divisions experiencing the most acute difficulties in recruiting qualified teachers, as determined using Department of Education criteria. For the purpose of the award of the additional \$1,000 to individuals who received funds under this program prior to July 1, 2018, the criteria provided in Chapter 1, 2018 Acts of Assembly, Special Session I, shall continue to apply through fiscal year 2021. For individuals who received funds under this program prior to July 1, 2020, the criteria provided in Chapter 854, 2019 Acts of Assembly, shall continue to apply. Within the fiscal year, any funds not awarded from this program may be applied toward the other teacher preparation, recruitment, and retention programs under paragraph G.

3. Out of this appropriation, \$415,000 the first year and \$415,000 the second year from the general fund is provided to help school divisions recruit and retain qualified middle-school mathematics teachers. Within the fiscal year, any funds not awarded from this program may be applied toward the other teacher preparation, recruitment, and retention programs under paragraph G.

4. Out of this appropriation, \$250,000 the first year and \$250,000 the second year from the general fund is provided for tuition scholarships to be specifically allocated solely for licensed public high school teachers pursuing additional credentialing requirements necessary to be considered faculty who are qualified to teach dual enrollment courses in high schools in their local school division. The Department of Education shall make payments on behalf of the scholarship recipients directly to the *regionally accredited* Virginia institution of higher education where the scholarship recipient is enrolled ~~full-time or part-time in an approved undergraduate or graduate teacher education program~~ *in courses for credit* applicable to dual enrollment course curriculum available for public high school students. The lifetime maximum dual enrollment tuition scholarship award for each approved eligible teacher is \$7,500. Eligibility for access to these dual enrollment tuition scholarship awards shall be determined through an application process whereby school divisions shall apply to the Department of Education. In the application process, the applying school division shall include: i) an explanation of why such dual enrollment tuition scholarship is warranted, ii) the dual enrollment course or courses that shall be offered by the scholarship recipient's high school and taught by the recipient upon the recipient's successful completion of required coursework for appropriate credentialing to teach such dual enrollment courses, and iii) the projected student enrollment in the recipient taught public high school dual enrollment courses. The Department of Education shall compile and report the application information for each applying school division, and shall also report the number of recipients and amount of tuition awarded to each school division, the institution of higher education receiving tuition, the credentialing area pursued by recipients, and dual enrollment courses offered after the recipient's successful completion of the pursued credentialing. The Department shall submit the report by June 30, 2020, and annually thereafter, to the House Committees on Education and Appropriations and the Senate Committees on Finance and Education and Health.

H. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the

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general fund shall be distributed to the Great Aspirations Scholarship Program (GRASP) to provide students and families in need access to financial aid, scholarships, and counseling to maximize educational opportunities for students.

I. Out of this appropriation, the Department of Education shall provide \$2,004,400 the first year and \$2,004,400 the second year from the general fund to Communities in Schools. These funds shall be used to strengthen and sustain existing programming in Hampton Roads, Northern Virginia, Petersburg, Richmond City, and Southwest Virginia and to expand programming to new schools. Further, Communities in Schools is directed to assist the Community School organization with developing opportunities to establish a Community School program in interested school divisions.

J. Out of this appropriation, the Department of Education shall provide \$962,500 the first year and \$962,500 the second year from the general fund for Project Discovery. These funds are towards the cost of the program in Abingdon, Accomack/Northampton, Alexandria, Amherst, Appomattox, Arlington, Bedford, Bland, Campbell, Charlottesville, Cumberland, Danville/Pittsylvania, Fairfax, Franklin/Patrick, Fredericksburg/Spotsylvania, Goochland/Powhatan, Lynchburg, Newport News, Norfolk, Richmond City, Roanoke City, Smyth, Surry/Sussex, Tazewell, Williamsburg/James City, and Wythe and the salary of a fiscal officer for Project Discovery. The Department of Education shall administer the Project Discovery funding distributions to each community action agency. Distributions to each community action agency shall be based on performance measures established by the Board of Directors of Project Discovery. The contract with Project Discovery should specify the allocations to each local program and require the submission of a financial and budget report and program evaluation performance measures.

2. Each participating community action agency shall submit annual performance metrics for services provided through the Project Discovery program that provide measurable evaluations and outcomes of participating students. Such performance metrics shall include evidenced-based data that effectively measure academic improvement outcomes. In addition, the performance metrics shall also include evidenced-based data to evaluate the specific effectiveness of the program for participating students on a longitudinal basis. Further, the performance metrics shall include the coordination and collaboration efforts the program staff regularly have with the school-based personnel, such as teachers and guidance counselors, that support and maximize opportunities of participating students to successfully graduate from high school and then to enroll and graduate from an institution of higher learning. Project Discovery shall submit a comprehensive and cumulative program performance metrics evaluation to the Department of Education no later than October 1 each year.

K. Out of this appropriation, the Department of Education shall provide \$300,000 the first year and \$300,000 the second year from the general fund for the Virginia Student Training and Refurbishment Program.

L. Out of this appropriation, \$1,598,000 the first year and \$1,598,000 the second year from the general fund is provided to expand the number of schools implementing a system of positive behavioral interventions and supports with the goal of improving school climate and reducing disruptive behavior in the classroom. Such a system may be implemented as part of a tiered system of supports that utilizes evidence-based, system-wide practices to provide a response to academic and behavioral needs. Any school division which desires to apply for this competitive grant must submit a proposal to the Department of Education by June 1 preceding the school-year in which the program is to be implemented. The proposal must define student outcome objectives including, but not limited to, reductions in disciplinary referrals and out-of-school suspension rates. In making the competitive grant awards, the Department of Education shall give priority to school divisions proposing to serve schools identified by the Department as having high suspension rates. No funds awarded to a school division under this grant may be used to supplant funding for schools already implementing the program.

M. Targeted Extended/Enriched School Year and Year-round School Grants Payments

1. Out of this appropriation, \$7,150,000 the first year and \$7,150,000 the second year from the general fund is provided for a targeted extended/enriched school year or year-round

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<p>school incentive in order to improve student achievement. Annual start-up grants of up to \$300,000 per school may be awarded for a period of up to two years after the initial implementation year. The per school amount may be up to \$400,000 in the case of schools that have an Accredited with Conditions status and are rated at Level Three in two or more Academic Achievement for All Students school quality indicators, or schools that had an Accredited with Conditions status and were rated at Level Three in two or more Academic Achievement for All Students school quality indicators when the initial application was made. Schools that qualified for the per school grant up to \$400,000 under the previous Standards of Accreditation Denied Accreditation status remain eligible for funding for the initial three year period; after that period, such schools are subject to eligibility under the current Standards of Accreditation. After the third consecutive year of successful participation, an eligible school's grant amount shall be based on a shared split of the grant between the state and participating school division's local composite index. Such continuing schools shall remain eligible to receive a grant based on the 2012 JLARC Review of Year Round Schools' researched base findings.</p>				
<p>2. Except for school divisions with schools that are in an Accredited with Conditions status and are rated at Level Three in two or more Academic Achievement for All Students school quality indicators or in a Denied Accreditation status, any other school division applying for such a grant shall be required to provide a twenty percent local match to the grant amount received from either an extended/enriched school year or year-round school start-up or planning grant.</p>				
<p>3. In the case of any school division with schools that are in an Accredited with Conditions status and are rated at Level Three in two or more Academic Achievement for All Students school quality indicators or in a Denied Accreditation status that apply for funds, the school division shall also consult with the Superintendent of Public Instruction or designee on all recommendations regarding instructional programs or instructional personnel prior to submission to the local board for approval.</p>				
<p>4. Out of this appropriation, \$613,312 the first year and \$613,312 the second year from the general fund is provided for planning grants of no more than \$50,000 each for local school divisions pursuing the creation of new extended/enriched school year or year-round school programs for divisions or individual schools in support of the findings from the 2012 JLARC Review of Year Round Schools. School divisions must submit applications to the Department of Education by August 1 of each year. Priority shall be given to schools based on need, relative to the state accreditation ratings or similar federal designations. Applications shall include evidence of commitment to pursue implementation in the upcoming school year. If balances exist, existing extended school year programs may be eligible to apply for remaining funds.</p>				
<p>5. A school division that has been awarded an extended/enriched school year or year-round school start-up grant or planning grant for the development of an extended/enriched school year or year-round school program may spend the awarded grant over two consecutive fiscal years.</p>				
<p>6. a) Any such school division receiving funding from a Targeted Extended/Enriched School Year and Year-round School grant shall provide an annual progress report to the Department of Education that evaluates end of year success of the extended/enriched school year or year-round school model implemented as compared to the prior school year performance as measured by an appropriate evaluation matrix no later than September 1 each year.</p>				
<p>b) The Department of Education shall develop such evaluation matrix that would be appropriate for a comprehensive evaluation for such models implemented. Further, the Department of Education is directed to submit the annual progress reports from the participating school divisions and an executive summary of the program's overall status and levels of measured success to the Chairmen of House Appropriations and Senate Finance Committees no later than November 1 each year.</p>				
<p>7. Any funds remaining in this paragraph following grant awards may be disbursed by the Department of Education as grants to school divisions to support innovative approaches to instructional delivery or school governance models.</p>				
<p>N. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the</p>				

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<p>general fund is provided through grants or contracts for the cost of fees and financial incentives associated with hiring teachers in challenged schools. These funds may be used for grants or contracts awarded and expenses associated with supporting the Teach for America program. School divisions or their partners may apply for those funds through applications submitted to the Department of Education. Applications must be submitted to the Department of Education by September 1 each year. Within the fiscal year, any unobligated balance may be used for the Teacher Residency program.</p>				
<p>O. Out of this appropriation, \$725,000 the first year and \$725,000 the second year from the general fund is provided for the Accomack, Albemarle, Arlington, Chesterfield, Fairfax, Henrico, Loudoun, Norfolk, Petersburg, Richmond, Suffolk, and Wythe Public Schools to continue or initiate STEM and early literacy model programs for preschool, kindergarten, and first grade students. The model will also support growth in the 5C skills identified in the Profile of a Virginia Graduate. Within this appropriation, funds may support further expansion in rural divisions from Regions 3, 6, or 8, based on need. Each developed model will focus on enhancing children's learning experiences through the arts.</p>				
<p>P. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the general fund is provided for the Achievable Dream partnership with Newport News School Division.</p>				
<p>Q. Out of this appropriation, \$1,750,000 the first year and \$1,750,000 the second year from the general fund is provided for grants for teacher residency partnerships between university teacher preparation programs and the Petersburg, Norfolk, and Richmond City school divisions and any other university teacher preparation programs and hard-to-staff school divisions to help improve new teacher training and retention for hard-to-staff schools. The grants will support a site-specific residency model program for preparation, planning, development and implementation, including possible stipends in the program to attract qualified candidates and mentors. Applications must be submitted to the Department of Education by August 1 each year.</p>				
<p>Partner school divisions shall provide at least one-third of the cost of each program and shall provide data requested by the university partner in order to evaluate program effectiveness by the mutually agreed upon timelines. Each university partner shall report annually, no later than June 30, to the Department of Education on available outcome measures, including student performance indicators, as well as additional data needs requested by the Department of Education. The Department of Education shall provide, directly to the university partners, relevant longitudinal data that may be shared. The Department of Education shall consolidate all submissions from the participating university partners and school divisions and submit such consolidated annual report to the Chairmen of the House Appropriations and Senate Finance Committees no later than November 1 each year.</p>				
<p>R. Out of this appropriation, \$60,300 the first year and \$60,300 the second year from the general fund is provided to the Northern Neck Regional Technical Center to expand the workforce readiness education and industry based skills and certification development efforts supporting that region in the state. These funds support the Center's programs that serve high school students from the surrounding counties of Essex, Lancaster, Northumberland, Rappahannock, Westmoreland and Colonial Beach.</p>				
<p>S. Out of this appropriation, \$6,250,000 the first year and \$6,250,000 the second year from the general fund is provided to the Virginia Early Childhood Foundation.</p>				
<p>1. Of this amount, \$250,000 the first year and \$250,000 the second year is provided for general operations of the Foundation's grant program to strengthen the capacity of local communities to promote school readiness for young children through innovative regional partnerships.</p>				
<p>2. Of this amount, \$1,000,000 the first year and \$1,000,000 the second year is provided to operate a scholarship program to increase the skills of Virginia's early education workforce.</p>				
<p>3. Of this amount, \$5,000,000 the first year and \$5,000,000 the second year from the general fund is provided for a pilot initiative to support public-private delivery of pre-</p>				

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kindergarten services for at least 500 at-risk three- and four-year-old children each year. Programs must provide full-day or half-day and, at least, school-year services.				
a) The Department of Education shall establish academic standards that are in accordance with appropriate preparation for students to be ready to successfully enter kindergarten. These standards shall be established in such a manner as to be measurable for student achievement and success. Students shall be required to be evaluated in the fall and in the spring by each participating provider and grantees must certify that the Virginia Preschool Initiative standards are followed in order to receive the funding for quality preschool education and criteria for the service components. Such standards shall align with the Virginia Standards of Learning for Kindergarten.				
b) The Department of Education shall require and ensure that all participating classrooms have the quality of their teacher-child interactions assessed through a rigorous and research-based observation instrument at least once every two years.				
c) Any locality that desires to participate in this grant program must submit a proposal each year to the Virginia Early Childhood Foundation. For the first year, the application must be submitted by August 15. For subsequent years, the application must be submitted by May 15 to align with the Virginia Preschool Initiative timeline. Each application shall identify a lead agency for this program within the locality. The lead agency shall be responsible for developing a local plan for the delivery of quality preschool services to at-risk three- and four-year-old children in private settings that demonstrates the coordination of resources and the combination of funding streams in an effort to serve the greatest number of at-risk children.				
d) The proposal must demonstrate: (i) coordination with all parties necessary for the successful delivery of comprehensive services, including schools, child care providers, local social services agencies, Head Start, local health departments, and other groups identified by the lead agency, (ii) a plan for supporting inclusive practices for children with identified special needs, and (iii) a plan to transition the pilot into a sustainable program that is supported with a similar level of state support as Virginia Preschool Initiative slots.				
e) Local plans must indicate the number of at-risk three- and four-year-old children to be served, and the eligibility criteria for participation in this program shall be consistent with the economic and educational risk factors stated in the current program guidelines that are specific to: (i) family income at or below 200 percent of federal poverty guidelines, (ii) homelessness, (iii) student's parents or guardians are school dropouts, or (iv) family income is above 200 percent but at or below 350 percent of federal poverty guidelines in the case of students with special needs or disabilities. Up to 15 percent of slots may be filled based on locally established eligibility criteria so as to meet the unique needs of at-risk children in the community.				
f) Notwithstanding any provisions of § 22.1-299, Code of Virginia, and in order to achieve the priorities of the Joint Subcommittee on Early Childhood Care and Education for exploring the feasibility of and barriers to mixed delivery preschool systems in Virginia, recipients of a Mixed-Delivery Preschool grant shall be provided maximum flexibility within their respective pilot initiative in order to fully implement the associated goals and objectives of the pilot. Recipients of a Mixed-Delivery Preschool grant and divisions participating in such grant pilot activities shall be exempted from all regulatory and statutory provisions related to teacher licensure requirements and qualifications when paid by public funds within the confines of the Mixed-Delivery Preschool pilot initiative.				
g) Children served by the pilots shall be assigned student identification numbers as provided in § 22.1-287.03 B of the Code of Virginia to evaluate pilot program outcomes and to permit comparison with Virginia Preschool Initiative outcomes.				
h) Pilot providers shall provide information to the Department of Education as necessary to fulfill the reporting requirement established.				
T. This appropriation includes \$500,000 the first year and \$500,000 the second year from the general fund to support ten competitive grants, not to exceed \$50,000 each, for planning the implementation of systemic Elementary, Middle, and/or High School Program Innovation by either individual school divisions or consortia of school divisions or implementing a plan for public pre-kindergarten through Grade 12 School Program Innovation previously approved by				

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the Department of Education. The local applicant(s) selected to conduct this systemic approach to school reform, in consultation with the Department of Education, will develop and plan or implement innovative approaches to engage and to motivate students through personalized learning and instruction leading to demonstrated mastery of content, as well as skills development of career readiness. Essential elements of school innovation include: (1) student centered learning, with progress based on student demonstrated proficiency; (2) 'real-world' connections that promote alignment with community work-force needs and emphasize transition to college and/or career; and (3) varying models for educator supports and staffing. Individual school divisions or consortia will be invited to apply on a competitive basis by submitting a grant application that includes descriptions of key elements of innovations, a detailed budget, expectations for outcomes and student achievement benefits, evaluation methods, and plans for sustainability. The Department of Education will make the final determination of which individual school divisions or consortia of divisions will receive the year-long planning grant for public pre-kindergarten through Grade 12 School Innovation or a grant to implement an Elementary, Middle, and/or High School Program Innovation plan previously approved by the Department of Education. Any school division or consortium of divisions which desires to apply for this competitive grant must submit a proposal to the Department of Education by June 1 preceding the school year in which the planning or implementation for systemic school innovation is to take place.

U. Out of this appropriation, \$100,000 the first year from the general fund is provided to support the Newport News Aviation Academy's four-year high school STEM program, which focuses on piloting, aircraft maintenance, engineering, computers, and electronics.

V. Out of this appropriation, \$15,000 the first year and \$15,000 the second year is provided for grants to school divisions of up to \$5,000 each to explore alternative teacher compensation approaches that move away from tenure-based step increases toward compensation systems based on teacher performance and student progress. Priority will be given to school divisions that have not previously explored alternative compensation approaches and have schools not achieving full accreditation, or that have high numbers of at-risk students needing qualified teachers in hard-to-staff subjects.

W. Out of this appropriation, \$200,000 the first year and \$200,000 the second year from the general fund is provided for STEM Competition Team Grants. Notwithstanding § 22.1-362, Code of Virginia, Paragraph B, grants may not exceed \$5,000 each.

X. Out of this appropriation, \$681,975 the first year and \$681,975 the second year from the general fund is provided to support a multi-platform STEM education engagement program and research study, via the Virginia Air & Space Center.

Y. Out of this appropriation, \$350,000 the first year and \$350,000 the second year from the general fund is provided for executive leadership incentives in the Petersburg City Public Schools to strengthen the impact of division and school level executive leadership on student achievement in the school division. Such incentives may include, but not be limited to, supplements to locally funded salaries, deferred salary compensation, bonuses, housing and commuting supplements, and professional development supplements. The Department of Education shall provide such executive management incentive payments directly to the Petersburg City Public Schools accounts pursuant to a Memorandum of Understanding entered into between the Board of Education and the Petersburg City School Board, which shall cover no less than both years of the biennium and may be amended with the consent of both parties. Such Agreement shall include operational and student achievement metrics and include provisions for the achievement of such metrics as a condition of payment of the incentive funds by the Department of Education. The Department of Education shall provide updates on the Agreement to the Chairmen of the Senate Finance and House Appropriations Committees.

Z. Out of this amount, \$600,000 the first year and \$600,000 the second year from the general fund shall be reserved for school divisions to partner with the Virginia Reading Corps program. The implementation partner shall determine and select partner school divisions. The Virginia Reading Corps shall report annually to the school divisions and Department of Education on the outcomes of this program.

AA. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the

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	general fund is provided for Chesterfield County Public Schools to partner and plan with Virginia State University for the continued development of a College Partnership Laboratory School in support of Etrick Elementary School.			
	BB. Out of this appropriation, \$175,000 the first year from the general fund is provided to establish a Career and Technical Education Vocational Laboratory pilot that will be located within the Virginia Aviation Academy located in the Newport News school division. This vocational-based lab will be developed and focused on advanced, augmented and virtual reality related education.			
	CC. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the general fund is provided for praxis assistance and Virginia Communication and Literacy Assessment assistance for provisionally licensed minority teachers seeking full licensure in Virginia. Grants of up to \$10,000 shall be awarded to school divisions, teacher preparation programs, or nonprofit organizations in all regions of the state to subsidize test fees and the cost of tutoring for provisionally licensed minority teachers seeking full licensure in Virginia.			
	DD. Out of this appropriation, \$391,000 the first year and \$391,000 the second year from the general fund is provided to school divisions to pay for a portion of the vision screening of students in kindergarten, grade two or three and grades seven and ten, pursuant to Chapter 312, 2017 Session Acts of Assembly. Eligible school divisions may receive the state's share of \$7.00 for each student reported in average daily membership and enrolled in kindergarten, grades three, seven and ten and who has received such vision screening test. The Department of Education shall administrator and distribute reimbursements to school divisions and the funding shall be prorated if needed, such that the appropriation is not exceeded. Prioritization shall be given the schools that would most benefit from state assistance in order to provide such vision screening service to students that are eligible for free lunch.			
	EE. Out of this appropriation, \$660,000 the first year and \$660,000 the second year from the general fund is provided for annual grants of \$60,000 to each of the nine regional career and technical centers, Winchester Public Schools' Innovation Center and Norfolk Public Schools' Norfolk Technical Center, to expand workforce readiness education and industry based skills.			
	FF. 1. Out of this appropriation, \$550,000 the first year and \$550,000 the second year from the general fund is provided to CodeVA for the development, marketing, and implementation of high-quality and effective computer science training and professional development activities for public school teachers throughout the Commonwealth for the purpose of improving the computer science literacy of all public school students in the Commonwealth using the Computer Science Standards of Learning For Virginia Public Schools, which were reviewed and endorsed by the Virginia Board of Education in November 2017. The provided funds may be utilized for planning, preparing and materials needed for teacher training sessions provided during the biennium.			
	2. CodeVA shall report, no later than October 1, each year to the Chairmen of the House Education and Senate Education & Health Committees, Secretary of Education and the Superintendent of Public Instruction on its activities in the previous year to support computer science teacher training and curriculum development, including on collaboration with other stakeholders to avoid duplication of efforts.			
	GG. Out of this appropriation, \$1,000,000 the first year from the general fund is provided to the American Civil War Museum to support the advancement of experiential learning opportunities for K-12 students. These funds are intended to support high-quality, off-site learning experiences for students to engage in educational content, aligned to Virginia's Standards of Learning, related to the history of the American Civil War.			
	HH. Out of this appropriation, \$1,300,000 the first year from the general fund is provided to the Black History Museum and Cultural Center of Virginia to support the advancement of experiential learning opportunities for K-12 students. These funds are intended to support high-quality, off-site learning experiences and traveling exhibitions for students to engage in educational content, aligned to Virginia's Standards of Learning, related to African American History.			
	II. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the general fund is provided to the Western Virginia Public Education Consortium. Funds shall be			

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	used to support the consortium's annual job fair and professional development conferences for teachers and administrators from the consortium's 23 member local school divisions.			
	JJ. To strengthen quality and reduce turnover in hard-to-serve preschool classrooms, \$3,000,000 the first year and \$5,000,000 the second year from the general fund shall be used to supplement the Early Childhood Educator Incentive created through the Preschool Development Grant Birth to Five. The Virginia Department of Education shall set the specific guidelines for the program and funds.			
	KK. Out of this appropriation, \$250,000 the first year from the general fund shall be provided for grants to school divisions to encourage active learning for students in pre-kindergarten through the second grade. School divisions seeking to apply for this grant shall submit a proposal to the Department of Education outlining the intended use of funds and a projected number of students to be served. The Department shall establish criteria for awarding these funds. The funds may be used to purchase a platform featuring on-demand adventures that transform math and English Standards of Learning content into movement-rich activities. The Department of Education shall summarize the grants awarded, identifying the recipient school divisions, intended use of funds, and number of students served. Such summary shall be submitted to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by December 1, 2020.			
	LL. Out of this appropriation, \$500,000 each year from the general fund is provided to Blue Ridge PBS for educational outreach programming.			
	MM. Out of this appropriation, \$100,000 the first year from the general fund is provided for the Bonder and Amanda Johnson Community Development Corporation for programming and outreach efforts.			
	NN. Out of this appropriation, \$250,000 the first year and \$250,000 the second year from the general fund is provided for the Brooks Crossing Innovation and Opportunity Center in Newport News to purchase industry-related equipment, training simulators and software to support career training, wealth building, and individual casework.			
	OO. Out of this appropriation, \$250,000 the first year and \$250,000 the second year from the general fund is provided to the Chesterfield County School Board to assist with establishing a recovery high school as a year-round high school with enrollment open to any high school student residing in Superintendent's Region 1 who is in the early stages of recovery from substance use disorder or dependency. Students in the high school will be provided academic, emotional, and social support needed to progress toward earning a high school diploma and reintegrating into a traditional high school setting. The Chesterfield County School Board shall submit a report regarding the planning, implementation, and outcomes of the recovery high school to the Chairs of the House Appropriations and Senate Finance and Appropriations Committee by December 1 each year.			
	PP. Out of this appropriation, \$250,000 the first year from the general fund is provided to Winchester Public Schools for one-time support for furniture and equipment for the renovated Emil and Grace Shihadeh Innovation Center.			
	QQ. Out of this appropriation, \$300,000 the first year from the general fund is provided for a fellowship program administered by the Literacy Lab to place recent high-school graduates of a minority background new to the field of education in VPI or Head Start classrooms of participating local school divisions or community-based early childhood centers to provide evidence based literacy support to at-risk pre-kindergarten students. Such a program must provide training, coaching, and professional development to the fellowship participants, place fellowship participants for at least 800 paid hours within a pre-kindergarten classroom during a school year, work to diversify the educator pipeline, and assist fellowship participants in understanding the teacher education and licensure process in Virginia. Literacy Lab shall partner with school divisions or community-based early childhood centers in Richmond and Portsmouth. Literacy Lab shall report by August 1, 2021 to the Chairs of the House Education and Senate Education and Health Committees, Secretary of Education, and the Superintendent of Public Instruction on its activities to provide training, coaching, and professional development to the fellowship participants, including collaboration with school division partners and community-based			

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early childhood centers, and provide metrics on the success of participants entering the educator pipeline either through employment or a teacher preparation program.				
RR. Out of this appropriation, \$90,000 the first year from the general fund is provided to Newport News Public Schools for the Soundscapes social intervention programs.				
SS. Out of this appropriation, \$1,000,000 the first year and \$1,000,000 the second year from the general fund is provided to support pilot-public partnerships between local school divisions and the Greater Richmond and Central Virginia affiliates of the Virginia Alliance of YMCAs to expand student participation opportunities in existing summer Power Scholars Academies in such partnered school divisions.				
145.	State Education Assistance Programs (17800).....		\$7,827,549,539	\$8,016,751,006
	Standards of Quality for Public Education (SOQ) (17801).....		\$7,827,533,432	\$7,923,143,959
	\$6,715,643,181	\$6,760,121,905		
	\$6,620,415,451	\$6,666,530,687		
	Financial Incentive Programs for Public Education (17802).....		\$399,412,674	\$534,660,025
	\$494,624,297	\$534,644,196		
	Financial Assistance for Categorical Programs (17803).....		\$54,534,287	\$55,864,406
	Distribution of Lottery Funds (17805).....		\$657,959,397	\$666,104,670
	Fund Sources: General.....		\$7,004,595,142	\$7,265,281,336
	\$6,892,751,305	\$7,171,674,289		
	Special.....	\$895,000	\$895,000	
	Commonwealth Transportation.....	\$2,100,000	\$1,470,000	
	Trust and Agency.....	\$819,959,397	\$749,104,670	
	Dedicated Special Revenue.....	\$95,227,730	\$0	
	Federal Trust.....	\$16,600,000	\$0	

Authority: Standards of Quality for Public Education (SOQ) (17801): Article VIII, Section 2, Constitution of Virginia; Chapter 667, Acts of Assembly, 1980; §§ 22.1-176 through 22.1-198, 22.1-199.1, 22.1-199.2, 22.1-213 through 22.1-221, 22.1-227 through 22.1-237, 22.1-253.13:1 through 22.1-253.13:8, 22.1-254.01, Code of Virginia; Title 51.1, Chapters 1, 5, 6.2, 7, and 14, Code of Virginia; P.L. 91-230, as amended; P.L. 93-380, as amended; P.L. 94-142, as amended; P.L. 98-524, as amended, Federal Code.

Financial Incentive Programs for Public Education (17802): §§ 22.1-24, 22.1-289.1 through 22.1-318, Code of Virginia; P.L. 79-396, as amended; P.L. 89-10, as amended; P.L. 89-642, as amended; P.L. 108-265, as amended; Title II P.L. 99-159, as amended, Federal Code.

Financial Assistance for Categorical Programs (17803): Discretionary Inclusion; Treaty of 1677 between Virginia and the Indians; §§ 22.1-3.4, 22.1-108, 22.1-199 through 22.1-212.2:2, 22.1-213 through 22.1-221, 22.1-223 through 22.1-237, 22.1-254, Code of Virginia; P.L. 89-10, as amended; P.L. 91-230, as amended; P.L. 93-380, as amended; P.L. 94-142, as amended; P.L. 94-588; P.L. 95-561, as amended; P.L. 98-211, as amended; P.L. 98-524, as amended; P.L. 99-570; P.L. 100-297, as amended; P.L. 102-73, as amended; P.L. 105-220, as amended, Federal Code.

Distribution of Lottery Funds (17805): §§ 58.1-4022 and 58.1-4022.1, Code of Virginia

Appropriation Detail of Education Assistance Programs (17800)

Standards of Quality (17801)	FY 2021	FY 2022
Basic Aid	\$3,609,565,746	\$3,612,499,672
	\$3,729,638,016	\$3,730,508,454
Sales Tax	\$1,541,700,000	\$1,566,200,000
	\$1,326,400,000	\$1,354,600,000
Textbooks	\$75,370,476	\$75,647,111
Vocational Education	\$62,115,030	\$62,037,147

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Gifted Education	\$37,649,935		\$37,796,975	
Special Education	\$432,323,121		\$433,527,914	
Prevention, Intervention, and Remediation	\$121,073,126		\$121,259,822	
English as a Second Language	\$82,232,407		\$95,145,149	
VRS Retirement (includes RHCC)	\$500,930,006		\$502,639,077	
Social Security	\$214,915,707		\$215,609,194	
Group Life	\$15,142,348		\$15,174,856	
Remedial Summer School	\$22,625,279		\$22,584,988	
Total	\$6,715,643,181		\$6,760,121,905	
	\$6,620,415,451		\$6,666,530,687	
Incentive Programs (17802)				
Compensation Supplement	\$94,322,745		\$191,668,158	
Governor's Schools	\$19,504,533		\$20,130,033	
At-Risk Add-On (split funded)	\$149,902,435		\$173,236,717	
	\$149,886,328		\$173,220,888	
Clinical Faculty	\$318,750		\$318,750	
Career Switcher Mentoring Grants	\$279,983		\$279,983	
Special Education - Endorsement Program	\$437,186		\$437,186	
Special Education – Vocational Education	\$200,089		\$200,089	
Virginia Workplace Readiness Skills Assessment	\$308,655		\$308,655	
Math/Reading Instructional Specialists Initiative	\$1,834,538		\$1,834,538	
Early Reading Specialists Initiative	\$1,476,790		\$1,476,790	
Breakfast After the Bell Incentive	\$1,074,000		\$1,074,000	
School Meals Expansion	\$5,300,000		\$5,300,000	
Virginia Preschool Initiative - Per Pupil Amount	\$97,139,047		\$107,086,043	
Early Childhood Expansion	\$22,691,530		\$26,344,868	
Virginia Preschool Initiative - Provisional Teacher Licensure	\$306,100		\$306,100	
No Loss Funding	\$1,776,174		\$1,973,585	
Enrollment Loss	\$2,540,119		\$2,102,530	
Alleghany County - Covington City School Division Consolidation Incentive	\$0		\$582,000	
COVID-19 Local Relief Payments	\$95,227,730		\$0	
Total	\$399,412,674		\$534,660,025	
	\$494,624,297		\$534,644,196	
Categorical Programs (17803)				
Adult Education	\$1,051,800		\$1,051,800	
Adult Literacy	\$2,480,000		\$2,480,000	
American Indian Treaty Commitment	\$39,795		\$42,938	
School Lunch Program	\$5,801,932		\$5,801,932	
Special Education - Homebound	\$4,934,272		\$4,983,617	
Special Education - Jails	\$3,635,221		\$3,957,457	
Special Education - State Operated Programs	\$36,591,267		\$37,546,662	
Total	\$54,534,287		\$55,864,406	

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Lottery Funded Programs (17805)				
At-Risk Add-On (split funded)	\$58,195,186		\$60,940,599	
	\$58,211,291		\$60,956,428	
Foster Care	\$10,667,347		\$11,528,816	
Special Education - Regional Tuition	\$101,152,929		\$101,152,929	
Early Reading Intervention	\$28,874,557		\$28,952,264	
Mentor Teacher	\$1,000,000		\$1,000,000	
K-3 Primary Class Size Reduction	\$141,698,697		\$141,828,973	
School Breakfast Program	\$7,238,768		\$7,920,136	
SOL Algebra Readiness	\$15,194,903		\$15,239,492	
Infrastructure and Operations Per Pupil Funds	\$262,983,700		\$266,241,801	
Regional Alternative Education	\$9,526,559		\$9,834,814	
Individualized Student Alternative Education Program (ISAEP)	\$2,247,581		\$2,247,581	
Career and Technical Education – Categorical	\$12,400,829		\$12,400,829	
Project Graduation	\$1,387,240		\$1,387,240	
Race to GED (NCLB/EFAL)	\$2,410,988		\$2,410,988	
Path to Industry Certification (NCLB/EFAL)	\$1,831,464		\$1,831,464	
Supplemental Basic Aid	\$1,148,649		\$1,186,744	
	\$1,132,544		\$1,170,915	
Total	\$657,959,397		\$666,104,670	
Technology – VPSA	\$57,533,200		\$57,832,400	
Security Equipment - VPSA	\$12,000,000		\$12,000,000	

Payments out of the above amounts shall be subject to the following conditions:

A. Definitions

1. "March 31 Average Daily Membership," or "March 31 ADM" - The responsible school division's average daily membership for grades K-12 including (1) handicapped students ages 5-21 and (2) students for whom English is a second language who entered school for the first time after reaching their twelfth birthday, and who have not reached twenty-two years of age on or before August 1 of the school year, for the first seven (7) months (or equivalent period) of the school year through March 31 in which state funds are distributed from this appropriation. Preschool and postgraduate students shall not be included in March 31 ADM.

a. School divisions shall take a count of September 30 fall membership and report this information to the Department of Education no later than October 15 of each year.

b. Except as otherwise provided herein, by statute, or by precedent, all appropriations to the Department of Education shall be calculated using March 31 ADM unadjusted for half-day kindergarten programs, estimated at 1,257,188.55 the first year and 1,262,626.85 the second year. March 31 ADM for half-day kindergarten shall be adjusted at 85 percent.

c. Students who are either (i) enrolled in a nonpublic school or (ii) receiving home instruction pursuant to § 22.1-254.1 and who are enrolled in a public school on less than a full-time basis in any mathematics, science, English, history, social science, vocational education, health education or physical education, fine arts or foreign language course, or receiving special education services required by a student's individualized education plan, shall be counted in the funded fall membership and March 31 ADM of the responsible school division. Each course shall be counted as 0.25, up to a cap of 0.5 of a student.

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d. Students enrolled in an Individualized Student Alternative Education Program (ISAEP) pursuant to § 22.1-254 E shall be counted in the March 31 Average Daily Membership of the responsible school division. School divisions shall report these students separately in their March 31 reports of Average Daily Membership.				
2. "Standards of Quality" - Operations standards for grades kindergarten through 12 as prescribed by the Board of Education subject to revision by the General Assembly.				
3.a. "Basic Operation Cost" - The cost per pupil, including provision for the number of instructional personnel required by the Standards of Quality for each school division with a minimum ratio of 51 professional personnel for each 1,000 pupils or proportionate number thereof, in March 31 ADM for the same fiscal year for which the costs are computed, and including provision for driver, gifted, occupational-vocational, and special education, library materials and other teaching materials, teacher sick leave, general administration, division superintendents' salaries, free textbooks (including those for free and reduced price lunch pupils), school nurses, operation and maintenance of school plant, transportation of pupils, instructional television, professional and staff improvement, remedial work, fixed charges and other costs in programs not funded by other state and/or federal aid.				
b. The state and local shares of funding resulting from the support cost calculation for school nurses shall be specifically identified as such and reported to school divisions annually. School divisions may spend these funds for licensed school nurse positions employed by the school division or for licensed nurses contracted by the local school division to provide school health services.				
4.a. "Composite Index of Local Ability-to-Pay" - An index figure computed for each locality. The composite index is the sum of 2/3 of the index of wealth per pupil in unadjusted March 31 ADM reported for the first seven (7) months of the 2017-2018 school year and 1/3 of the index of wealth per capita (population estimates for 2017 as determined by the Weldon Cooper Center for Public Service of the University of Virginia) multiplied by the local nominal share of the costs of the Standards of Quality of 0.45 in each year. The indices of wealth are determined by combining the following constituent index elements with the indicated weighting: (1) true values of real estate and public service corporations as reported by the State Department of Taxation for the calendar year 2017 - 50 percent; (2) adjusted gross income for the calendar year 2017 as reported by the State Department of Taxation - 40 percent; (3) the sales for the calendar year 2017 which are subject to the state general sales and use tax, as reported by the State Department of Taxation - 10 percent. Each constituent index element for a locality is its sum per March 31 ADM, or per capita, expressed as a percentage of the state average per March 31 ADM, or per capita, for the same element. A locality whose composite index exceeds 0.8000 shall be considered as having an index of 0.8000 for purposes of distributing all payments based on the composite index of local ability-to-pay. Each constituent index element for a locality used to determine the composite index of local ability-to-pay for the current biennium shall be the latest available data for the specified official base year provided to the Department of Education by the responsible source agencies no later than November 15, 2019.				
b. For any locality whose total calendar year 2017 Virginia Adjusted Gross Income is comprised of at least 3 percent or more by nonresidents of Virginia, such nonresident income shall be excluded in computing the composite index of ability-to-pay. The Department of Education shall compute the composite index for such localities by using adjusted gross income data which exclude nonresident income, but shall not adjust the composite index of any other localities. The Department of Taxation shall furnish to the Department of Education such data as are necessary to implement this provision.				
c.1) Notwithstanding the funding provisions in § 22.1-25 D, Code of Virginia, additional state funding for future consolidations shall be as set forth in future Appropriation Acts.				
2) In the case of the consolidation of Bedford County and Bedford City school divisions, the fifteen year period for the application of a new composite shall apply beginning with the fiscal year that starts on July 1, 2013. The composite index established by the Board of Education shall equal the lowest composite index that was in effect prior to July 1, 2013, of any individual localities involved in such consolidation, and this index shall remain in				

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<p>effect for a period of fifteen years, unless a lower composite index is calculated for the combined division through the process for computing an index as set forth above.</p>				
<p>3) If the composite index of a consolidated school division is reduced during the course of the fifteen year period to a level that would entitle the school division to a lower interest rate for a Literary Fund loan than it received when the loan was originally released, the Board of Education shall reduce the interest rate of such loan for the remainder of the period of the loan. Such reduction shall be based on the interest rate that would apply at the time of such adjustment. This rate shall remain in effect for the duration of the loan and shall apply only to those years remaining to be paid.</p>				
<p>d.1) When it is determined that a substantial error exists in a constituent index element, the Department of Education will make adjustments in funding for the current school year only in the division where the error occurred. The composite index of any other locality shall not be changed as a result of the adjustment. No adjustment during the biennium will be made as a result of updating of data used in a constituent index element.</p>				
<p>2.) A payment estimated at \$197,155 the first year and \$198,755 the second year from the general fund shall be disbursed to Montgomery County school division for a substantial error in the composite index of the locality for the 2020-2022 biennium. The composite index of any other locality shall not be changed as a result of the adjustment for Montgomery County.</p>				
<p>e. In the event that any school division consolidates two or more small schools, the division shall continue to receive Standards of Quality funding and provide for the required local expenditure for a period of five years as if the schools had not been consolidated. Small schools are defined as any elementary, middle, or high school with enrollment below 200, 300 and 400 students, respectively.</p>				
<p>5. "Required Local Expenditure for the Standards of Quality" - The locality's share based on the composite index of local ability-to-pay of the cost required by all the Standards of Quality minus its estimated revenues from the state sales and use tax dedicated to public education and those sales tax revenues transferred to the general fund from the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund and appropriated in this Item, both of which are returned on the basis of the latest yearly estimate of school age population provided by the Weldon Cooper Center for Public Service, as specified in this Item, collected by the Department of Education and distributed to school divisions in the fiscal year in which the school year begins.</p>				
<p>6. "Required Local Match" - The locality's required share of program cost based on the composite index of local ability-to-pay for all Lottery and Incentive programs, where required, in which the school division has elected to participate in a fiscal year.</p>				
<p>7. "Planning District Eight" - The nine localities which comprise Planning District Eight are Arlington County, Fairfax County, Loudoun County, Prince William County, Alexandria City, Fairfax City, Falls Church City, Manassas City, and Manassas Park City.</p>				
<p>8. "State Share of the Standards of Quality" - The state share of the Standards of Quality (SOQ) shall be equal to the total funded SOQ cost for a school division less the school division's estimated revenues from the state sales and use tax dedicated to public education based on the latest yearly estimate of school age population provided by the Weldon Cooper Center for Public Service, adjusted for the state's share of the composite index of local ability to pay.</p>				
<p>9. Entitlements under this Item that use school-level or division-level Free Lunch eligibility percentages to determine the entitlement amounts are based on the most recent data available as of the biennial rebenchmarking calculations made for the current biennium. For schools that participate in the Community Eligibility Provision program, such entitlements are based on the most recent Free Lunch eligibility data available prior to that school's enrollment in the Community Eligibility Provision program.</p>				
<p>10. In the event that the general fund appropriations in this Item are not sufficient to meet the entitlements payable to school divisions pursuant to the provisions of this Item, the Department of Education is authorized to transfer any available general fund funds between these Items to address such insufficiencies. If the total general fund appropriations after such transfers remain insufficient to meet the entitlements of any program funded with general</p>				

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fund dollars, the Department of Education is authorized to prorate such shortfall proportionately across all of the school divisions participating in any program where such shortfall occurred.

11. The Department of Education is directed to apply a cap on inflation rates in the same manner prescribed in § 51.1-166.B, Code of Virginia, when updating funding to school divisions during the biennial rebenchmarking process.

12. Notwithstanding any other provision in statute or in this Item, the Department of Education is directed to combine the end-of-year Average Daily Membership (ADM) for those school divisions who have partnered together as a fiscal agent division and a contractual division for the purposes of calculating prevailing costs included in the Standards of Quality (SOQ).

13. Notwithstanding any other provision in statute or in this Item, the Department of Education is directed to include zeroes in the linear weighted average calculation of support non-personal costs for the purpose of calculating prevailing costs included in the Standards of Quality (SOQ).

14. Notwithstanding any other provision in statute or in this Item, the Department of Education is directed to eliminate the corresponding and appropriate object code(s) related to reported travel expenditures included the linear weighted average non-personal cost calculations for the purpose of calculating prevailing costs included in the Standards of Quality (SOQ).

15. Notwithstanding any other provision in statute or in this Item, the Department of Education is directed to eliminate the corresponding and appropriate object code(s) related to reported leases and rental and facility expenditures included the linear weighted average non-personal cost calculations for the purpose of calculating prevailing costs included in the Standards of Quality (SOQ).

16. Notwithstanding any other provision in statute or in this Item, the Department of Education is directed to fund transportation costs using a 15 year replacement schedule, which is the national standard guideline, for school bus replacement schedule for the purpose of calculating funded transportation costs included in the Standards of Quality (SOQ).

17. To provide additional flexibility, notwithstanding the provisions of § 22.1-79.1, Code of Virginia, any school division that was granted a waiver regarding the opening date of the school year for the 2011-2012 school year under the good cause requirements shall continue to be granted a waiver for the 2020-2021 school year and the 2021-2022 school year.

18. In the first year, to provide temporary flexibility, notwithstanding any other provision in statute or in this item, school divisions may elect to increase the teacher to pupil staffing ratios in kindergarten through grade 7 and English classes for grades 6 through 12 by one additional student; the teacher to pupil staffing ratio requirements for Elementary Resource teachers, Prevention, Intervention and Remediation, Gifted and Talented, Career and Technical funded programs (other than on Career and Technical courses where school divisions will have to maintain a maximum class size based on federal Occupational Safety & Health Administration safety requirements) are waived; and the instructional and support technology positions, and librarian staffing ratios for new hires are waived.

In the first year, school divisions shall report to the Board of Education the number and type of positions that were not filled in the previous school year and during the current school year through these flexibility provisions. The Board of Education shall include a compilation of such responses in its report on the conditions and needs of public education in the Commonwealth, that is required to be submitted to the Governor and General Assembly no later than December 1, as referenced in §§ 22.1-18 and 22.1-253.13:8 of the Code of Virginia.

B. General Conditions

1. The Standards of Quality cost in this Item related to fringe benefits shall be limited for instructional staff members to the employer's cost for a number not exceeding the number

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of instructional positions required by the Standards of Quality for each school division and for their salaries at the statewide prevailing salary levels as printed below.

Instructional Position	First Year Salary	Second Year Salary
Elementary Teachers	\$51,371	\$51,371
Elementary Assistant Principals	\$71,532	\$71,532
Elementary Principals	\$89,378	\$89,378
Secondary Teachers	\$53,777	\$53,777
Secondary Assistant Principals	\$77,181	\$77,181
Secondary Principals	\$99,215	\$99,215
Instructional Aides	\$18,995	\$18,995

a.1) Payment by the state to a local school division shall be based on the state share of fringe benefit costs of 55 percent of the employer's cost distributed on the basis of the composite index.

2) A locality whose composite index exceeds 0.8000 shall be considered as having an index of 0.8000 for purposes of distributing fringe benefit funds under this provision.

3) The state payment to each school division for retirement, social security, and group life insurance costs for non-instructional personnel is included in and distributed through Basic Aid.

b. Payments to school divisions from this Item shall be calculated using March 31 Average Daily Membership adjusted for half-day kindergarten programs.

c. Payments for health insurance fringe benefits are included in and distributed through Basic Aid.

2. Each locality shall offer a school program for all its eligible pupils which is acceptable to the Department of Education as conforming to the Standards of Quality program requirements.

3. In the event the statewide number of pupils in March 31 ADM results in a state share of cost exceeding the general fund appropriation in this Item, the locality's state share of Basic Aid shall be reduced proportionately so that this general fund appropriation will not be exceeded. In addition, the required local share of Basic Aid shall also be reduced proportionately to the reduction in the state's share.

4. The Department of Education shall make equitable adjustments in the computation of indices of wealth and in other state-funded accounts for localities affected by annexation, unless a court of competent jurisdiction makes such adjustments. However, only the indices of wealth and other state-funded accounts of localities party to the annexation will be adjusted.

5. In the event that the actual revenues from the state sales and use tax dedicated to public education and those sales tax revenues transferred to the general fund from the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund and appropriated in this Item (both of which are returned on the basis of the latest yearly estimate of school age population provided by the Weldon Cooper Center for Public Service) for sales in the fiscal year in which the school year begins are different from the number estimated as the basis for this appropriation, the estimated state sales and use tax revenues shall not be adjusted.

6. This appropriation shall be apportioned to the public schools with guidelines established by the Department of Education consistent with legislative intent as expressed in this act.

7.a. Appropriations of state funds in this Item include the number of positions required by the Standards of Quality. This Item includes a minimum of 51 professional instructional positions and aide positions (C 5); Education of the Gifted, 1.0 professional instructional position (C 6); Occupational-Vocational Education Payments and Special Education Payments; a minimum of 6.0 professional instructional positions and aide positions (C 7 and C 8) for each 1,000 pupils in March 31 ADM each year in support of the current Standards of Quality. Funding in support of one hour of additional instruction per day based on the percent of students eligible for the federal free lunch program with a pupil-teacher ratio range of 18:1 to 10:1, depending

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<p>upon a school division's combined failure rate on the English and Math Standards of Learning, is included in Remedial Education Payments (C 9).</p>				
<p>b. No actions provided in this section signify any intent of the General Assembly to mandate an increase in the number of instructional personnel per 1,000 students above the numbers explicitly stated in the preceding paragraph.</p>				
<p>c. Appropriations in this Item include programs supported in part by transfers to the general fund from the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund pursuant to Part 3 of this Act. These transfers combined together with other appropriations from the general fund in this Item funds the state's share of the following revisions to the Standards of Quality pursuant to Chapters 939 & 955 of the Acts of Assembly of 2004: five elementary resource teachers per 1,000 students; one support technology position per 1,000 students; one instructional technology position per 1,000 students; and a full daily planning period for teachers at the middle and high school levels in order to relieve the financial pressure these education programs place on local real estate taxes.</p>				
<p>d. To provide flexibility, school divisions may use the state and local funds for instructional technology resource teachers required by the Standards of Quality to employ a data coordinator position, an instructional technology resource teacher position, or a data coordinator/instructional resource teacher blended position. The data coordinator position is intended to serve as a resource to principals and classroom teachers in the area of data analysis and interpretation for instructional and school improvement purposes, as well as for overall data management and administration of state assessments. School divisions using these SOQ funds in this manner shall only employ instructional personnel licensed by the Board of Education.</p>				
<p>e. To provide flexibility in the provision of reading intervention services, school divisions may use the state Early Reading Intervention initiative funding provided from the Lottery Proceeds Fund and the required local matching funds to employ reading specialists to provide the required reading intervention services. School divisions using the Early Reading Intervention Initiative funds in this manner shall only employ instructional personnel licensed by the Board of Education.</p>				
<p>f. To provide flexibility in the provision of mathematics intervention services, school divisions may use the state Standards of Learning Algebra Readiness initiative funding provided from the Lottery Proceeds Fund and the required local matching funds to employ mathematics teacher specialists to provide the required mathematics intervention services. School divisions using the Standards of Learning Algebra Readiness initiative funding in this manner shall only employ instructional personnel licensed by the Board of Education.</p>				
<p>g. Notwithstanding the provisions of subsection H of § 22.1-253.13:2, Code of Virginia, each school board shall employ the following full-time equivalent school counselor positions for any school that reports fall membership, according to the type of school and student enrollment: in elementary schools, one hour per day per 91 students, one full-time at 455 students, one hour per day additional time per 91 students or major fraction thereof; in middle schools, one period per 74 students, one full-time at 370 students, one additional period per 74 students or major fraction thereof; in high schools, one period per 65 students, one full-time at 325 students, one additional period per 65 students or major fraction thereof.</p>				
<p>8.a.1) Pursuant to § 22.1-97, Code of Virginia, the Department of Education is required to make calculations at the start of the school year to ensure that school divisions have appropriated adequate funds to support their estimated required local expenditure for the corresponding state fiscal year. In an effort to reduce the administrative burden on school divisions resulting from state data collections, such as the one needed to make the aforementioned calculations, the requirements of § 22.1-97, Code of Virginia, pertaining to the adequacy of estimated required local expenditures, shall be satisfied by signed certification by each division superintendent at the beginning of each school year that sufficient local funds have been budgeted to meet all state required local effort and required local match amounts. This provision shall only apply to calculations required of the Department of Education related to estimated required local expenditures and shall not pertain to the calculations associated with actual required local expenditures after the close</p>				

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of the school year.				
2) The Department of Education shall also make calculations after the close of the school year to verify that the required local effort level, based on actual March 31 Average Daily Membership, was met. Pursuant to § 22.1-97, Code of Virginia, the Department of Education shall report annually, no later than the first day of the General Assembly session, to the House Committees on Education and Appropriations and the Senate Committees on Finance and Education and Health, the results of such calculations made after the close of the school year and the degree to which each school division has met, failed to meet, or surpassed its required local expenditure. The Department of Education shall specify the calculations to determine if a school division has expended its required local expenditure for the Standards of Quality. This calculation may include but is not limited to the following calculations:				
b. The total expenditures for operation, defined as total expenditures less all capital outlays, expenditures for debt service, facilities, non-regular day school programs (such as adult education, preschool, and non-local education programs), and any transfers to regional programs will be calculated.				
c. The following state funds will be deducted from the amount calculated in paragraph a. above: revenues from the state sales and use tax (returned on the basis of the latest yearly estimate of school age population provided by the Weldon Cooper Center for Public Service, as specified in this Item) for sales in the fiscal year in which the school year begins; total receipts from state funds (except state funds for non-regular day school programs and state funds used for capital or debt service purposes); and the state share of any balances carried forward from the previous fiscal year. Any qualifying state funds that remain unspent at the end of the fiscal year will be added to the amount calculated in paragraph a. above.				
d. Federal funds, and any federal funds carried forward from the previous fiscal year, will also be deducted from the amount calculated in paragraph a. above. Any federal funds that remain unspent at the end of the fiscal year and any capital expenditures paid from federal funds will be added to the amount calculated in paragraph a. above.				
e. Tuition receipts, receipts from payments from other cities or counties, and fund transfers will also be deducted from the amount calculated in paragraph a, then				
f. The final amount calculated as described above must be equal to or greater than the required local expenditure defined in paragraph A. 5.				
g. The Department of Education shall collect the data necessary to perform the calculations of required local expenditure as required by this section.				
h. A locality whose expenditure in fact exceeds the required amount from local funds may not reduce its expenditures unless it first complies with all of the Standards of Quality.				
9.a. Any required local matching funds which a locality, as of the end of a school year, has not expended, pursuant to this Item, for the Standards of Quality shall be paid by the locality into the general fund of the state treasury. Such payments shall be made not later than the end of the school year following that in which the under expenditure occurs.				
b. Whenever the Department of Education has recovered funds as defined in the preceding paragraph a., the Secretary of Education is authorized to repay to the locality affected by that action, seventy-five percent (75%) of those funds upon his determination that:				
1) The local school board agrees to include the funds in its June 30 ending balance for the year following that in which the under expenditure occurs;				
2) The local governing body agrees to reappropriate the funds as a supplemental appropriation to the approved budget for the second year following that in which the under expenditure occurs, in an appropriate category as requested by the local school board, for the direct benefit of the students;				
3) The local school board agrees to expend these funds, over and above the funds required to meet the required local expenditure for the second year following that in which the under expenditure occurs, for a special project, the details of which must be furnished to the Department of Education for review and approval;				

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4) The local school board agrees to submit quarterly reports to the Department of Education on the use of funds provided through this project award; and				
5) The local governing body and the local school board agree that the project award will be cancelled and the funds withdrawn if the above conditions have not been met as of June 30 of the second year following that in which the under expenditure occurs.				
c. There is hereby appropriated, for the purposes of the foregoing repayment, a sum sufficient, not to exceed 75 percent of the funds deposited in the general fund pursuant to the preceding paragraph a.				
10. The Department of Education shall specify the manner for collecting the required information and the method for determining if a school division has expended the local funds required to support the actual local match based on all Lottery and Incentive programs in which the school division has elected to participate. Unless specifically stated otherwise in this Item, school divisions electing to participate in any Lottery or Incentive program that requires a local funding match in order to receive state funding, shall certify to the Department of Education its intent to participate in each program by July 1 each fiscal year in a manner prescribed by the Department of Education. As part of this certification process, each division superintendent must also certify that adequate local funds have been appropriated, above the required local effort for the Standards of Quality, to support the projected required local match based on the Lottery and Incentive programs in which the school division has elected to participate. State funding for such program(s) shall not be made until such time that the school division can certify that sufficient local funding has been appropriated to meet required local match. The Department of Education shall make calculations after the close of the fiscal year to verify that the required local match was met based on the state funds that were received.				
11. Any sum of local matching funds for Lottery and Incentive program which a locality has not expended as of the end of a fiscal year in support of the required local match pursuant to this Item shall be paid by the locality into the general fund of the state treasury unless the carryover of those unspent funds is specifically permitted by other provisions of this act. Such payments shall be made no later than the end of the school year following that in which the under expenditure occurred.				
12. The Superintendent of Public Instruction shall provide a report annually, no later than the first day of the General Assembly session, on the status of teacher salaries, by local school division, to the Governor and the Chairmen of the Senate Finance and House Appropriations Committees. In addition to information on average salaries by school division and statewide comparisons with other states, the report shall also include information on starting salaries by school division and average teacher salaries by school.				
13. All state and local matching funds required by the programs in this Item shall be appropriated to the budget of the local school board.				
14. By November 15 of each year, the Department of Planning and Budget, in cooperation with the Department of Education, shall prepare and submit a preliminary forecast of Standards of Quality expenditures, based upon the most current data available, to the Chairmen of the House Appropriations and Senate Finance Committees. In odd-numbered years, the forecast for the current and subsequent two fiscal years shall be provided. In even-numbered years, the forecast for the current and subsequent fiscal year shall be provided. The forecast shall detail the projected March 31 Average Daily Membership and the resulting impact on the education budget.				
15. School divisions may choose to use state payments provided for Standards of Quality Prevention, Intervention, and Remediation in both years as a block grant for remediation purposes, without restrictions or reporting requirements, other than reporting necessary as a basis for determining funding for the program.				
16. Except as otherwise provided in this act, the Superintendent of Public Instruction shall provide guidelines for the distribution and expenditure of general fund appropriations and such additional federal, private and other funds as may be made available to aid in the establishment and maintenance of the public schools.				
17. At the Department of Education's option, fees for audio-visual services may be				

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deducted from state Basic Aid payments for individual local school divisions.				
18. For distributions not otherwise specified, the Department of Education, at its option, may use prior year data to calculate actual disbursements to individual localities.				
19. Payments for accounts related to the Standards of Quality made to localities for public education from the general fund, as provided herein, shall be payable in twenty-four semi-monthly installments at the middle and end of each month.				
20. Notwithstanding § 58.1-638 D., Code of Virginia, and other language in this Item, the Department of Education shall, for purposes of calculating the state and local shares of the Standards of Quality, apportion state sales and use tax dedicated to public education and those sales tax revenues transferred to the general fund from the Public Education Standards of Quality/ Local Real Estate Property Tax Relief Fund in the first year based on the July 1, 2018, estimate of school age population provided by the Weldon Cooper Center for Public Service and, in the second year, based on the July 1, 2019, estimate of school age population provided by the Weldon Cooper Center for Public Service.				
Notwithstanding § 58.1-638 D., Code of Virginia, and other language in this Item, the State Comptroller shall distribute the state sales and use tax revenues dedicated to public education and those sales tax revenues transferred to the general fund from the Public Education Standards of Quality/ Local Real Estate Property Tax Relief Fund in the first year based on the July 1, 2018, estimate of school age population provided by the Weldon Cooper Center for Public Service and, in the second year, based on the July 1, 2019, estimate of school age population provided by the Weldon Cooper Center for Public Service.				
21. The school divisions within the Tobacco Region, as defined by the Tobacco Indemnification and Community Revitalization Commission, shall jointly explore ways to maximize their collective expenditure reimbursement totals for all eligible E-Rate funding.				
22. This Item includes appropriations totaling an estimated \$657,959,397 the first year and \$666,104,670 the second year from the revenues deposited to the Lottery Proceeds Fund. These amounts are appropriated for distribution to counties, cities, and towns to support public education programs pursuant to Article X, Section 7-A Constitution of Virginia. Any county, city, or town which accepts a distribution from this fund shall provide its portion of the cost of maintaining an educational program meeting the Standards of Quality pursuant to Section 2 of Article VIII of the Constitution without the use of distributions from the fund.				
23. For reporting purposes, the Department of Education shall include Lottery Proceeds Funds as state funds.				
24.a. Any locality that has met its required local effort for the Standards of Quality accounts for FY 2021 and that has met its required local match for incentive or Lottery-funded programs in which the locality elected to participate in FY 2021 may carry over into FY 2022 any remaining state Direct Aid to Public Education fund balances available to help minimize any FY 2022 revenue adjustments that may occur in state funding to that locality. Localities electing to carry forward such unspent state funds must appropriate the funds to the school division for expenditure in FY 2022.				
b. Any locality that has met its required local effort for the Standards of Quality accounts for FY 2022 and that has met its required local match for incentive or Lottery-funded programs in which the locality elected to participate in FY 2022 may carry over into FY 2023 any remaining state Direct Aid to Public Education fund balances available to help minimize any FY 2023 revenue adjustments that may occur in state funding to that locality. Localities electing to carry forward such unspent state funds must appropriate the funds to the school division for expenditure in FY 2023.				
25. Localities are encouraged to allow school boards to carry over any unspent local allocations into the next fiscal year. Localities are also encouraged to provide increased flexibility to school boards by appropriating state and local funds for public education in a lump sum.				
26. The Department of Education shall include in the annual School Performance Report Card for school divisions the percentage of each division's annual operating budget allocated to instructional costs. For this report, the Department of Education shall establish a methodology				

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for allocating each school division's expenditures to instructional and non-instructional costs in a manner that is consistent with the funding of the Standards of Quality as approved by the General Assembly.

27. It is the intent of the General Assembly that all school divisions annually provide their employees, upon request, with a user-friendly statement of total compensation, including contract duration if less than 12 months.

28. The Department of Education, in collaboration with the Virginia Community College System, will ensure that the same policies regarding the cost for dual enrollment courses held at a community college, are consistently applied to public school students and home-schooled students alike. These policies will clearly address the school division contributions and any student charges for dual enrollment courses, and will ensure that public school students and home-school students are treated in the same manner.

29. Each school division shall report each year to the Department of Education the individual uses for the prior year of the following funds prescribed by this item: (i) Prevention, Intervention, and Remediation, (ii) At-Risk Add-On, and (iii) Early Reading Intervention. The Department shall prescribe the format and timeline required for the reporting of such information, which shall include, permitted categories of spending, personnel, both state and local contributions, and to the extent possible, the individual schools which these funds were expended. The Department shall compile and submit this information to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees no later than the first day of the General Assembly session.

30. In the first year only, the Department of Education shall not reduce semi-monthly payments to school divisions due to mid-year adjustments to ADM projections. Semi-monthly payments occurring after the final calculation of March 31 ADM shall be adjusted to address changes in membership that occur throughout the school year. It is the intent of the General Assembly that this is a one-time action to address fluctuating enrollment resulting from the COVID-19 emergency.

C. Apportionment

1. Subject to the conditions stated in this paragraph and in paragraph B of this Item, each locality shall receive sums as listed above within this program for the basic operation cost and payments in addition to that cost. The apportionment herein directed shall be inclusive of, and without further payment by reason of, state funds for library and other teaching materials.

2. School Employee Retirement Contributions

a. This Item provides funds to each local school board for the state share of the employer's retirement cost incurred by it, on behalf of instructional and support personnel, for subsequent transfer to the retirement allowance account as provided by Title 51.1, Chapter 1, Code of Virginia.

b. Notwithstanding § 51.1-1401, Code of Virginia, the Commonwealth shall provide payments for only the state share of the Standards of Quality fringe benefit cost of the retiree health care credit. This Item includes payments in both years based on the state share of fringe benefit costs of 55 percent of the employer's cost on funded Standards of Quality instructional and support positions, distributed based on the composite index of the local ability-to-pay.

3. School Employee Social Security Contributions

a. This Item provides funds to each local school board for the state share of the employer's Social Security cost incurred by it, on behalf of the instructional personnel for subsequent transfer to the Contribution Fund pursuant to Title 51.1, Chapter 7, Code of Virginia.

b. Appropriations for contributions in paragraphs 2 and 3 above include payments from funds derived from the principal of the Literary Fund in accordance with Article VIII, Section 8, of the Constitution of Virginia. The amounts set aside from the Literary Fund for these purposes shall not exceed \$162,000,000 the first year and \$83,000,000 the second year.

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4. School Employee Insurance Contributions				
<p>This Item provides funds to each local school board for the state share of the employer's Group Life Insurance cost incurred by it on behalf of instructional personnel who participate in group insurance under the provisions of Title 51.1, Chapter 5, Code of Virginia.</p>				
5. Basic Aid Payments				
<p>a.1) A state share of the Basic Operation Cost, which cost per pupil in March 31 ADM is established individually for each local school division based on the number of instructional personnel required by the Standards of Quality and the statewide prevailing salary levels (adjusted in Planning District Eight for the cost of competing) as well as recognized support costs calculated on a prevailing basis for an estimated March 31 ADM.</p>				
<p>2) This appropriation includes funding to recognize the common labor market in the Washington-Baltimore-Northern Virginia, DC-MD-VA-WV Combined Statistical Area. Standards of Quality salary payments for instructional and support positions in school divisions of the localities set out below have been adjusted for the equivalent portion of the Cost of Competing Adjustment (COCA) rates that are paid to local school divisions in Planning District Eight. For the counties of Stafford, Fauquier, Spotsylvania, Clarke, Warren, Frederick, and Culpeper and the Cities of Fredericksburg and Winchester, the SOQ payments for instructional and support positions have been increased by 25 percent each year of the COCA rates paid to school divisions in Planning District Eight.</p>				
<p>The support COCA rate is 16.0 percent.</p>				
<p>b. The state share for a locality shall be equal to the Basic Operation Cost for that locality less the locality's estimated revenues from the state sales and use tax (returned on the basis of the latest yearly estimate of school age population provided by the Weldon Cooper Center for Public Service, as specified in this Item), in the fiscal year in which the school year begins and less the required local expenditure.</p>				
<p>c. For the purpose of this paragraph, the Department of Taxation's fiscal year sales and use tax estimates are as cited in this Item.</p>				
<p>d. 1) In accordance with the provisions of § 37.2-713, Code of Virginia, the Department of Education shall deduct the locality's share for the education of handicapped pupils residing in institutions within the Department of Behavioral Health and Developmental Services from the locality's Basic Aid payments.</p>				
<p>2) The amounts deducted from Basic Aid for the education of intellectually disabled persons shall be transferred to the Department of Behavioral Health and Developmental Services in support of the cost of educating such persons; the amount deducted from Basic Aid for the education of emotionally disturbed persons shall be used to cover extraordinary expenses incurred in the education of such persons. The Department of Education shall establish guidelines to implement these provisions and shall provide for the periodic transfer of sums due from each local school division to the Department of Behavioral Health and Developmental Services and for Special Education categorical payments. The amount of the actual transfers will be based on data accumulated during the prior school year.</p>				
<p>e. 1) The apportionment to localities of all driver education revenues received during the school year shall be made as an undesignated component of the state share of Basic Aid in accordance with the provisions of this Item. Only school divisions complying with the standardized program established by the Board of Education shall be entitled to participate in the distribution of state funds appropriated for driver education. The Department of Education will deduct a designated amount per pupil from a school division's Basic Aid payment when the school division is not in compliance with § 22.1-205 C, Code of Virginia. Such amount will be computed by dividing the current appropriation for the Driver Education Fund by actual March 31 ADM.</p>				
<p>2) Local school boards may charge a per pupil fee for behind-the-wheel driver education provided, however, that the fee charged plus the per pupil basic aid reimbursement for driver education shall not exceed the actual average per pupil cost. Such fees shall not be cause for a pro rata reduction in Basic Aid payments to school divisions.</p>				

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f. Textbooks				
<p>1) The appropriation in this Item includes \$75,370,476 the first year and \$75,647,111 the second year from the general fund as the state's share of the cost of textbooks based on a per pupil amount of \$107.47 the first year and \$107.47 the second year. A school division shall appropriate these funds for textbooks or any other public education instructional expenditure by the school division. The state's distributions for textbooks shall be based on adjusted March 31 ADM. These funds shall be matched by the local government, based on the composite index of local ability-to-pay.</p>				
<p>2) School divisions shall provide free textbooks to all students.</p>				
<p>3) School divisions may use a portion of this funding to purchase Standards of Learning instructional materials. School divisions may also use these funds to purchase electronic textbooks or other electronic media resources integral to the curriculum and classroom instruction and the technical equipment required to read and access the electronic textbooks and electronic curriculum materials.</p>				
<p>4) Any funds provided to school divisions for textbook costs that are unexpended as of June 30, 2021, or June 30, 2022, shall be carried on the books of the locality to be appropriated to the school division the following year to be used for same purpose. School divisions are permitted to carry forward any remaining balance of textbook funds until the funds are expensed for a qualifying purpose.</p>				
<p><i>5) Notwithstanding any other provision in statute or in this item, to provide temporary flexibility in the first year, school divisions may elect to use textbook payments to address costs incurred as a result of reopening schools that were closed due to the COVID-19 pandemic or to support virtual learning needs in school divisions that have not fully reopened to in-person instruction. Such costs may include, but are not limited to cleaning supplies, personal protective equipment, reduced class sizes to meet social distancing guidelines, technology needs and internet access. No local match is required to receive these state funds in the first year only and such local match shall be excluded from the determination of required local effort in the first year pursuant to Item 145.B.8. of this act, and § 22.1-97, Code of Virginia.</i></p>				
<p>g. The one-cent state sales and use tax earmarked for education and the sales tax revenues transferred to the general fund from the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund and appropriated in this Item which are distributed to localities on the basis of the latest yearly estimate of school age population provided by the Weldon Cooper Center for Public Service as specified in this Item shall be reflected in each locality's annual budget for educational purposes as a separate revenue source for the current fiscal year.</p>				
<p>h. The appropriation for the Standards of Quality for Public Education (SOQ) includes amounts estimated at \$426,900,000 \$365,700,000 the first year and \$433,700,000 \$375,900,000 the second year from the amounts transferred to the general fund from the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund pursuant to Part 3 of this act which are derived from the 0.375 cent increase in the state sales and use tax levied pursuant to § 58.1-638, Code of Virginia. These additional funds are provided to local school divisions and local governments in order to relieve the financial pressure education programs place on local real estate taxes.</p>				
<p>i. From the total amounts in paragraph h. above, an amount estimated at \$284,600,000 \$243,800,000 the first year and \$289,200,000 \$250,600,000 the second year (approximately 1/4 cent of sales and use tax) is appropriated to support a portion of the cost of the state's share of the following revisions to the Standards of Quality pursuant to Chapters 939 & 955 of the Acts of Assembly of 2004: five elementary resource teachers per 1,000 students; one support and one instructional technology position per 1,000 students; a full daily planning period for teachers at the middle and high school levels in order to relieve the pressure on local real estate taxes and shall be taken into account by the governing body of the county, city, or town in setting real estate tax rates.</p>				
<p>j. From the total amounts in paragraph h. above, an amount estimated at \$142,300,000 \$125,300,000 the first year and \$144,600,000 \$121,900,000 the second year</p>				

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<p>(approximately 1/8 cent of sales and use tax) is appropriated in this Item to distribute the remainder of the revenues collected and deposited into the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund on the basis of the latest yearly estimate of school age population provided by the Weldon Cooper Center for Public Service as specified in this Item.</p>				
<p>k. For the purposes of funding certain support positions in Basic Aid, a funding ratio methodology is used based upon the prevailing ratio of actual support positions, consistent with those recognized for SOQ funding, to actual instructional positions, consistent with those recognized for SOQ funding, as established in Chapter 781, 2009 Acts of Assembly. For the purposes of making the required spending adjustments, the appropriation and distribution of Basic Aid shall reflect this methodology. Local school divisions shall have the discretion as to where the adjustment may be made, consistent with the Standards of Quality funded in this Act.</p>				
<p>6. Education of the Gifted Payments</p>				
<p>a. An additional payment shall be disbursed by the Department of Education to local school divisions to support the state share of one full-time equivalent instructional position per 1,000 students in adjusted March 31 ADM.</p>				
<p>b. Local school divisions are required to spend, as part of the required local expenditure for the Standards of Quality the established per pupil cost for gifted education (state and local share) on approved programs for the gifted.</p>				
<p>7. Occupational-Vocational Education Payments</p>				
<p>a. An additional payment shall be disbursed by the Department of Education to the local school divisions to support the state share of the number of Vocational Education instructors required by the Standards of Quality. These funds shall be disbursed on the same basis as the payment is calculated.</p>				
<p>b. An amount estimated at \$129,097,464 the first year and \$129,160,173 the second year from the general fund included in Basic Aid Payments relates to vocational education programs in support of the Standards of Quality.</p>				
<p>8. Special Education Payments</p>				
<p>a. An additional payment shall be disbursed by the Department of Education to the local school divisions to support the state share of the number of Special Education instructors required by the Standards of Quality. These funds shall be disbursed on the same basis as the payment is calculated.</p>				
<p>b. Out of the amounts for special education payments, general fund support is provided to fund the caseload standards for speech pathologists at 68 students for each year of the biennium.</p>				
<p>9. Remedial Education Payments</p>				
<p>a. An additional payment estimated at \$121,073,126 the first year and \$121,259,822 the second year from the general fund shall be disbursed by the Department of Education to support the Board of Education's Standards of Quality Prevention, Intervention, and Remediation program adopted in June 2003.</p>				
<p>b. The payment shall be calculated based on one hour of additional instruction per day for identified students, using the three year average percent of students eligible for the federal Free Lunch program as a proxy for students needing such services. Fall membership shall be multiplied by the three year average division-level Free Lunch eligibility percentage to determine the estimated number of students eligible for services. Pupil-teacher ratios shall be applied to the estimated number of eligible students to determine the number of instructional positions needed for each school division. The pupil-teacher ratio applied for each school division shall range from 10:1 for those divisions with the most severe combined three year average failure rates for English and math Standards of Learning test scores to 18:1 for those divisions with the lowest combined three year average failure rates for English and math Standards of Learning test scores.</p>				

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c. Funding shall be matched by the local government based on the composite index of local ability-to-pay.				
d. To provide flexibility in the instruction of English Language Learners who have limited English proficiency and who are at risk of not meeting state accountability standards, school divisions may use state and local funds from the SOQ Prevention, Intervention, and Remediation account to employ additional English Language Learner teachers to provide instruction to identified limited English proficiency students. Using these funds in this manner is intended to supplement the instructional services provided through the staffing standard of 20 instructional positions per 1,000 limited English proficiency students. School divisions using the SOQ Prevention, Intervention, and Remediation funds in this manner shall only employ instructional personnel licensed by the Board of Education.				
e. An additional state payment estimated at \$149,902,435 \$149,886,328 the first year and \$173,236,747 \$173,220,888 the second year from the general fund and \$58,195,186 \$58,211,291 the first year and \$60,940,599 \$60,956,428 the second year from the Lottery Proceeds Fund shall be disbursed based on the estimated number of federal Free Lunch participants, in support of programs for students who are educationally at risk. The additional payment shall be based on the state share of:				
1) A minimum 1.0 percent Add-On, as a percent of the per pupil basic aid cost, for each child who qualifies for the federal Free Lunch Program; and				
2) An addition to the Add-On, based on the concentration of children qualifying for the federal Free Lunch Program. Based on its percentage of Free Lunch participants, each school division will receive a total between 1.0 and 23.0 percent in the first year and between 1.0 and 26.0 percent in the second year in additional basic aid per Free Lunch participant. These funds shall be matched by the local government, based on the composite index of local ability-to-pay.				
3a) Local school divisions are required to spend the established At-Risk Add-On payment (state and local share) on approved programs for students who are educationally at risk.				
b) To receive these funds, each school division shall certify to the Department of Education that the state and local share of the At-Risk Add-On payment will be used to support approved programs for students who are educationally at risk. These programs may include: teacher recruitment programs and incentives, Dropout Prevention, community and school-based truancy officer programs, Advancement Via Individual Determination (AVID), Project Discovery, Reading Recovery, programs for students who speak English as a Second Language, hiring additional school guidance counselors, testing coordinators, and licensed behavior analysts, or programs related to increasing the success of disadvantaged students in completing a high school degree and providing opportunities to encourage further education and training. Further, in the first year only each school division shall report by August 1 to the Department the individual uses of these funds. The Department shall compile the responses and provide them to the Chairmen of House Appropriations and Senate Finance Committees no later than the first day of each Regular General Assembly Session.				
4) If the Board of Education has required a local school board to submit a corrective action plan pursuant to § 22.1-253.13:3, Code of Virginia, either for the school division pursuant to a division level review, or for any schools within its division that have been designated as not meeting the standards as approved by the Board of Education, the Superintendent of Public Instruction shall determine and report to the Board of Education whether each such local school board has met its obligation to develop and submit such corrective action plan(s) and is making adequate and timely progress in implementing the plan(s). Additionally, if an academic or other review process undertaken pursuant to § 22.1-253.13:3, Code of Virginia, has identified actions for a local school board to implement, the Superintendent of Public Instruction shall determine and report to the Board of Education whether the local school board has implemented required actions. If the Superintendent certifies that a local school board has failed or refused to meet any of those obligations as referenced in a memorandum of understanding between the local school board and the Board of Education, the Board of Education shall withhold payment of some or all At-Risk Add-On funds otherwise allocated to the affected division pursuant to this allocation for the pending fiscal year. In determining the amount of At-Risk Add-				

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<p>On funds to be withheld, the Board of Education shall take into consideration the extent to which such funds have already been expended or contractually obligated. The local school board shall be given an opportunity to correct its failure and, if successful in a timely manner, may have some or all of its At-Risk Add-On funds restored at the Board of Education's discretion.</p>				
<p>f. Regional Alternative Education Programs</p>				
<p>1) An additional state payment of \$9,526,559 the first year and \$9,834,814 the second year from the Lottery Proceeds Fund shall be disbursed for Regional Alternative Education programs. Such programs shall be for the purpose of educating certain expelled students and, as appropriate, students who have received suspensions from public schools and students returned to the community from the Department of Juvenile Justice.</p>				
<p>2) Each regional program shall have a small student/staff ratio. Such staff shall include, but not be limited to education, mental health, health, and law enforcement professionals, who will collaborate to provide for the academic, psychological, and social needs of the students. Each program shall be designed to ensure that students make the transition back into the "mainstream" within their local school division.</p>				
<p>3) a) Regional alternative education programs are funded through this Item based on the state's share of the incremental per pupil cost for providing such programs. This incremental per pupil payment shall be adjusted for the composite index of local ability-to-pay of the school division that counts such students attending such program in its March 31 Average Daily Membership. It is the intent of the General Assembly that this incremental per pupil amount be in addition to the basic aid per pupil funding provided to the affected school division for such students. Therefore, local school divisions are encouraged to provide the appropriate portion of the basic aid per pupil funding to the regional programs for students attending these programs, adjusted for costs incurred by the school division for transportation, administration, and any portion of the school day or school year that the student does not attend such program.</p>				
<p>b) In the event a school division does not use all of the student slots it is allocated under this program, the unused slots may be reallocated or transferred to another school division.</p>				
<p>1. A school division must request from the Department of Education the availability and possible use of any unused student slots. If any unused slots are available and if the requesting school division chooses to utilize any of the unused slots, the requesting school division shall only receive the state's share of tuition for the unused slot that was allocated in this Item for the originally designated school division.</p>				
<p>2. However, no requesting school division shall receive more tuition funding from the state for any requested unused slot than what would have been the calculated amount for the requesting school division had the unused slot been allocated to the requesting school division in the original budget. Furthermore, the requesting school division shall pay for any remaining tuition payment necessary for using a previously unused slot.</p>				
<p>3. The Department of Education shall provide assistance for the state share of the incremental cost of Regional Alternative Education program operations based on the composite index of local ability-to-pay.</p>				
<p>4) Out of the appropriation included in paragraph C.38. of this item, \$304,117 the first year and \$612,979 the second year from the Lottery Proceeds Fund are provided for a compensation supplement payment equal to 2.0 percent of base pay on July 1, 2020, and for a compensation supplement payment equal to 2.0 percent of base pay on July 1, 2021, for Regional Alternative Education Program instructional and support positions, as referenced in paragraph C. 38. of this item.</p>				
<p>5) The Department of Education shall develop a plan to determine and biennially rebenchmark the allocation of existing regional alternative education program slots to participating school divisions. In developing a plan, the Department shall (i) identify a mechanism to calculate slot distribution based on the number of students in a participating division requiring regional alternative education, (ii) identify needs to implement such a plan, including reporting from local school divisions, (iii) identify any legislative and Appropriation Act amendments necessary for implementation, and (iv) plan for the full</p>				

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implementation to rebenchmark the slot allocation of regional alternative education programs. The Department shall report the recommendation to the Secretary of Education, and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by August 1, 2021.

g. Remedial Summer School

1) This appropriation includes \$22,625,279 the first year and \$22,584,988 the second year from the general fund for the state's share of Remedial Summer School Programs. These funds are available to school divisions for the operation of programs designed to remediate students who are required to attend such programs during a summer school session or during an intersession in the case of year-round schools. These funds may be used in conjunction with other sources of state funding for remediation or intervention. School divisions shall have maximum flexibility with respect to the use of these funds and the types of remediation programs offered; however, in exercising this flexibility, students attending these programs shall not be charged tuition and no high school credit may be awarded to students who participate in this program.

2) For school divisions charging students tuition for summer high school credit courses, consideration shall be given to students from households with extenuating financial circumstances who are repeating a class in order to graduate.

10. K-3 Primary Class Size Reduction Payments

a. An additional payment estimated at \$141,698,697 the first year and \$141,828,973 the second year from the Lottery Proceeds Fund shall be disbursed by the Department of Education as an incentive for reducing class sizes in the primary grades.

b. The Department of Education shall calculate the payment based on the incremental cost of providing the lower class sizes based on the lower of the division average per pupil cost of all divisions or the actual division per pupil cost.

c. Localities are required to provide a match for these funds based on the composite index of local ability-to-pay.

d. By October 15 of each year school divisions must provide data to the Department of Education that each participating school has a September 30 pupil/teacher ratio in grades K through 3 that meet the following criteria:

Qualifying School Percentage of Students Approved	Grades K-3	Maximum Individual
Eligible for Free Lunch, Three-Year Average	School Ratio	K-3 Class Size
30% but less than 45%	19 to 1	24
45% but less than 55%	18 to 1	23
55% but less than 65%	17 to 1	22
65% but less than 70%	16 to 1	21
70% but less than 75%	15 to 1	20
75% or more	14 to 1	19

e. School divisions may elect to have eligible schools participate at a higher ratio, or only in a portion of grades kindergarten through three, with a commensurate reduction of state and required local funds, if local conditions do not permit participation at the established ratio and/or maximum individual class size. In the event that a school division requires additional actions to ensure participation at the established ratio and/or maximum individual class size, such actions must be completed by December 1 of the impacted school year. Special education teachers and instructional aides shall not be counted towards meeting these required pupil/teacher ratios in grades kindergarten through three.

f. The Superintendent of Public Instruction may grant waivers to school divisions for the class size requirement in eligible schools that have only one class in an affected grade level in the school.

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11. Literary Fund Subsidy Program Payments

a. The Department of Education and the Virginia Public School Authority (VPSA) shall provide a program of funding for school construction and renovation through the Literary Fund and through VPSA bond sales. The program shall be used to provide funds, through Literary Fund loans and subsidies, and through VPSA bond sales, to fund a portion of the projects on the First or Second Literary Fund Waiting List, or other critical projects which may receive priority placement on the First or Second Literary Fund Waiting List by the Department of Education. Interest rate subsidies will provide school divisions with the present value difference in debt service between a Literary Fund loan and a borrowing through the VPSA. To qualify for an interest rate subsidy, the school division's project must be eligible for a Literary Fund loan and shall be subject to the same restrictions. The VPSA shall work with the Department of Education in selecting those projects to be funded through the interest rate subsidy/bond financing program, so as to ensure the maximum leverage of Literary Fund moneys and a minimum impact on the VPSA Bond Pool.

b. The Department of Education may offer Literary Fund loans from the uncommitted balances of the Literary Fund after meeting the obligations of the interest rate subsidy sales and the amounts set aside from the Literary Fund for Debt Service Payments for Education Technology and Security Equipment in this Item.

c. 1) In the event that on any scheduled payment date of bonds of the Virginia Public School Authority (VPSA) authorized under the provisions of a bond resolution adopted subsequent to June 30, 1997, issued subsequent to June 30, 1997, and not benefiting from the provisions of either § 22.1-168 (iii), (iv), and (v), Code of Virginia, or § 22.1-168.1, Code of Virginia, the sum of (i) the payments on general obligation school bonds of cities, counties, and towns (localities) paid to the VPSA and (ii) the proceeds derived from the application of the provisions of § 15.2-2659, Code of Virginia, to such bonds of localities, is less than the debt service due on such bonds of the VPSA on such date, there is hereby appropriated to the VPSA, first, from available moneys of the Literary Fund and, second, from the general fund a sum equal to such deficiency.

2) The Commonwealth shall be subrogated to the VPSA to the extent of any such appropriation paid to the VPSA and shall be entitled to enforce the VPSA's remedies with respect to the defaulting locality and to full recovery of the amount of such deficiency, together with interest at the rate of the defaulting locality's bonds.

d. The chairman of the Board of Commissioners of the VPSA shall, on or before November 1 of each year, make and deliver to the Governor and the Secretary of Finance a certificate setting forth his estimate of total debt service during each fiscal year of the biennium on bonds of the VPSA issued and projected to be issued during such biennium pursuant to the bond resolution referred to in paragraph a above. The Governor's budget submission each year shall include provisions for the payment of debt service pursuant to paragraph 1) above.

12. Educational Technology Payments

a. Any unobligated amounts transferred to the educational technology fund shall be disbursed on a pro rata basis to localities. The additional funds shall be used for technology needs identified in the division's technology plan approved by the Department of Education.

b. The Department of Education shall authorize estimated amounts as indicated in Table 1 from the Literary Fund to provide debt service payments for the education technology grant program conducted through the Virginia Public School Authority in the referenced years.

Table 1

Grant Year	FY 2021	FY 2022
2016	\$13,755,000	
2017	\$13,952,250	\$13,954,500
2018	\$12,473,250	\$12,469,500
2019	\$11,978,250	\$11,975,500
2020	\$12,291,266	\$12,291,266
2021		\$12,568,314

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<p>c. It is the intent of the General Assembly to authorize sufficient Literary Fund revenues to pay debt service on the Virginia Public School Authority bonds or notes authorized for education technology grant programs. In developing the proposed 2022-2024, 2024-2026, and 2026-2028 biennial budgets for public education, the Department of Education shall include a recommendation to the Governor to authorize sufficient Literary Fund revenues to make debt service payments for these programs in fiscal years 2023, 2024, 2025, 2026, and 2027.</p>				
<p>d. 1) An education technology grant program shall be conducted through the Virginia Public School Authority, through the issuance of equipment notes in an amount estimated at \$57,533,200 in fiscal year 2021 and \$57,832,400 in fiscal year 2022. Proceeds of the notes will be used to establish a computer-based instructional and testing system for the Standards of Learning (SOL) and to develop the capability for high speed Internet connectivity at high schools followed by middle schools followed by elementary schools. School divisions shall use these funds first to develop and maintain the capability to support the administration of online SOL testing for all students with the exception of students with a documented need for a paper SOL test.</p>				
<p>2) Grant funds from the issuance of \$57,533,200 in fiscal year 2021 and \$57,832,400 in fiscal year 2022 in equipment notes are based on a grant of \$26,000 per school and \$50,000 per school division. For purposes of this grant program, eligible schools shall include schools that are subject to state accreditation and reporting membership in grades K through 12 as of September 30, 2020, for the fiscal year 2021 issuance, and September 30, 2021, for the fiscal year 2022 issuance, as well as regional vocational centers, special education centers, alternative education centers, regular school year Governor's Schools, CodeRVA Regional High School, and the School for the Deaf and the Blind. Schools that serve only pre-kindergarten students shall not be eligible for this grant.</p>				
<p>3. a.) Supplemental grants shall be allocated to eligible divisions to support schools that are not fully accredited in accordance with this paragraph. Schools that include a ninth grade that administer SOL tests in Spring 2020 and that are not fully accredited for the second consecutive year, based on school accreditation ratings in effect for fiscal year 2020 and fiscal year 2021 will qualify to participate in the Virginia e-Learning Backpack Initiative in fiscal year 2021 and receive: (1) a supplemental grant of \$400 per student reported in ninth grade fall membership in a qualifying school for the purchase of a laptop or tablet for that student and (2) a supplemental grant of \$2,400 per qualifying school to purchase two content creation packages for teachers. Schools eligible to receive this supplemental grant in fiscal year 2021 shall continue to receive the grant for the number of subsequent years equaling the number of grades 9 through 12 in the qualifying school up to a maximum of four years. Schools that administer SOL tests in Spring 2021 and that are not fully accredited for the second consecutive year based on school accreditation ratings in effect for fiscal year 2021 and fiscal year 2022 will qualify to participate in the initiative in fiscal year 2022. Schools eligible for the supplemental grants in previous fiscal years shall continue to be eligible for the remaining years of their grant award. Schools eligible to receive this supplemental grant in fiscal year 2022 shall continue to receive the grant for the number of subsequent years equaling the number of grades 9 through 12 in the qualifying school up to a maximum of four years. Grants awarded to qualifying schools that do not have grades 10, 11, or 12 may transition with the students to the primary receiving school for all years subsequent to grade 9. Schools are eligible to receive these grants for a period of up to four years beginning in fiscal year 2014 and shall not be eligible to receive a separate award in the future once the original award period has concluded. Schools that are fully accredited or that are new schools with conditional accreditation in their first year shall not be eligible to receive this supplemental grant.</p>				
<p>b.) Supplemental grants allocated to school divisions for participation in the Virginia e-Learning Backpack Initiative prior to fiscal year 2017 shall be used in eligible schools for (1) the purchase of a laptop or tablet for a student reported in ninth grade fall membership, and (2) the purchase of two content creation packages for teachers per grant. The amounts for such grants shall remain unchanged.</p>				
<p>4) Required local match:</p>				
<p>a) Localities are required to provide a match for these funds equal to 20 percent of the grant amount, including the supplemental grants provided pursuant to paragraph g. 5). At</p>				

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	<p>least 25 percent of the local match, including the match for supplemental grants, shall be used for teacher training in the use of instructional technology, with the remainder spent on other required uses. The Superintendent of Public Instruction is authorized to reduce the required local match for school divisions with a composite index of local ability-to-pay below 0.2000. The Virginia School for the Deaf and the Blind is exempt from the match requirement.</p>			
	<p>b) School divisions that administer 100 percent of SOL tests online in all elementary, middle, and high schools may use up to 75 percent of their required local match to purchase targeted technology-based interventions. Such interventions may include the necessary technology and software to support online learning, technology-based content systems, content management systems, technology equipment systems, information and data management systems, and other appropriate technologies that support the individual needs of learners. School divisions that receive supplemental grants pursuant to paragraph g.5) above shall use the funds in qualifying schools to purchase laptops and tablets for ninth grade students reported in fall membership and content creation packages for teachers.</p>			
	<p>5) The goal of the education technology grant program is to improve the instructional, remedial, and testing capabilities of the Standards of Learning for local school divisions and to increase the number of schools achieving full accreditation.</p>			
	<p>6) Funds shall be used in the following manner:</p>			
	<p>a) Each division shall use funds to reach a goal, in each high school, of: (1) a 5-to-1 student to computer ratio; (2) an Internet-ready local area network (LAN) capability; and (3) high speed access to the Internet. School connectivity (computers, LANs and network access) shall include sufficient download/upload capability to ensure that each student will have adequate access to Internet-based instructional, remedial and assessment programs.</p>			
	<p>b) When each high school in a division meets the goals established in paragraph a) above, the remaining funds shall be used to develop similar capability in first the middle schools and then the elementary schools.</p>			
	<p>c) For purposes of establishing or enhancing a computer-based instructional program supporting the Standards of Learning pursuant to paragraph g. 1) above, these grant funds may be used to purchase handheld multifunctional computing devices that support a broad range of applications and that are controlled by operating systems providing full multimedia support and mobile Internet connectivity. School divisions that elect to use these grant funds to purchase such qualifying handheld devices must continue to meet the on-line testing requirements stated in paragraph g. 1) above.</p>			
	<p>d) School divisions shall be eligible to receive supplemental grants pursuant to paragraph g.5) above. These supplemental grants shall be used in qualifying schools for the purchase of laptops and tablets for ninth grade students reported in fall membership and content creation packages for teachers. Participating school divisions will be required to select a core set of electronic textbooks, applications and online services for productivity, learning management, collaboration, practice, and assessment to be included on all devices. In addition, participating school divisions will assume recurring costs for electronic textbook purchases and maintenance.</p>			
	<p>e) Pursuant to § 15.2-1302, Code of Virginia, and in the event that two or more school divisions became one school division, whether by consolidation of only the school divisions or by consolidation of the local governments, such resulting division shall be provided funding through this program on the basis of having the same number of school divisions as existed prior to September 30, 2000.</p>			
	<p>7) Local school divisions shall maximize the use of available federal funds, including E-Rate Funds, and to the extent possible, use such funds to supplement the program and meet the goals of this program.</p>			
	<p>e. The Department of Education shall maintain criteria to determine if high schools, middle schools, or elementary schools have the capacity to meet the goals of this initiative. The Department of Education shall be responsible for the project management of this program.</p>			
	<p>f. 1) In the event that, on any scheduled payment date of bonds or notes of the Virginia Public School Authority (VPSA) issued for the purpose described in § 22.1-166.2, Code of Virginia,</p>			

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and not benefiting from the provisions of either § 22.1-168 (iii), (iv) and (v), Code of Virginia, or § 22.1-168.1, Code of Virginia, the available moneys in the Literary Fund are less than the amounts authorized for debt service due on such bonds or notes of the VPSA on such date, there is hereby appropriated to the VPSA from the general fund a sum equal to such deficiency.

2) The Chairman of the Board of Commissioners of the VPSA shall, on or before November 1 of each year, make and deliver to the Governor and the Secretary of Finance a certificate setting forth his estimate of total debt service during each fiscal year of the biennium on bonds and notes of the VPSA issued and projected to be issued during such biennium pursuant to the resolution referred to in paragraph 1) above. The Governor's budget submission each year shall include provisions for the payment of debt service pursuant to paragraph 1) above.

g. Unobligated proceeds of the notes, including investment income derived from the proceeds of the notes may be used to pay interest on, or to decrease principal of the notes or to fund a portion of such other educational technology grants as authorized by the General Assembly.

h. 1) For the purposes of § 56-232, Code of Virginia, "Contracts of Telephone Companies with State Government" and for the purposes of § 56-234 "Contracts for Service Rendered by a Telephone Company for the State Government" shall be deemed to include communications lines into public schools which are used for educational technology. The rate structure for such lines shall be negotiated by the Superintendent of Public Instruction and the Chief Information Officer of the Virginia Information Technologies Agency. Further, the Superintendent and Director are authorized to encourage the development of "by-pass" infrastructure in localities where it fails to obtain competitive prices or prices consistent with the best rates obtained in other parts of the state.

2) The State Corporation Commission, in its consideration of the discount for services provided to elementary schools, secondary schools, and libraries and the universal service funding mechanisms as provided under § 254 of the Telecommunications Act of 1996, is hereby encouraged to make the discounts for intrastate services provided to elementary schools, secondary schools, and libraries for educational purposes as large as is prudently possible and to fund such discounts through the universal fund as provided in § 254 of the Telecommunications Act of 1996. The commission shall proceed as expeditiously as possible in implementing these discounts and the funding mechanism for intrastate services, consistent with the rules of the Federal Communications Commission aimed at the preservation and advancement of universal service.

13. Security Equipment Payments

1) A security equipment grant program shall be conducted through the Virginia Public School Authority, through the issuance of equipment notes in an amount estimated at up to \$12,000,000 in fiscal year 2021 and \$12,000,000 in fiscal year 2022 in conjunction with the Virginia Public School Authority technology notes program authorized in C.12. of this Item. Proceeds of the notes will be used to help offset the related costs associated with the purchase of appropriate security equipment that will improve and help ensure the safety of students attending public schools in Virginia.

2) The Department of Education shall authorize estimated amounts as indicated in Table 1 from the Literary Fund to provide debt service payments for the security equipment grant programs conducted through the Virginia Public School Authority in the referenced years.

Table 1

Grant Year	FY 2021	FY 2022
2016	\$1,233,750	
2017	\$1,246,000	\$1,249,500
2018	\$1,273,500	\$1,273,500
2019	\$1,258,500	\$1,261,750
2020	\$2,620,255	\$2,620,255
2021		\$2,620,255

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<p>3) It is the intent of the General Assembly to authorize sufficient Literary Fund revenues to pay debt service on the Virginia Public School Authority bonds or notes authorized for this program. In developing the proposed 2022-2024, 2024-2026, and 2026-2028 biennial budgets for public education, the Department of Education shall include a recommendation to the Governor to authorize sufficient Literary Fund revenues to make debt service payments for these programs in fiscal years 2023, 2024, 2025, 2026, and 2027.</p>				
<p>4) In the event that, on any scheduled payment date of bonds or notes of the Virginia Public School Authority issued for the purpose described in § 22.1-166.2, Code of Virginia, and not benefiting from the provisions of either § 22.1-168 (iii), (iv) and (v), Code of Virginia, or § 22.1-168.1, Code of Virginia, the available moneys in the Literary Fund are less than the amounts authorized for debt service due on such bonds or notes on such date, there is hereby appropriated to the Virginia Public School Authority from the general fund a sum equal to such deficiency.</p>				
<p>5) The Chairman of the Board of Commissioners of the Virginia Public School Authority shall, on or before November 1 of each year, deliver to the Governor and the Secretary of Finance a certificate setting forth his estimate of total debt service during each fiscal year of the biennium on bonds and notes issued and projected to be issued during such biennium. The Governor's budget submission each year shall include provisions for the payment of debt service pursuant to paragraph 1) above.</p>				
<p>6) Grant award funds from the issuance of up to \$12,000,000 in fiscal year 2021 and \$12,000,000 in fiscal year 2022 in equipment notes shall be distributed to eligible school divisions. The grant awards will be based on a competitive grant basis of up to \$250,000 per school division. School divisions will be permitted to apply annually for grant funding. For purposes of this program, eligible schools shall include schools that are subject to state accreditation and reporting membership in grades K through 12 as of September 30, 2020, for the fiscal year 2021 issuance, and September 30, 2021, for the fiscal year 2022 issuance, as well as regional vocational centers, special education centers, alternative education centers, regular school year Governor's Schools, and the Virginia School for the Deaf and the Blind.</p>				
<p>7) School divisions would submit their application to Department of Education by August 1 of each year based on the criteria developed by the Department of Education in collaboration with the Department of Criminal Justice Services who will provide requested technical support. Furthermore, the Department of Education will have the authority to make such grant awards to such school divisions.</p>				
<p>8) It is also the intent of the General Assembly that, beginning with fiscal year 2020, the total amount of the grant awards shall not exceed \$60,000,000 over any ongoing revolving five year period.</p>				
<p>9) Required local match:</p>				
<p>a) Localities are required to provide a match for these funds equal to 25 percent of the grant amount. The Superintendent of Public Instruction is authorized to reduce the required local match for school divisions with a composite index of local ability-to-pay below 0.2000. The Virginia School for the Deaf and the Blind is exempt from the match requirement.</p>				
<p>b) Pursuant to § 15.2-1302, Code of Virginia, and in the event that two or more school divisions became one school division, whether by consolidation of only the school divisions or by consolidation of the local governments, such resulting division shall be provided funding through this program on the basis of having the same number of school divisions as existed prior to September 30, 2000.</p>				
<p>c) Local school divisions shall maximize the use of available federal funds, including E-Rate Funds, and to the extent possible, use such funds to supplement the program and meet the goals of this program.</p>				
<p>14. Virginia Preschool Initiative Payments</p>				
<p>a.1) It is the intent of the General Assembly that a payment estimated at \$97,139,047 \$80,539,047 the first year and \$107,086,043 the second year from the general fund <i>and \$16,600,000 the first year from federal funds</i> shall be disbursed by the Department of</p>				

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<p>Education to schools and community-based organizations to provide quality preschool programs for at-risk four-year-olds who are residents of Virginia and unserved by Head Start program funding and for at-risk five-year-olds who are not eligible to attend kindergarten.</p>				
<p>2) These state funds and required local matching funds shall be used to provide programs for at-risk four-year-old children, which include quality preschool education, health services, social services, parental involvement and transportation. It shall be the policy of the Commonwealth that state funds and required local matching funds for the Virginia Preschool Initiative not be used for capital outlay, not be used to supplant any Head Start federal funds provided for local early education programs, and not be used until the local Head Start grantee certifies that all local Head Start slots are filled. Programs must provide full-day or half-day and, at least, school-year services.</p>				
<p>3) The Department of Education shall establish academic standards that are in accordance with appropriate preparation for students to be ready to successfully enter kindergarten. These standards shall be established in such a manner as to be measurable for student achievement and success. Students shall be required to be evaluated in the fall and in the spring by each participating school division and the school divisions must certify that the Virginia Preschool Initiative program follows the established standards in order to receive the funding for quality preschool education and criteria for the service components. Such standards shall align with the Virginia Standards of Learning for Kindergarten.</p>				
<p>4) a) Grants shall be distributed based on an allocation formula providing the state share of a \$6,959 per pupil grant in the first year and a \$7,655 per pupil grant in the second year for 100 percent of the unserved at-risk four-year-olds in each locality for a full-day program. The number of unserved at-risk four-year-olds in each locality shall be based on the projected number of kindergarten students, updated once each biennium for the Governor's introduced biennial budget. Grants to half-day programs shall be funded based on the state share of \$3,480 in the first year and \$3,828 in the second year per unserved at-risk four-year-old in each locality.</p>				
<p>b) Out of this appropriation, \$2,837,266 the first year and \$6,117,049 the second year from the general fund is provided to serve at-risk three-year-olds who are residents of Virginia and unserved by Head Start funding on a pilot basis using criteria as determined by the Department of Education. Localities may apply to participate in the pilot by May 15 each year and shall be selected on a competitive basis. Pilot providers shall be required to: (i) demonstrate broad stakeholder support, (ii) track outcomes for participating children, (iii) demonstrate how they will maximize federal and state funds to preserve existing birth to five slots, including certifying that all local Head Start slots are filled, (iv) support inclusive practices of children with identified special needs, and (v) collaborate among the school division, local department of social services, programs accepting child care subsidy payments, and providers for Head Start, private child care, and early childhood special education and early intervention programs. In addition, localities shall be selected using other criteria that include prioritizing: (i) communities with limited child care options; (ii) programs serving children in private, mixed-delivery settings; or (iii) communities that demonstrate full support of public and private providers. Grants shall be distributed based on an allocation formula providing the state share of a \$6,959 per pupil grant in the first year, and a \$7,655 per pupil grant in the second year. Grants to half-day programs shall be funded based on the state share of \$3,480 in the first year, and \$3,828 in the second year.</p>				
<p>c) Full-day programs shall operate for a minimum of five and one-half instructional hours, excluding breaks for meals, and half-day programs shall operate for a minimum of three hours of classroom instructional time per day, excluding breaks for lunch. Virginia Preschool Initiative programs may include unstructured recreational time that is intended to develop teamwork, social skills, and overall physical fitness in any calculation of total instructional time, provided that such unstructured recreational time does not exceed 15 percent of total instructional time or teaching hours. No additional state funding is provided for programs operating greater than three hours per day but less than five and one-half hours per day. In determining the state and local shares of funding, the composite index of local ability-to-pay is capped at 0.5000.</p>				
<p>d) For new programs in the first year of implementation only, programs operating less</p>				

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	<p>than a full school year shall receive state funds on a fractional basis determined by the pro-rata portion of a school year program provided. In determining the prorated state funds to be received, a school year shall be 180 days or 990 teaching hours.</p>			
	<p>b.1) Any locality that desires to participate in this grant program must submit a proposal through its chief administrator (county administrator or city manager) by May 15 of each year. The chief administrator, in conjunction with the school superintendent, shall identify a lead agency for this program within the locality. The lead agency shall be responsible for developing a local plan for the delivery of quality preschool services to at-risk children, which demonstrates the coordination of resources and the combination of funding streams in an effort to serve the greatest number of at-risk four-year-old children. Starting in fiscal year 2021, localities may apply for additional funds to serve at-risk three-year-old children on a pilot basis.</p>			
	<p>2) The proposal must demonstrate coordination with all parties necessary for the successful delivery of comprehensive services, including the schools, child care providers, local social services agency, Head Start, local health department, and other groups identified by the lead agency. The proposal must identify which entities were consulted and how the locality will ensure that federal funds are preserved and maximized including demonstrating compliance with Title I of the federal Elementary and Secondary Education Act to ensure that a Local Educational Agency receiving Title I funding coordinates with Head Start programs and other early learning programs receiving federal funds by developing Memorandums of Understanding with such agencies to coordinate services. The proposal must also demonstrate a plan for supporting inclusive practices for children with identified special needs.</p>			
	<p>3) A local match, based on the composite index of local ability-to-pay, shall be required. For purposes of meeting the local match, localities may use local expenditures for existing qualifying programs, however, at least fifty percent of the local match will be cash and no more than fifty percent will be in-kind. In-kind contributions are defined as cash outlays that are made by the locality that benefit the program but are not directly charged to the program. The value of fixed assets cannot be considered as an in-kind contribution. Philanthropic or other private funds may be contributed to the locality to be appropriated in their local budget and then utilized as local match. Localities shall also continue to pursue and coordinate other funding sources, including child care subsidies. Funds received through this program must be used to supplement, not supplant, any funds currently provided for programs within the locality. However, in the event a locality is unable to continue the previous level of support to programs for at-risk four-year-olds from Title I of the federal Elementary and Secondary Education Act (ESEA), the state and local funds provided in this grants program may be used to continue services to these Title I students. Such inability may occur due to adjustments to the allocation formula in the reauthorization of ESEA as the Every Student Succeeds Act of 2015, or due to a percentage reduction in a locality's Title I allocation in a particular year. Any locality so affected shall provide written evidence to the Superintendent of Public Instruction and request his approval to continue the services to Title I students.</p>			
	<p>c. Local plans must provide clear methods of service coordination for the purpose of reducing the per child cost for the service, increasing the number of at-risk children served and/or extending services for the entire year. Examples of these include:</p>			
	<p>1) "Wraparound Services" -- methods for combining funds such as child care subsidy dollars administered by local social service agencies with dollars for quality preschool education programs.</p>			
	<p>2) "Wrap-out Services" - methods for using grant funds to purchase quality preschool services to at-risk four-year-old children through an existing child care setting by purchasing comprehensive services within a setting which currently provides quality preschool education.</p>			
	<p>3) "Expansion of Service" - methods for using grant funds to purchase slots within existing programs, such as Head Start, which provides comprehensive services to at-risk three- and four-year-old children.</p>			
	<p>d. Local plans must indicate the number of at-risk four-year-old children to be served, and the eligibility criteria for participation in this program shall be consistent with the economic and educational risk factors stated in the 2015-2016 programs guidelines that are specific to: (i) family income at or below 200 percent of federal poverty guidelines, (ii) homelessness, (iii)</p>			

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student's parents or guardians are school dropouts, or (iv) family income is above 200 percent but at or below 350 percent of federal poverty guidelines in the case of students with special needs or disabilities. Up to 15 percent of a division's slots may be filled based on locally established eligibility criteria so as to meet the unique needs of at-risk children in the community. If applicable, local plans must also indicate the number of at-risk three-year-old children to be served using the same eligibility criteria listed above. Localities that can demonstrate that more than 15 percent of slots are needed to meet the needs of at-risk children in their community may apply for a waiver from the Superintendent of Public Instruction to use a larger percentage of their slots. Localities must demonstrate that increasing eligibility will enable the maximization of federal funds and will not have a negative impact on access for other individuals currently being served.

e.1) The Department of Education shall provide technical assistance for the administration of this grant program to provide assistance to localities in developing a comprehensive, coordinated, quality preschool program that prepares all participants for kindergarten.

2) The Department shall provide interested localities with information on models for service delivery, methods of coordinating funding streams, such as funds to match federal IV-A child care dollars, to maximize funding without supplanting existing sources of funding for the provision of services to at-risk three- and four-year-old children. A priority for technical assistance in the design of programs shall be given to localities where the majority of the at-risk three- and four-year-old population is currently unserved.

f. The Department of Education shall include in the program's application package specific information regarding the potential availability of funding for supplemental grants that may be used for one-time expenses, other than capital, related to start-up or expansion of programs, with priority given to proposals for expanding the use of partnerships with either nonprofit or for-profit providers. Furthermore, the Department is mandated to communicate to all eligible school divisions the remaining available balances in the program's adopted budget, after the fall participation reports have been submitted and finalized for such grants.

g. Out of this appropriation, \$3,982,079 the first year and \$3,285,258 the second year from the general fund is provided to support Virginia Preschool Initiative slots to serve children on wait lists. In each year, unused grants distributed as provided in paragraph C.14.a.4. of this Item shall be redistributed based on guidelines established by the Department of Education subject to the appropriation available for this purpose. Such guidelines shall provide the criteria used to redistribute grants and provide for the notification of grants redistribution to programs no later than July 1 of each year. The Department shall conduct this process annually, and the redistribution shall not affect the allocation formula for the subsequent year.

h.1) Out of this appropriation, \$5,020,000 the first year and \$5,005,000 the second year from the general fund is provided to support an add-on grant per child for approximately 2,000 children to incentivize mixed-delivery of services through private providers. These add-on grants are intended to provide funds to minimize the difference between the amount of the per-pupil grant allocation and the per-pupil cost to serve a child in a community-based or private provider setting. Recipients of the add-on grants will be encouraged to support classrooms that support inclusive practices of children with special needs. Localities shall indicate in their plans submitted pursuant to C.14.b.1 of this Item how many of their Virginia Preschool Initiative slots will be provided in community-based or private provider settings to receive the add-on grant.

2) The amount of these add-on grants shall vary by region in fiscal year 2021 and provide a grant of: (i) \$3,500 per child for divisions in Planning District 8, (ii) \$2,500 per child for divisions in Planning District 15, Planning District 23, and for the counties of Stafford, Fauquier, Spotsylvania, Clarke, Warren, Frederick, and Culpeper and the Cities of Fredericksburg and Winchester, and (iii) \$1,500 per child in any other division.

3) The Department of Education shall develop a plan to determine the magnitude of the gap between regional prevailing child care market rates and the Virginia Preschool Initiative per pupil amount. The Department shall establish a schedule designating the amount of the add-on grants for each school division for fiscal year 2022. The amount of the add-on grant plus the Virginia Preschool Initiative per pupil amount shall not exceed

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	prevailing child care market rates in a particular region. The Department shall report on the established schedule to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by December 1, 2020.			
	i. The Department of Education shall develop a plan to determine, recognize, and biennially rebenchmark the per-student funding amount of the Virginia Preschool Initiative, similar to the current formula supporting public K-12 education in Virginia. In developing such plan, the Department shall (i) identify needs to implement such plan, including reporting from local school divisions, (ii) include relevant stakeholders, including school division finance staff and local Virginia Preschool Initiative administrators, (iii) identify any legislative or Appropriation Act amendments necessary for implementation, and (iv) plan for full implementation to benchmark the per-student funding amount of the Virginia Preschool Initiative.			
	j. Out of this appropriation, \$6,419,996 the first year and \$7,062,088 the second year from the general fund is provided to support increased Virginia Preschool Initiative teacher to student ratios and class sizes, as follows:			
	1) Any classroom that exceeds benchmarks set by the Board of Education shall be staffed as follows: (i) one teacher shall be provided for any class of ten students or less; (ii) if the enrollment in any class exceeds ten students but does not exceed 20, a full-time teacher's aide shall be assigned to the class; and (iii) the maximum class size shall be 20 students.			
	2) All other classrooms shall be staffed as follows: (i) one teacher shall be employed for any class of nine students or less; (ii) if the enrollment in any class exceeds nine students but does not exceed 18, a full-time teacher's aide shall be assigned to the class; and (iii) the maximum class size shall be 18 students.			
	k. Out of this appropriation, \$306,100 the first year and \$306,100 the second year from the general fund is allocated for the Department of Education to provide grants of no more than \$30,000 each for local school divisions that have applied for such funds for the sole purpose of providing financial incentives to provisionally licensed teachers teaching students enrolled in the Virginia Preschool Initiative and who are actively engaged in coursework and professional development, toward achieving the required degree and license that satisfy the licensure requirements reflected in § 22.1-299, Code of Virginia. School divisions must submit applications to the Department of Education by December 1 of each year. Priority for awarding grants shall be given to hard-to-staff schools and schools with the highest number of provisionally licensed teachers teaching students enrolled in the Virginia Preschool Initiative. The Department of Education shall develop the application process to be provided to school divisions that have provisionally licensed teachers employed and are teaching students enrolled in the Virginia Preschool Initiative.			
	1. 1.) The Department of Education shall collect information from local programs and from pilot providers participating in the Virginia Early Childhood Foundation's pilot Mixed-Delivery Preschool Initiative established in Item 144 as needed to compile a comprehensive report on the usage of state funds detailing, but not limited to the number of calculated slots and funding allocated to each local program or pilot provider, and the number of such slots that have been filled.			
	2.) Such comprehensive report shall be aggregated in a manner to identify: (i) funding and the number of slots used to serve a student in a public school and non-public school setting, (ii) the number of three-year olds served, (iii) waitlist slots requested, offered, and provided, (iv) the number of students served whose families are at or below 130 percent poverty, above 130 percent but at or below 200 percent of poverty, above 200 percent but at or below 350 percent of poverty, and above 350 percent of poverty.			
	3.) Such comprehensive report shall include details regarding any supplemental grants awarded pursuant to paragraph f.			
	4.) The Department shall submit such comprehensive report to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees no later than December 31 each year.			
	5.) The Department shall develop a plan for comprehensive public reporting on early childhood expenditures, outcomes, and program quality to replace this reporting requirement.			

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Such plan shall consider the components included in this reporting requirement, and include all publicly-funded providers as defined in House Bill 1012 and Senate Bill 578. The plan shall identify any fiscal, legislative, or regulatory barriers to implementing such public reporting, and shall consider integration with the Department's School Quality Profiles. Such plan shall be submitted to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by December 1, 2020.

m. Out of this appropriation, \$2,042,044 the first year and \$2,246,277 the second year from the general fund is provided to support approximately an additional 609 Virginia Preschool Initiative slots that were previously filled under the Virginia Preschool Initiative Plus (VPI Plus). These slots are intended to hold harmless eight school divisions that participated in VPI Plus during the 2019-2020 school year, by allocating the same number of slots to those eight school divisions.

n. Out of this appropriation, \$4,432,189 the first year and \$4,875,473 the second year from the general fund is provided as flexible funding available to supplement any of the other initiatives provided in section C.14 of this item.

15. Early Reading Intervention Payments

a. An additional payment of \$28,874,557 the first year and \$28,952,264 the second year from the Lottery Proceeds Fund shall be disbursed by the Department of Education to local school divisions for the purposes of providing early reading intervention services to students in grades kindergarten through 3 who demonstrate deficiencies based on their individual performance on diagnostic tests which have been approved by the Department of Education. The Department of Education shall review the tests of any local school board which requests authority to use a test other than the state-provided test to ensure that such local test uses criteria for the early diagnosis of reading deficiencies which are similar to those criteria used in the state-provided test. The Department of Education shall make the state-provided diagnostic test used in this program available to local school divisions. School divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis at a time to be determined by the Superintendent of Public Instruction.

b. These payments shall be based on the state's share of the cost of providing two and one-half hours of additional instruction each week for an estimated number of students in each school division at a student to teacher ratio of five to one. The estimated number of students in each school division in each year shall be determined by multiplying the projected number of students reported in each school division's fall membership in grades kindergarten, 1, 2, and 3 by the percent of students who are determined to need services based on diagnostic tests administered in the previous year in that school division and adjusted in the following manner:

	Year 1	Year 2
Kindergarten	100%	100%
Grade 1	100%	100%
Grade 2	100%	100%
Grade 3	100%	100%

c. These payments are available to any school division that certifies to the Department of Education that an intervention program will be offered to such students and that each student who receives an intervention will be assessed again at the end of that school year. At the beginning of the school year, local school divisions shall partner with the parents of those third grade students in the division who demonstrate reading deficiencies, discussing with them a developed plan for remediation and retesting. Such intervention programs, at the discretion of the local school division, may include, but not be limited to, the use of: special reading teachers; trained aides; full-time early literacy tutors; volunteer tutors under the supervision of a certified teacher; computer-based reading tutorial programs; aides to instruct in-class groups while the teacher provides direct instruction to the students who need extra assistance; or extended instructional time in the school day or year for these students. Localities receiving these payments are required to match these funds based on the composite index of local ability-to-pay.

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d. In the event that a school division does not use the diagnostic test provided by the Department of Education in the year that serves as the basis for updating the funding formula for this program but has used it in past years, the Department of Education shall use the most recent data available for the division for the state-provided diagnostic test.				
e. The results of all reading diagnostic tests and reading remediation shall be discussed with the student and the student's parent prior to the student being promoted to grade four.				
f. Funds appropriated for Standards of Quality Prevention, Intervention, and Remediation, Remedial Summer School, or At-Risk Add-On may also be used to meet the requirements of this program.				
16. Standards of Learning Algebra Readiness Payments				
a. An additional payment of \$15,194,903 the first year and \$15,239,492 the second year from the Lottery Proceeds Fund shall be disbursed by the Department of Education to local school divisions for the purposes of providing math intervention services to students in grades 6, 7, 8 and 9 who are at-risk of failing the Algebra I end-of-course test, as demonstrated by their individual performance on diagnostic tests which have been approved by the Department of Education. These amounts reflect \$200,000 the first year and \$200,000 the second year apportioned to each school division to account for the cost of the diagnostic test. The Department of Education shall review the tests to ensure that such local test uses state-provided criteria for diagnosis of math deficiencies which are similar to those criteria used in the state-provided test. The Department of Education shall make the state-provided diagnostic test used in this program available to local school divisions. School divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis at a time to be determined by the Superintendent of Public Instruction.				
b. These payments shall be based on the state's share of the cost of providing two and one-half hours of additional instruction each week for an estimated number of students in each school division at a student to teacher ratio of ten to one. The estimate number of students in each school division shall be determined by multiplying the projected number of students reported in each school division's fall membership by the percent of students that qualify for the federal Free Lunch Program.				
c. These payments are available to any school division that certifies to the Department of Education that an intervention program will be offered to such students and that each student who receives an intervention will be assessed again at the end of that school year. Localities receiving these payments are required to match these funds based on the composite index of local ability-to-pay.				
17. School Construction Grants Program Escrow				
Notwithstanding the requirements of § 22.1-175.5, Code of Virginia, school divisions are permitted to withdraw funds from local escrow accounts established pursuant to § 22.1-175.5 to pay for recurring operational expenses incurred by the school division. Localities are not required to provide a local match of the withdrawn funds.				
18. English as a Second Language Payments				
A payment of \$82,232,407 the first year and \$95,145,149 the second year from the general fund shall be disbursed by the Department of Education to local school divisions to support the state share of 20 professional instructional positions per 1,000 students for whom English is a second language. Local school divisions shall provide a local match based on the composite index of local ability-to-pay.				
19. Special Education Instruction Payments				
a. The Department of Education shall establish rates for all elements of Special Education Instruction Payments.				
b. Out of the appropriations in this Item, the Department of Education shall make available, subject to implementation by the Superintendent of Public Instruction, an amount estimated at \$101,152,929 the first year and \$101,152,929 the second year from the Lottery Proceeds Fund for the purpose of the state's share of the tuition rates for approved public Special Education				

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Regional Tuition school programs. Notwithstanding any contrary provision of law, the state's share of the tuition rates shall be based on the composite index of local ability-to-pay.

c. Out of the amounts for Financial Assistance for Categorical Programs, \$36,591,267 the first year and \$37,546,662 the second year from the general fund is appropriated to permit the Department of Education to enter into agreements with selected local school boards for the provision of educational services to children residing in certain hospitals, clinics, and detention homes by employees of the local school boards. The portion of these funds provided for educational services to children residing in local or regional detention homes shall only be determined on the basis of children detained in such facilities through a court order issued by a court of the Commonwealth. The selection and employment of instructional and administrative personnel under such agreements will be the responsibility of the local school board in accordance with procedures as prescribed by the local school board. State payments for the first year to the local school boards operating these programs will be based on certified expenditures from the fourth quarter of FY 2020 and the first three quarters of FY 2021. State payments for the second year to the local school boards operating these programs will be based on certified expenditures from the fourth quarter of FY 2021 and the first three quarters of FY 2022.

20. Vocational Education Instruction Payments

a. It is the intention of the General Assembly that the Department of Education explore initiatives that will encourage greater cooperation between jurisdictions and the Virginia Community College System in meeting the needs of public school systems.

b. This appropriation includes \$1,800,000 the first year and \$1,800,000 the second year from the Lottery Proceeds Fund for secondary vocational-technical equipment. A base allocation of \$2,000 each year shall be available for all divisions, with the remainder of the funding distributed on the basis of student enrollment in secondary vocational-technical courses. State funds received for secondary vocational-technical equipment must be used to supplement, not supplant, any funds currently provided for secondary vocational-technical equipment within the locality. Local school divisions are not required to provide a local match in order to receive these state funds.

c.1) This appropriation includes an additional \$2,000,000 the first year and \$2,000,000 the second year from the Lottery Proceeds Fund to update vocational-technical equipment to industry standards providing students with classroom experience that translates to the workforce.

2) Of this amount, \$1,400,000 the first year and \$1,400,000 the second year is provided for vocational-technical equipment in high-demand, high-skill, and fast-growth industry sectors as identified by the Virginia Board of Workforce Development and based on data from the Bureau of Labor Statistics and the Virginia Employment Commission.

3) Of this amount, \$600,000 the first year and \$600,000 the second year will be awarded based on competitive innovative program grants for high-demand and fast-growth industry sectors with priority given to state-identified challenged schools, the Governor's Science Technology, Engineering, and Mathematics (STEM) academies, and the Governor's Health Science Academies.

d. This appropriation includes \$500,000 the first year and \$500,000 the second year from the Lottery Proceeds Fund to support credentialing testing materials for students and professional development for instructors in science, technology, engineering, and mathematics-health sciences (STEM-H) career and technical education programs.

21. Adult Education Payments

State funds shall be used to reimburse general adult education programs on a fixed cost per pupil or cost per class basis. No state funds shall be used to support vocational noncredit courses.

22. General Education Payments

a. This appropriation includes \$2,410,988 the first year and \$2,410,988 the second year

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	from the Lottery Proceeds Fund to support Race to GED. Out of this appropriation, \$465,375 the first year and \$465,375 the second year shall be used for PluggedIn VA.			
	b. This appropriation includes \$1,387,240 the first year and \$1,387,240 the second year from the Lottery Proceeds Fund to support Project Graduation and any associated administrative and contractual service expenditures related to this initiative.			
	23. Individual Student Alternative Education Program (ISAEP) Payments			
	Out of this appropriation, \$2,247,581 the first year and \$2,247,581 in the second year from the Lottery Proceeds Fund shall be provided for the secondary schools' Individual Student Alternative Education Program (ISAEP), pursuant to Chapter 488 and Chapter 552 of the 1999 Session of the General Assembly.			
	24. Foster Children Education Payments			
	a. An additional state payment is provided from the Lottery Proceeds Fund for the prior year's local operations costs, as determined by the Department of Education, for each pupil of school age as defined in § 22.1-1, Code of Virginia, not a resident of the school division providing his education (a) who has been placed in foster care or other custodial care within the geographical boundaries of such school division by a Virginia agency, whether state or local, which is authorized under the laws of this Commonwealth to place children; (b) who has been placed in an orphanage or children's home which exercises legal guardianship rights; or (c) who is a resident of Virginia and has been placed, not solely for school purposes, in a child-caring institution or group home.			
	b. This appropriation provides \$10,667,347 the first year and \$11,528,816 the second year from the Lottery Proceeds Fund to support children attending public school who have been placed in foster care or other such custodial care across jurisdictional lines, as provided by subsections A and B of § 22.1-101.1, Code of Virginia. To the extent these funds are not adequate to cover the full costs specified therein, the Department is authorized to expend unobligated balances in this Item for this support.			
	25. Sales Tax Payments			
	a. This is a sum-sufficient appropriation for distribution to counties, cities and towns a portion of net revenue from the state sales and use tax, in support of the Standards of Quality (Title 22.1, Chapter 13.2, Code of Virginia) (See the Attorney General's opinion of August 3, 1982).			
	b. Certification of payments and distribution of this appropriation shall be made by the State Comptroller.			
	c. The distribution of state sales tax funds shall be made in equal bimonthly payments at the middle and end of each month.			
	d. Included in this appropriation are the accelerated sales tax revenues attributable to §58.1-638 B., D., and F.1., Code of Virginia, and collected pursuant to §3-5.06 of this act.			
	26. Adult Literacy Payments			
	a. Appropriations in this Item include \$125,000 the first year and \$125,000 the second year from the general fund for the ongoing literacy programs conducted by Mountain Empire Community College.			
	b. Out of this appropriation, the Department of Education shall provide \$100,000 the first year and \$100,000 the second year from the general fund for the Virginia Literacy Foundation grants to support programs for adult literacy including those delivered by community-based organizations and school divisions providing services for adults with 0-9th grade reading skills.			
	27. Governor's School Payments			
	a. Out of the amounts for Governor's School Payments, the Department of Education shall provide assistance for the state share of the incremental cost of regular school year Governor's Schools based on each participating locality's composite index of local ability-to-pay. Participating school divisions must certify that no tuition is assessed to students for			

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participation in this program.

b.1) Out of the amounts for Governor's School Payments, the Department of Education shall provide assistance for the state share of the incremental cost of summer residential Governor's Schools and Foreign Language Academies to be based on the greater of the state's share of the composite index of local ability-to-pay or 50 percent. Participating school divisions must certify that no tuition is assessed to students for participation in this program if they are enrolled in a public school.

2) Out of the amounts for Governor's School Payments, \$41,000 the first year and \$41,000 the second year is provided to support the Hanover Regional Summer Governor's School for Career and Technical Advancement, which was established pursuant to Chapter 425, 2014 Acts of Assembly, and Chapter 665, 2015 Acts of Assembly.

c. For the Summer Governor's Schools and Foreign Language Academies programs, the Superintendent of Public Instruction is authorized to adjust the tuition rates, types of programs offered, length of programs, and the number of students enrolled in order to maintain costs within the available state and local funds for these programs.

d. It shall be the policy of the Commonwealth that state general fund appropriations not be used for capital outlay, structural improvements, renovations, or fixed equipment costs associated with initiation of existing or proposed Governor's schools. State general fund appropriations may be used for the purchase of instructional equipment for such schools, subject to certification by the Superintendent of Public Instruction that at least an equal amount of funds has been committed by participating school divisions to such purchases.

e. The Board of Education shall not take any action that would increase the state's share of costs associated with the Governor's Schools as set forth in this Item. This provision shall not prohibit the Department of Education from submitting requests for the increased costs of existing programs resulting from updates to student enrollment for school divisions currently participating in existing programs or for school divisions that begin participation in existing programs.

f.1) Regular school year Governor's Schools are funded through this Item based on the state's share of the incremental per pupil cost for providing such programs for each student attending a Governor's School up to a cap of 1,800 students per Governor's School in the first year and a cap of 1,800 students per Governor's School in the second year. This incremental per pupil payment shall be adjusted for the composite index of the school division that counts such students attending an academic year Governor's School in their March 31 Average Daily Membership. It is the intent of the General Assembly that this incremental per pupil amount be in addition to the basic aid per pupil funding provided to the affected school division for such students. Therefore, local school divisions are encouraged to provide the appropriate portion of the basic aid per pupil funding to the Governor's Schools for students attending these programs, adjusted for costs incurred by the school division for transportation, administration, and any portion of the day that the student does not attend a Governor's School.

2) Students attending a revolving Academic Year Governor's School program for only one semester shall be counted as 0.50 of a full-time equivalent student and will be funded for only fifty percent of the full-year funded per pupil amount. Funding for students attending a revolving Academic Year program will be adjusted based upon actual September 30th and January 30th enrollment each fiscal year. For purposes of this Item, revolving programs shall mean Academic Year Governor's School programs that admit students on a semester basis.

3) Students attending a continuous, non-revolving Academic Year Governor's School program shall be counted as a full-time equivalent student and will be funded for the full-year funded per pupil amount. Funding for students attending a continuous, non-revolving Academic Year Governor's School program will be adjusted based upon actual September 30th student enrollment each fiscal year. For purposes of this Item, continuous, non-revolving programs shall mean Academic Year Governor's School programs that only admit students at the beginning of the school year. Fairfax County Public Schools shall not reduce local per pupil funding for the Thomas Jefferson Governor's School below the amounts appropriated for the 2003-2004 school year.

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<p>g. All regional Governor's Schools are encouraged to provide full-day grades 9 through 12 programs.</p>				
<p>h. Out of the appropriation included in paragraph C. 38. of this item, \$408,502 the first year and \$834,740 the second year from the general fund is provided in the Academic Year Governor's School funding allocation to increase the per pupil amount the second year as an add-on for a compensation supplement payment equal to 2.0 percent of base pay on July 1, 2020, and for a compensation supplement payment equal to 2.0 percent of base pay on July 1, 2021, for Academic Year Governor's School instructional and support positions.</p>				
<p>i. Each Academic Year Governor's School shall set diversity goals for its student body and faculty, and develop a plan to meet said goals in collaboration with community partners at public meetings. Each school shall submit a report to the Governor by October 1 of each year on its goals and status of implementing its plan. The report shall include, but not be limited to the following: utilization of universal screenings in feeder divisions; admission processes in place or under consideration that promote access for historically underserved students; and outreach and communication efforts deployed to recruit historically underserved students. The report shall include the racial/ethnic make-up and socioeconomic diversity of its students, faculty, and applicants.</p>				
<p>28. School Nutrition Payments</p> <p>It is provided that, subject to implementation by the Superintendent of Public Instruction, no disbursement shall be made out of the appropriation for school nutrition to any locality in which the schools permit the sale of competitive foods in food service facilities or areas during the time of service of food funded pursuant to this Item.</p>				
<p>29. School Breakfast Payments</p> <p>a. Out of this appropriation, \$7,238,768 the first year and \$7,920,136 the second year from the Lottery Proceeds Fund is included to continue a state funded incentive program to maximize federal school nutrition revenues and increase student participation in the school breakfast program. These funds are available to any school division as a reimbursement for breakfast meals served that are in excess of the baseline established by the Department of Education. The per meal reimbursement shall be \$0.22; however, the department is authorized, but not required to reduce this amount proportionately in the event that the actual number of meals to be reimbursed exceeds the number on which this appropriation is based so that this appropriation is not exceeded.</p> <p>b. In order to receive these funds, school divisions must certify that these funds will be used to supplement existing funds provided by the local governing body and that local funds derived from sources that are not generated by the school nutrition programs have not been reduced or eliminated. The funds shall be used to improve student participation in the school breakfast program. These efforts may include, but are not limited to, reducing the per meal price paid by students, reducing competitive food sales in order to improve the quality of nutritional offerings in schools, increasing access to the school breakfast program, or providing programs to increase parent and student knowledge of good nutritional practices. In no event shall these funds be used to reduce local tax revenues below the level appropriated to school nutrition programs in the prior year. Further, these funds must be provided to the school nutrition programs and may not be used for any other school purpose.</p> <p>c.1) Out of this appropriation, \$1,074,000 the first year and \$1,074,000 the second year from the general fund is provided to fund an After-the-Bell Model breakfast program available on a voluntary basis to elementary, middle, and high schools where student eligibility for free or reduced lunch exceeds 45.0 percent for the participating eligible school, and to provide additional reimbursement for eligible meals served in the current traditional school breakfast program at all grade levels in any participating school. The Department of Education is directed to ensure that only eligible schools receive reimbursement funding for participating in the After-the-Bell school breakfast model. The schools participating in the program shall evaluate the educational impact of the models implemented that provide school breakfasts to students after the first bell of the school day, based on the guidelines developed by the Department of Education and submit the required report to the Department of Education no later than August 31 each year.</p>				

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2) The Department of Education shall communicate, through Superintendent's Memo, to school divisions the types of breakfast serving models and the criteria that will meet the requirements for this State reimbursement, which may include, but are not limited to, breakfast in the classroom, grab and go breakfast, or a breakfast after first period. School divisions may determine the breakfast serving model that best applies to its students, so long as it occurs after the instructional day has begun. The Department of Education shall monthly transfer to each school division a reimbursement rate of \$0.05 per breakfast meal that meets either of the established criteria in elementary schools and a reimbursement rate of \$0.10 per breakfast meal that meets either of the established criteria in middle or high schools.

3) No later than July 1 each year, the Department of Education shall provide for a breakfast program application process for school divisions with eligible schools, including guidelines regarding specified required data to be compiled from the prior school year or years and for the upcoming school year program. The number of approved applications shall be based on the estimated number of sites that can be accommodated within the approved funding level. The Department of Education shall set criteria for establishing priority should the number of applications from eligible schools exceed the approved funding level. The reporting requirements must include: chronic absenteeism rates, student attendance and tardy arrivals, office discipline referrals, student achievement measures, teachers' and administrators' responses to the impact of the program on student hunger, student attentiveness, and overall classroom learning environment before and after implementation, and the financial impact on the division's school food program. Funded schools that do not provide data by August 31 are subject to exclusion from funding in the following year. The Department of Education shall collect and compile the results of the breakfast program and shall submit the report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than November 1 following each school year.

30. Clinical Faculty and Mentor Teacher Program Payments

This appropriation includes \$1,000,000 the first year and \$1,000,000 the second year from the Lottery Proceeds Fund to be paid to local school divisions for statewide Mentor Teacher Programs to assist pre-service teachers and beginning teachers to make a successful transition into full-time teaching. This appropriation also includes \$318,750 the first year and \$318,750 the second year from the general fund for Clinical Faculty programs to assist pre-service teachers and beginning teachers to make a successful transition into full-time teaching. Such programs shall include elements which are consistent with the following:

- a. An application process for localities and school/higher education partnerships that wish to participate in the programs;
- b. For Clinical Faculty programs only, provisions for a local funding or institutional commitment of 50 percent, to match state grants of 50 percent;
- c. Program plans which include a description of the criteria for selection of clinical faculty and mentor teachers, training, support, and compensation for clinical faculty and mentor teachers, collaboration between the school division and institutions of higher education, the clinical faculty and mentor teacher assignment process, and a process for evaluation of the programs;
- d. The Department of Education shall allow flexibility to local school divisions and higher education institutions regarding compensation for clinical faculty and mentor teachers consistent with these elements of the programs; and
- e. It is the intent of the General Assembly that no preference between pre-service or beginning teacher programs be construed by the language in this Item. School divisions operating beginning teacher mentor programs shall receive equal consideration for funding.

31. Career Switcher/Alternative Licensure Payments

Appropriations in this Item include \$279,983 the first year and \$279,983 the second year from the general fund to provide grants to school divisions that employ mentor teachers

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for new teachers entering the profession through the alternative route to licensure as prescribed by the Board of Education.				
32. Virginia Workplace Readiness Skills Assessment				
Appropriations in this Item include \$308,655 the first year and \$308,655 the second year from the general fund to provide support grants to school divisions for standard diploma graduates. To provide flexibility, school divisions may use the state grants for the actual assessment or for other industry certification preparation and testing.				
33. Early Reading Specialists Initiative				
a. An additional payment of \$1,476,790 the first year and \$1,476,790 the second year from the general fund shall be disbursed by the Department of Education to qualifying local school divisions for the purpose of providing a reading specialist for schools with a third grade that rank lowest statewide on the reading Standards of Learning (SOL) assessments. Funding for a reading specialist during the 2020-2022 biennium shall be based on the results of the Spring 2019 reading SOL assessments. Such schools shall be eligible to receive the state share of funding for both years of the biennium. Following certification from a school division that it will not participate in the program, the Department is authorized to identify additional eligible schools based upon the list of schools that rank lowest on the Spring 2019 SOL reading assessment.				
b. These payments shall be based on the state's share of the cost of providing one reading specialist per qualifying school.				
c. These payments are available to any school division with a qualifying school that (1) certifies to the Department of Education that the division has hired a reading specialist to provide direct services to children reading below grade level in the school to improve reading achievement and (2) applies and receives a waiver for up to two years from the Board of Education for the administration of third grade SOL assessments in science or history and social science or both for the purpose of creating additional instructional time for reading specialists to work with students reading below grade level to improve reading achievement.				
d. These payments also are available to any school division with a qualifying school that certifies to the Department of Education that the division is supporting tuition for collegiate programs and instruction for currently employed instructional school personnel to earn the credentials necessary to meet licensure requirements to be endorsed as a reading specialist.				
e. School divisions receiving these payments are required to match these funds based on the composite index of local ability-to-pay.				
f. Within the fiscal year, any funds not awarded from this program may be awarded to eligible schools under the Math/Reading Instructional Specialist Initiative.				
34. Math/Reading Instructional Specialist Initiative				
a. Included in this appropriation is \$1,834,538 the first year and \$1,834,538 the second year from the general fund in additional payments for reading or math instructional specialists at underperforming schools. From this amount, the state share of one reading or math specialist shall be provided to local school divisions with schools which rank lowest statewide on the Spring Standards of Learning (SOL) math or reading assessment. Funding for one math or reading specialist during the 2020-2022 biennium shall be based on the results of the Spring 2019 SOL assessments. Such schools shall be eligible to receive the state share of funding for both years of the biennium. If, following certification from a school division that it will not participate in the program, the Department is authorized to identify additional eligible schools based upon the list of schools that rank lowest on the Spring 2019 SOL math or reading assessment.				
b. These payments are available to any school division with a qualifying school that certifies to the Department of Education that the division has (1) hired a math or reading instructional specialist, or (2) is supporting tuition for collegiate programs and instruction for currently employed instructional school personnel to earn the credentials necessary to meet licensure requirements to be endorsed as a math specialist or a reading specialist. Localities receiving these payments are required to match these funds based on the composite index of local				

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ability-to-pay.

c. The Department of Education is authorized to utilize available funding appropriated to the Early Reading Specialist Initiative contained in this Item to pay for instructional specialists at additional eligible schools, or to support tuition for collegiate programs and instruction for currently employed instructional school personnel at additional eligible schools to earn the credentials necessary to meet licensure requirements to be endorsed as an instructional specialist.

d. Within the fiscal year, any funds not awarded from this program may be awarded to eligible schools under the Early Reading Specialists Initiative.

35. Broadband Connectivity Capabilities

By November 1 each year, school divisions shall report to the Department of Education the status of broadband connectivity capability of schools in the division on a form to be provided by the Department. Such report shall include school-level information on the method of Internet service delivery, the level of bandwidth capacity and the degree such capacity is sufficient for delivery of school-wide digital resources and instruction, degree of internet connectivity via Wi-Fi, cost information related to Internet connectivity, data security, and such other pertinent information as determined by the Department of Education. The Department shall provide a summary of the division responses in a report to be made available on its agency Web site.

36. Infrastructure and Operations Per Pupil Funds

a. Out of this appropriation, an amount estimated at \$262,983,700 the first year and \$266,241,801 the second year from the Lottery Proceeds Fund shall be disbursed by the Department of Education to local school divisions to support the state share of an estimated \$375.27 per pupil the first year and \$378.52 per pupil the second year in adjusted March 31 average daily membership. These per pupil amounts are subject to change for the purpose of payment to school divisions based on the actual March 31 ADM collected each year. Beginning in the second year, these funds shall be matched by the local government, based on the composite index of local ability-to-pay. Further, in order to receive this funding, the locality in which the school division is located shall appropriate these funds solely for educational purposes and shall not use such funds to reduce total local operating expenditures for public education below the amount expended by the locality for such purposes in the year upon which the 2018-20 biennial Standards of Quality expenditure data were based; provided however that no locality shall be required to maintain a per-pupil expenditure which is greater than the per pupil amount expended by the locality for such purposes in the year upon which the 2018-20 biennial Standards of Quality expenditure data were based. The Department of Education is authorized each year to temporarily suspend Infrastructure and Operations Per Pupil Allocation payments made to school divisions from Lottery funds to ensure that any shortfall in Lottery revenue can be accounted for in the remaining Infrastructure and Operations Per Pupil Allocation payments to be made for the year.

b. From the amounts listed above, funds are provided to ensure that small school divisions receive an Infrastructure and Operations payment of at least \$200,000 each year. Beginning in the second year, divisions receiving additional funds for a payment of at least \$200,000 shall only be required to provide the local match on the per pupil amount distributed in paragraph C.36.a.

c. Of the amounts listed above, no more than 70 percent the first year and no more than 60 percent the second year shall be used for recurring costs and at least 30 percent the first year and at least 40 percent the second year shall be spent on nonrecurring expenditures by the relevant school divisions. Nonrecurring costs shall include school construction, additions, infrastructure, site acquisition, renovations, school buses, technology, and other expenditures related to modernizing classroom equipment, and debt service payments on school projects completed during the last 10 years.

d. Any lottery funds provided to school divisions from this item that are unexpended as of June 30, 2021, and June 30, 2022, shall be carried on the books of the locality to be appropriated to the school division in the following year.

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37. Special Education Endorsement Program				
a. Notwithstanding § 22.1-290.02, Code of Virginia, out of this appropriation, \$437,186 the first year and \$437,186 the second year from the general fund is provided for traineeships and program operation grants that shall be awarded to public Virginia institutions of higher education to prepare persons who are employed in the public schools of Virginia, state operated programs, or regional special education centers as special educators with a provisional license and enrolled either part-time or full-time in programs for the education of children with disabilities. Applicants shall be graduates of a regionally accredited college or university.				
b. The award of such grants shall be made by the Department of Education, and the number of awards during any one year shall depend upon the amounts appropriated by the General Assembly for this purpose. The amount awarded for each traineeship shall be \$600 for a minimum of three semester hours of course work in areas required for the special education endorsement to be taken by the applicant during a single semester or summer session. Only one traineeship shall be awarded to a single applicant in a single semester or summer session.				
38. Compensation Supplement				
a.1) Out of this appropriation, \$94,731,247 the first year from the general fund and \$304,117 the first year from the Lottery Proceeds Fund are provided and \$192,502,898 the second year from the general fund and \$612,979 the second year from the Lottery Proceeds Fund is provided for the state share of a payment of the following salary increases for funded SOQ instructional and support positions. Funded SOQ instructional positions shall include the teacher, school counselor, librarian, instructional aide, principal, and assistant principal positions funded through the SOQ staffing standards for each school division in the biennium. This amount includes \$408,502 the first year and \$834,740 the second year from the general fund referenced in paragraph C. 27. h. for the Academic Year Governor's Schools for the state share of a payment of the following salary increases for instructional and support positions, and this amount includes \$304,117 the first year and \$612,979 the second year from the Lottery Proceeds Fund referenced in paragraph C. 9. f. 4) for Regional Alternative Education Programs for the state share of a payment of the following salary increases for instructional and support positions.				
2) For the first year, the state share of a payment equivalent to a 2.0 percent salary increase effective July 1, 2020, for SOQ instructional and support positions.				
It is the intent that the instructional and support position salaries are increased in school divisions throughout the state by at least an average of 2.0 percent during the first year. Sufficient funds are appropriated in this act to finance, on a statewide basis, the state share of a 2.0 percent salary increase the first year for funded SOQ instructional and support positions, effective July 1, 2020, to school divisions that certify to the Department of Education that salary increases of a minimum average of 2.0 percent have been or will have been provided during the the first year to instructional and support personnel, excluding any increases referenced in paragraph 3. The state funds for which the division is eligible to receive shall be matched by the local government, based on the composite index of local ability-to-pay, which shall be calculated using an effective date of July 1, 2020, as the basis for the local match requirement for both funded SOQ instructional and support positions.				
3) For the second year, the state share of a payment equivalent to a 2.0 percent salary increase effective July 1, 2021, for SOQ instructional and support positions.				
It is the intent that the instructional and support position salaries are increased in school divisions throughout the state by at least an average of 2.0 percent during the second year. Sufficient funds are appropriated in this act to finance, on a statewide basis, the state share of a 2.0 percent salary increase the second year for funded SOQ instructional and support positions, effective July 1, 2021, to school divisions that certify to the Department of Education that salary increases of a minimum average of 2.0 percent have been or will have been provided during the 2020-2022 biennium, either in the first year or in the second year or through a combination of the two years, to instructional and support personnel, excluding any increases referenced in paragraph 2. The state funds for which the division is eligible to receive shall be matched by the local government, based on the composite index of local ability-to-pay, which shall be calculated using an effective date of July 1, 2021, as the basis				

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for the local match requirement for both funded SOQ instructional and support positions

b. This funding is not intended as a mandate to increase salaries.

39. School Meals Expansion

Out of this appropriation, \$5,300,000 the first year and \$5,300,000 the second year from the general fund is provided for local school divisions to reduce or eliminate the cost of school breakfast and school lunch for students who are eligible for reduced price meals under the federal National School Lunch Program and School Breakfast Program. The Department of Education is authorized to reduce this amount proportionately so as not to exceed this appropriation.

40. No Loss Funding

Out of this appropriation, \$1,776,174 the first year and \$1,973,585 the second year from the general fund is provided to ensure that no school division loses state funding in fiscal year 2021 or fiscal year 2022 as compared to that school division's fiscal year 2020 state distribution.

41. Enrollment Loss

Out of this appropriation, \$2,540,119 the first year and \$2,102,530 the second year from the general fund is provided for enrollment loss payments to school divisions with a September 30 fall membership count of 10,000 or less that has decreased by more than two percent from the previous September 30 fall membership count. Such payment shall be calculated based on the state share per pupil of Basic Aid for each locality, for a percentage of the enrollment loss (as determined below) between the September 30 fall membership count and the subsequent September 30 fall membership count.

Local Composite Index	Percentage
0.0000-0.1999	85%
0.2000-0.3499	70%
0.3500-0.4999	45%
0.5000 or more	30%

42. Alleghany County - Covington City School Division Consolidation Incentive

Out of this appropriation, \$582,000 the second year from the general fund is provided as an incentive for the consolidation of the Alleghany County and Covington City school divisions. Such funds shall only be disbursed upon (i) the Board of Supervisors of Alleghany County and the Covington City Council adopting resolutions in support of the consolidation and (ii) the Board of Education's approval of such consolidation pursuant to § 22.1-25 of the Code of Virginia. This incentive payment shall be made following the execution of such consolidation, and such payments shall be provided for no more than five fiscal years, beginning in fiscal year 2022.

43. COVID-19 Local Relief Payments

a. This item includes an appropriation estimated at \$95,227,730 in the first year from the COVID-19 Relief Fund established in § 2.2-115.1 of the Code of Virginia to be distributed to school divisions as COVID-19 Local Relief payments in support of the Standards of Quality. Local governing bodies shall appropriate these funds to school divisions in the same manner in which they appropriate sales tax revenues dedicated to public education.

b. This local relief payment represents the net increase in the estimated amounts of the local share of Basic Aid costs from the amount estimated in Chapter 1289, 2020 Acts of Assembly, to the amount estimated in House Bill 5005 and Senate Bill 5015, as introduced for the 2020 Special Session I, and shall be distributed to school divisions based on this methodology.

c. For the purposes of calculating Required Local Expenditure as defined in this item, this local relief payment will be counted as a credit toward the local share of the costs of the Standards of Quality in the first year.

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	<i>d. It is the intent of the General Assembly to update this local relief payment based on any subsequent increases to the Sales Tax estimates approved by the General Assembly and included in this item.</i>			
146.	Not set out.			
146-10	Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted:			
		FY 2021		FY 2022
	Alleghany-Covington consolidation	\$0		\$582,000
	Support the Western Virginia Public Education Consortium	\$50,000		\$50,000
	Maximize pre-kindergarten access for at-risk three- and four-year-old children	\$35,027,435		\$48,436,297
	Recruit and retain early childhood educators	\$3,000,000		\$5,000,000
	Support African American history education	\$1,300,000		\$0
	Support history education through the American Civil War Museum	\$1,000,000		\$0
	Provide no loss funding to localities	\$1,776,174		\$1,973,585
	Expand access to school meals	\$5,300,000		\$5,300,000
	Increase salaries for funded Standards of Quality instructional and support positions	\$94,731,247		\$192,502,898
	Increase support for at-risk students	\$26,164,313		\$35,173,962
	Increase support for Communities in Schools	\$760,000		\$760,000
	Increase support for Jobs for Virginia Graduates	\$1,670,000		\$1,670,000
	Enrollment loss	\$2,540,119		\$2,102,530
	Chesterfield Recovery High School	\$250,000		\$250,000
	YMCA Power Scholars Academies	\$450,000		\$450,000
	Brooks Crossing Innovation and Opportunity Center	\$250,000		\$250,000
	Emil and Grace Shihadeh Innovation Center	\$250,000		\$0
	Literacy Lab - VPI Minority Educator Fellowship	\$300,000		\$0
	Soundscapes - Newport News	\$90,000		\$0
	Cost of Competing Adjustment	\$9,555,229		\$9,968,849
	Active Learning grants	\$250,000		\$0
	Blue Ridge PBS	\$500,000		\$500,000
	Bonder and Amanda Johnson Community Development Corporation	\$100,000		\$0

ITEM 146.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Agency Total	\$185,314,517		\$304,970,121	
Total for Direct Aid to Public Education.....			\$8,939,846,326	\$9,127,470,380
			\$8,939,830,219	\$9,033,863,333
Fund Sources: General.....	\$7,050,366,696	\$7,309,475,477		
	\$6,938,522,859	\$7,215,868,430		
Special.....	\$895,000	\$895,000		
Commonwealth Transportation.....	\$2,100,000	\$1,470,000		
Trust and Agency.....	\$819,959,397	\$749,104,670		
Dedicated Special Revenue.....	\$95,227,730	\$0		
Federal Trust.....	\$1,066,525,233	\$1,066,525,233		
	\$1,083,125,233			
Grand Total for Department of Education, Central Office Operations.....			\$9,071,514,314	\$9,441,796,095
			\$9,071,498,207	\$9,348,189,048
General Fund Positions.....	151.00	153.50		
Nongeneral Fund Positions.....	185.50	335.50		
Position Level.....	336.50	489.00		
Fund Sources: General.....	\$7,124,617,077	\$7,388,367,358		
	\$7,012,773,240	\$7,294,760,311		
Special.....	\$6,164,257	\$6,164,257		
Commonwealth Transportation.....	\$2,379,612	\$1,749,612		
Trust and Agency.....	\$820,639,075	\$749,784,348		
Dedicated Special Revenue.....	\$95,227,730	\$0		
Federal Trust.....	\$1,117,714,293	\$1,295,730,520		
	\$1,134,314,293			

- 147. Not set out.
- 148. Not set out.
- 149. Not set out.

§ 1-24. STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA (245)

150.	Not set out.		
151.	Not set out.		
152.	Higher Education Academic, Fiscal, and Facility Planning and Coordination (11100).....		\$19,585,818
	Higher Education Coordination and Review (11104).....	\$7,896,303	\$8,846,303
	Regulation of Private and Out-of-State Institutions (11105).....	\$1,294,253	\$1,294,253
	Institutional Program Support (11107).....	\$10,395,262	\$10,395,262
	Fund Sources: General.....	\$18,141,565	\$19,091,565
	Special.....	\$1,254,253	\$1,254,253
	Trust and Agency.....	\$190,000	\$190,000

Authority: § 23.1-200, § 23.1-203, § 23.1-1107, § 23.1-629, § 23.1-903.4.

A. 1. It is the intent of the General Assembly to provide general fund support to contract at a level equivalent to the Tuition Assistance Grant undergraduate award with Mary Baldwin University for Virginia women resident students to participate in the Virginia Women's Institute for Leadership at Mary Baldwin University.

2. The amounts included in this Item are \$307,899 the first year and \$307,899 the second

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	year from the general fund for the programmatic administration of this program.			
	3. General fund appropriations provided under this contract include financial incentive for the participating students at Mary Baldwin University in the Virginia Women's Institute for Leadership Program. Students receiving this financial incentive will not be eligible for Tuition Assistance Grants.			
	4. By September 1 of each year, Mary Baldwin University shall report to the Chairmen of the House Appropriations and Senate Finance Committees, the Director, State Council of Higher Education for Virginia, and the Director, Department of Planning and Budget, on the number of students participating in the Virginia Women's Leadership Program, the number of in-state and out-of-state students receiving awards, the amount of the awards, the number of students graduating, and the number of students receiving commissions in the military.			
	B. In discharging the responsibilities specified in § 23.1-219, Code of Virginia, the State Council of Higher Education for Virginia shall provide exemptions to individual proprietorships, associations, co-partnerships or corporations which are now or in the future will be using the words "college" or "university" in their training programs solely for their employees or customers, which do not offer degree-granting programs, and whose name includes the word "college" or "university" in a context from which it clearly appears that such entity is not an educational institution.			
	C. Out of the appropriation for Higher Education Coordination and Review, \$9,562,363 the first year and \$9,562,363 the second year from the general fund is provided for continuation of the Virtual Library of Virginia. Funding for the Virtual Library of Virginia is provided for the benefit of students and faculty at the Commonwealth's public institutions of higher education and participating nonprofit, independent private colleges and universities. Out of this amount, \$436,946 the first year and \$436,946 the second year is earmarked to allow the participation of nonprofit, independent private colleges and universities.			
	D. Out of this appropriation, \$950,366 and ten positions the first year and \$950,366 and ten positions the second year from nongeneral funds is provided to support higher education coordination and review services, including expenses incurred in the regulation and oversight of the private and out-of-state postsecondary institutions and proprietary schools operating in Virginia. These funds will be generated through fee schedules developed pursuant to § 23.1-224, Code of Virginia. Out of this amount, \$190,000 the first year and \$190,000 the second year from nongeneral funds is designated to administration of the Student Tuition Guarantee Fund.			
	E. The State Council of Higher Education for Virginia, in consultation with the House Appropriations Committee, the Senate Finance Committee, the Department of General Services, and the Department of Planning and Budget, shall develop a six-year capital outlay plan for higher education institutions including affiliated entities. As a part of this plan SCHEV shall consider (i) current funding mechanisms for capital projects and improvements at the Commonwealth's institutions of higher education, including general obligation bonds and other viable funding methods; (ii) mechanisms to assist private institutions of higher education in the Commonwealth with their capital needs.			
	F. The Executive Director, State Council of Higher Education for Virginia, may appoint an advisory committee to assist the council with technology-enriched learning initiatives. The advisory committee may assist the council in (i) developing innovative, cost-effective, technology-enriched teaching and learning initiatives, including distance and distributed learning initiatives; (ii) improving cooperation among and between the public and private institutions of higher education in the Commonwealth; (iii) improving efficiency and expand the availability of technology-enriched courses; and (iv) facilitating the sharing of research and experience to improve student learning.			
	G. The State Council of Higher Education for Virginia shall include Eastern Virginia Medical School in any calculations used to determine the funding requirements for state medical schools.			
	H. In addition to the reviews conducted under § 23.1-206 and § 23.1-306, Code of Virginia, the State Council of Higher Education shall evaluate the progress of individual initiatives funded in this act as part of the incentive funding provided to colleges and universities with			

ITEM 152.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>regard to improvements in retention, graduation, degree production and other criteria the Council deems appropriate.</p>				
<p>I. Out of this appropriation, \$330,687 the first year and \$330,687 the second year from the general fund is designated to support research and analysis and the administration of a multi-agency longitudinal data system to improve consumer information and policy recommendations.</p>				
<p>J. Out of this appropriation, \$225,000 the first year and \$225,000 the second year from the general fund is designated to establish and maintain a fund for excellence and innovation. The fund is designed to stimulate collaboration among public school divisions, community colleges and universities to create and expand affordable student pathways and to pursue shared services and other efficiency initiatives at colleges and universities that lead to measurable cost reductions. Grants will be awarded on a competitive basis, with eligibility criteria determined by the State Council of Higher Education for Virginia.</p>				
<p>K. Out of this appropriation, \$224,000 and one position the first year and \$174,000 and one position the second year from the general fund is designated for the establishment of a student loan ombudsman to provide timely assistance to student borrowers of any student education loan in the Commonwealth. The ombudsman will also be responsible for establishing and maintaining an online student loan borrower education course, which would cover key loan terms, documentation requirements, monthly payment obligations, income-based repayment options, loan forgiveness, and disclosure requirements.</p>				
<p>L. 1. Out of this appropriation, \$1,000,000 the first year and \$2,000,000 the second year from the general fund is designated for the Innovative Internship Fund and Program, § 23.1-903.4, Code of Virginia. The funding is designed to expand paid or credit-bearing student internship and other work-based learning opportunities in collaboration with Virginia employers. The Program comprises institutional grants and a statewide initiative to facilitate the readiness of students, employers, and institutions of higher education to participate in internship and other work-based learning opportunities.</p>				
<p>2. In administering the statewide initiative, the Council shall (i) engage stakeholders from business and industry, secondary and higher education, economic development, and state agencies and entities that are successfully engaging employers or successfully operating internship programs; (ii) explore strategies in Virginia and elsewhere on successful institutional, regional, statewide or sector-based internship programs; (iii) gather data on current institutional internship practices, scale, and outcomes; (iv) develop internship readiness educational resources, delivery methods, certification procedures, and outreach and awareness activities for employer partners, students, and institutional career development personnel; (v) pursue shared services or other efficiency initiatives, including technological solutions; and (vi) create a process to track key measures of performance.</p>				
<p>3. The Council shall establish eligibility criteria, including requirements for matching funds, for institutional grants. Such grants shall be used to accomplish one or more of the following goals: (i) support state or regional workforce needs; (ii) support initiatives to attract and retain talent in the Commonwealth; (iii) support research and research commercialization in sectors and clusters targeted for development; (iv) support regional economic growth and diversification plans; (v) enhance the job readiness of students; (vi) enhance higher education affordability and timely completion for Virginia students; or (vii) further the objectives of increasing the tech talent pipeline.</p>				
<p>M. In addition to the exceptions pursuant to § 2.2-3815, the provisions of the section shall not be construed to prevent the release of a social security number to the U.S. Census, U.S. Education Department, or other agency of the federal government, by the State Council of Higher Education for the purposes of data-matching to improve knowledge of the outcomes of education programs of the Commonwealth, including, but not limited, to earnings and education-related debt.</p>				
<p>N. The State Council of Higher Education for Virginia shall collect annual dues on behalf of Virginia Sea Grant to support its operational costs. The Council shall make payments out of nongeneral funds in this appropriation to Virginia Sea Grant, and shall enter into a memorandum of understanding with Virginia Sea Grant to define fiscal responsibilities and establish reimbursement rates and processes for the delivery of services.</p>				

ITEM 152.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
O 1. The State Council of Higher Education for Virginia, in consultation with staff from the House Appropriations and Senate Finance and Appropriations Committee, Department of Planning and Budget, Secretary of Finance and Secretary of Education, as well as representatives of public higher education institutions, shall review financial aid awarding practices and tuition discounting strategies.				
2. The Council shall review current state financial aid awarding policies and make recommendations to: (1) appropriately prioritize and address affordability for low- and middle-income students; (2) increase program efficiency and effectiveness in meeting state goals that align with The Virginia Plan; and (3) simplify communication and improve student understanding of eligibility criteria. The review shall also: (1) assess financial aid by income level and the utilization and reporting of tuition revenue used for financial aid and unfunded scholarships; and (2) consider the pros and cons of authorizing remittance of tuition and fees for merit scholarships for students of high academic achievement.				
3. By November 1, 2020, the Council shall submit a report and any related recommendations to the Governor and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees.				
P. 1. The State Council of Higher Education for Virginia shall develop a plan for implementing a statewide survey on institutional expenditures by program and academic discipline at Virginia's public institutions to determine the effectiveness of spending related to the attainment of state and institutional goals and inform strategic decision-making.				
2. The Council may review existing reporting capacities and other state examples of cost analysis by program and academic discipline in higher education to: (1) determine the Council's current capacity to conduct the survey; (2) determine any additional staff and financial support necessary for conducting such a survey; (3) determine the potential for long-range cost containments; and (4) detail a plan for survey implementation.				
3. By November 1, 2020, the Council shall submit a report and any related recommendations to the Governor and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees.				
Q. Out of this appropriation, \$250,000 the first year and \$250,000 the second year from the general fund is designated for the Guidance to Postsecondary Success program. The program coordinates statewide efforts to increase college access and student success.				
R. 1. Out of this appropriation, \$150,000 the first year and \$150,000 the second year from the general fund is designated to support related costs of undertaking a review of higher education costs, funding needs, appropriations and efficiencies.				
2. The State Council of Higher Education, in consultation with representatives from House Appropriations Committee, Senate Finance and Appropriations Committee, Department of Planning and Budget, Secretary of Finance, and Secretary of Education, as well as representatives of public higher education institutions, shall review methodologies to determine higher education costs, funding needs, and appropriations in Virginia. The review shall identify and recommend: (1) methods to determine appropriate costs; (2) measures of efficiency and effectiveness; (3) provisions for any new reporting requirements; (4) strategies to allocate limited public resources based on outcomes that align with state needs related to affordability, access, completion, and workforce alignment, including with regard to nonresident pricing; (5) the impact of funding on underrepresented student populations, and (6) a timeline for implementation.				
3. The review shall build on existing efforts including the assessment of base adequacy, recommendations provided through the Strategic Finance Plan, and peer institution comparisons to determine if existing funding models should be updated or replaced. It shall also build on promising practices and include input from Virginia's institutions, policy makers, and other education experts.				
4. The Council shall present a proposed workplan to the Joint Subcommittee on the Future Competitiveness of Higher Education in Virginia by August 15, 2020. The Council shall submit a preliminary report and any related recommendations to the Governor and the Chairmen of the House Appropriations and Senate Finance and Appropriations Committees by December 1, 2020 with a final report by July 1, 2021.				

ITEM 152.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

S. The State Council of Higher Education for Virginia, in fulfilling the requirements under § 23.1-1304 Code of Virginia, may use online training modules that expand training beyond the initial orientation for Boards of Visitor members.

T. During the 2020-2022 biennium, the Council shall coordinate (i) the dissemination to the institutions the measures of financial status included in the most recent Auditor of Public Accounts Higher Education Comparative Report, and (ii) collection of institutions' resulting financial sustainability reviews and possible action plans, to include if warranted discussion of a full range of potential structural options to improve long-term financial health. The six-year plan review group identified under § 23.1-306 shall review such submissions.

153. Not set out.

154. Not set out.

155. Not set out.

155.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Provide funding for cost study	\$150,000	\$150,000
Provide funding for Title IX training	\$100,000	\$100,000
Provide funding for Grow Your Own Teacher program	\$125,000	\$125,000
Provide funding for Guidance to Postsecondary Success	\$250,000	\$250,000
Increase funding for Virginia Tuition Assistance Grant Program (TAG)	\$4,100,000	\$7,900,000
Increase funding for Virginia Military Survivors & Dependent Education Program	\$750,000	\$750,000
Increase appropriation for internship program	\$300,000	\$1,300,000
Add funding for VIVA	\$400,000	\$400,000
Provide funding for the Virginia Earth System Scholars program	\$220,375	\$220,375
Agency Total	\$6,395,375	\$11,195,375

Total for State Council of Higher Education for Virginia.....			\$122,845,178	\$127,595,178
General Fund Positions.....	46.00	46.00		
Nongeneral Fund Positions.....	17.00	17.00		
Position Level.....	63.00	63.00		
Fund Sources: General.....	\$115,525,499	\$120,275,499		

ITEM 155.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Special.....	\$1,439,253	\$1,439,253		
Trust and Agency.....	\$190,000	\$190,000		
Dedicated Special Revenue.....	\$250,000	\$250,000		
Federal Trust.....	\$5,440,426	\$5,440,426		

§ 1-25. CHRISTOPHER NEWPORT UNIVERSITY (242)

- 156. Not set out.
- 157. Not set out.
- 158. Not set out.
- 159. Not set out.

159-10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted:

	FY 2021	FY 2022
Increase undergraduate student financial assistance	\$249,600	\$249,600
Agency Total	\$249,600	\$249,600
Total for Christopher Newport University.....		\$173,962,717
General Fund Positions.....	341.56	341.56
Nongeneral Fund Positions.....	596.18	596.18
Position Level.....	937.74	937.74
Fund Sources: General.....	\$39,460,881	\$39,460,881
Higher Education Operating.....	\$114,797,967	\$114,797,967
Debt Service.....	\$19,703,869	\$19,703,869

§ 1-26. THE COLLEGE OF WILLIAM AND MARY IN VIRGINIA (204)

- 160. Not set out.
- 161. Not set out.
- 162. Not set out.
- 163. Not set out.

163-10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such

ITEM 163.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.</p>				
		FY 2021		FY 2022
CWM - Graduate Aid (Research)		\$79,400		\$119,300
Increase undergraduate student financial assistance		\$133,000		\$133,000
Agency Total		\$212,400		\$252,300
Total for The College of William and Mary in Virginia.....			\$398,641,097	\$398,680,997
General Fund Positions.....	552.16	552.16		
Nongeneral Fund Positions.....	882.96	882.96		
Position Level.....	1,435.12	1,435.12		
Fund Sources: General.....	\$54,876,562	\$54,916,462		
Higher Education Operating.....	\$312,616,241	\$312,616,241		
Debt Service.....	\$31,148,294	\$31,148,294		

Richard Bland College (241)

- 164. Not set out.
- 165. Not set out.
- 166. Not set out.
- 167. Not set out.

~~167.10~~ Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Increase undergraduate student financial assistance	\$154,400	\$154,300
RBC - Compliance, Accreditation and Student Success	\$708,000	\$708,000
Agency Total	\$862,400	\$862,300
Total for Richard Bland College.....		\$21,362,904
General Fund Positions.....	78.43	78.43
Nongeneral Fund Positions.....	41.41	41.41

ITEM 167.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Position Level.....	119.84	119.84		
Fund Sources: General.....	\$10,663,494	\$10,663,394		
Higher Education Operating.....	\$10,699,410	\$10,699,410		

Virginia Institute of Marine Science (268)

- 168. Not set out.
- 169. Not set out.
- 170. Not set out.

~~170.10~~ Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted:

	FY 2021	FY 2022		
Fund saltwater fisheries survey	\$250,000	\$250,000		
VIMS - Manage Aquatic Diseases	\$225,000	\$225,000		
VIMS - Graduate Aid (Research)	\$53,400	\$80,000		
Agency Total	\$528,400	\$555,000		
Total for Virginia Institute of Marine Science.....			\$52,144,523	\$52,171,123
General Fund Positions.....	298.82	298.82		
Nongeneral Fund Positions.....	96.60	96.60		
Position Level.....	395.42	395.42		
Fund Sources: General.....	\$25,687,165	\$25,713,765		
Higher Education Operating.....	\$26,457,358	\$26,457,358		
Grand Total for The College of William and Mary in Virginia.....			\$472,148,524	\$472,214,924
General Fund Positions.....	929.41	929.41		
Nongeneral Fund Positions.....	1,020.97	1,020.97		
Position Level.....	1,950.38	1,950.38		
Fund Sources: General.....	\$91,227,221	\$91,293,621		
Higher Education Operating.....	\$349,773,009	\$349,773,009		
Debt Service.....	\$31,148,294	\$31,148,294		

§ 1-27. GEORGE MASON UNIVERSITY (247)

- 171. Not set out.
- 172. Not set out.
- 173. Not set out.

ITEM 174.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
174.	Not set out.			
174.10	<p>Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.</p>			
		FY 2021		FY 2022
	Increase undergraduate student financial assistance	\$6,945,000		\$6,944,900
	Provide funding to support graduate financial aid	\$53,400		\$80,000
	Provide additional funding to support enrollment growth	\$10,000,000		\$12,000,000
	Agency Total	\$16,998,400		\$19,024,900
	Total for George Mason University.....		\$1,206,202,420	\$1,210,228,920
	General Fund Positions.....	1,082.14	1,082.14	
	Nongeneral Fund Positions.....	4,185.49	4,185.49	
	Position Level.....	5,267.63	5,267.63	
	Fund Sources: General.....	\$206,221,193	\$208,247,693	
	Higher Education Operating.....	\$945,839,027	\$947,839,027	
	Debt Service.....	\$54,142,200	\$54,142,200	

§ 1-28. JAMES MADISON UNIVERSITY (216)

- 175. Not set out.
- 176. Not set out.
- 177. Not set out.
- 178. Not set out.

178.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

ITEM 178.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Increase undergraduate student financial assistance		\$1,279,400		\$1,279,400
Agency Total		\$1,279,400		\$1,279,400
Total for James Madison University.....			\$652,214,945	\$652,214,945
General Fund Positions.....	1,278.00	1,278.00		
Nongeneral Fund Positions.....	2,631.52	2,631.52		
Position Level.....	3,909.52	3,909.52		
Fund Sources: General.....	\$109,435,498	\$109,435,498		
Higher Education Operating.....	\$498,529,554	\$498,529,554		
Debt Service.....	\$44,249,893	\$44,249,893		

§ 1-29. LONGWOOD UNIVERSITY (214)

- 179. Not set out.
- 180. Not set out.
- 181. Not set out.
- 182. Not set out.

~~182-10~~ Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted:

	FY 2021	FY 2022		FY 2021	FY 2022
Increase undergraduate student financial assistance	\$787,400			\$787,400	
Develop a 2 2 degree pathway in Early Childhood Education	\$137,410			\$137,410	
Agency Total	\$924,810			\$924,810	
Total for Longwood University.....			\$152,141,553	\$152,141,553	
General Fund Positions.....	288.89	288.89			
Nongeneral Fund Positions.....	471.67	471.67			
Position Level.....	760.56	760.56			
Fund Sources: General.....	\$38,213,482	\$38,213,482			
Higher Education Operating.....	\$106,340,760	\$106,340,760			
Debt Service.....	\$7,587,311	\$7,587,311			

§ 1-30. NORFOLK STATE UNIVERSITY (213)

- 183. Not set out.
- 184. Not set out.

ITEM 184.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
185.	Not set out.			
186.	Not set out.			
186.10	Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.			
		FY 2021		FY 2022
	NSU - Center for African American Policy	\$250,000		\$250,000
	Support First-Day Success program	\$75,000		\$75,000
	Launch Virginia College Affordability Network initiative	\$3,459,590		\$4,872,765
	Increase undergraduate student financial assistance	\$1,632,200		\$1,632,200
	Increase storage and expand information technology services	\$3,000,000		\$2,500,000
	Implement UTeach program	\$250,000		\$250,000
	Implement academic advising model	\$300,000		\$300,000
	Ensure continuation of Spartan Pathways	\$150,000		\$150,000
	Agency Total	\$9,116,790		\$10,029,965
	Total for Norfolk State University.....		\$181,770,548	\$182,683,723
	General Fund Positions.....	517.15	517.15	
	Nongeneral Fund Positions.....	689.97	689.97	
	Position Level.....	1,207.12	1,207.12	
	Fund Sources: General.....	\$72,567,161	\$73,480,336	
	Higher Education Operating.....	\$105,409,605	\$105,409,605	
	Debt Service.....	\$3,793,782	\$3,793,782	

§ 1-31. OLD DOMINION UNIVERSITY (221)

- 187. Not set out.
- 188. Not set out.
- 189. Not set out.
- 190. Not set out.

~~190.10~~ Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any

ITEM 190.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.</p>				
		FY 2021		FY 2022
Provide funding to support graduate financial aid		\$165,800		\$248,600
Support Virginia Symphony Orchestra minority fellowships		\$250,000		\$250,000
Provide additional funding to support enrollment growth		\$10,000,000		\$12,000,000
Increase undergraduate student financial assistance		\$5,337,000		\$5,337,000
Agency Total		\$15,752,800		\$17,835,600
Total for Old Dominion University.....			\$503,707,808	\$505,790,608
General Fund Positions.....	1,084.51	1,084.51		
Nongeneral Fund Positions.....	1,525.98	1,525.98		
Position Level.....	2,610.49	2,610.49		
Fund Sources: General.....	\$180,275,234	\$182,358,034		
Higher Education Operating.....	\$296,957,212	\$296,957,212		
Debt Service.....	\$26,475,362	\$26,475,362		

§ 1-32. RADFORD UNIVERSITY (217)

- 191. Not set out.
- 192. Not set out.
- 193. Not set out.
- 194. Not set out.
- 195. Not set out.

195-10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Increase undergraduate student financial assistance	\$2,538,400	\$2,538,400

ITEM 195.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Provide funding to reduce tuition at Carilion Campus in Roanoke		\$2,000,000		\$4,000,000
Agency Total		\$4,538,400		\$6,538,400
Total for Radford University.....			\$253,490,809	\$255,490,809
General Fund Positions.....	631.39	631.39		
Nongeneral Fund Positions.....	964.69	964.69		
Position Level.....	1,596.08	1,596.08		
Fund Sources: General.....	\$74,596,008	\$76,596,008		
Higher Education Operating.....	\$174,694,801	\$174,694,801		
Debt Service.....	\$4,200,000	\$4,200,000		

§ 1-33. UNIVERSITY OF MARY WASHINGTON (215)

- 196. Not set out.
- 197. Not set out.
- 198. Not set out.
- 199. Not set out.
- 200. Not set out.
- 201. Not set out.
- 202. Not set out.

202-10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022		FY 2021	FY 2022
Fredericksburg Pipeline Initiative	\$386,500			\$568,000	
Increase undergraduate student financial assistance	\$470,400			\$470,300	
Agency Total	\$856,900			\$1,038,300	
Total for University of Mary Washington.....			\$144,448,609	\$145,130,009	
General Fund Positions.....	228.66	228.66			
Nongeneral Fund Positions.....	465.00	465.00			
Position Level.....	693.66	693.66			
Fund Sources: General.....	\$36,332,579	\$36,513,979			
Special.....	\$821,971	\$821,971			
Higher Education Operating.....	\$101,855,431	\$102,355,431			
Debt Service.....	\$5,438,628	\$5,438,628			

ITEM 202.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

§ 1-34. UNIVERSITY OF VIRGINIA (207)

- 203. Not set out.
- 204. Not set out.
- 205. Not set out.
- 206. Not set out.

206.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Provide funding to support graduate financial aid	\$222,800	\$334,200
Fund Virginia Humanities Curriculum and Humanities Ambassadors	\$500,000	\$500,000
Increase undergraduate student financial assistance	\$320,400	\$320,300
Agency Total	\$1,043,200	\$1,154,500
Total for University of Virginia.....		\$1,733,156,202 \$1,733,267,502
General Fund Positions.....	1,088.78	1,088.78
Nongeneral Fund Positions.....	5,955.32	5,955.32
Position Level.....	7,044.10	7,044.10
Fund Sources: General.....	\$165,778,160	\$165,889,460
Higher Education Operating.....	\$1,519,830,042	\$1,519,830,042
Debt Service.....	\$47,548,000	\$47,548,000

- 207. Not set out.
- 208. Not set out.
- 209. Not set out.

University of Virginia's College at Wise (246)

- 210. Not set out.
- 211. Not set out.
- 212. Not set out.

ITEM 213.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
213.	Not set out.			
213.10	<p>Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.</p>			

	FY 2021		FY 2022
Increase undergraduate student financial assistance	\$402,800		\$402,700
Agency Total	\$402,800		\$402,700
Total for University of Virginia's College at Wise...		\$50,631,473	\$50,534,989
General Fund Positions.....	171.46	171.46	
Nongeneral Fund Positions.....	202.24	202.24	
Position Level.....	373.70	373.70	
Fund Sources: General.....	\$22,494,957	\$22,494,857	
Higher Education Operating.....	\$25,146,516	\$25,050,132	
Debt Service.....	\$2,990,000	\$2,990,000	
Grand Total for University of Virginia.....		\$3,905,131,340	\$4,035,942,502
General Fund Positions.....	1,260.24	1,260.24	
Nongeneral Fund Positions.....	13,836.78	13,951.78	
Position Level.....	15,097.02	15,212.02	
Fund Sources: General.....	\$188,273,117	\$188,384,317	
Higher Education Operating.....	\$3,648,673,758	\$3,779,373,720	
Debt Service.....	\$68,184,465	\$68,184,465	

§ 1-35. VIRGINIA COMMONWEALTH UNIVERSITY (236)

214.	Educational and General Programs (10000).....			\$662,382,918	\$662,382,918
	Higher Education Instruction (100101).....	\$401,841,363	\$401,841,363		
	Higher Education Research (100102).....	\$14,553,827	\$14,553,827		
	Higher Education Public Services (100103).....	\$8,890,462	\$8,890,462		
	Higher Education Academic (100104).....	\$100,127,994	\$100,127,994		
	Higher Education Student Services (100105).....	\$26,559,040	\$26,559,040		
	Higher Education Institutional Support (100106)....	\$55,267,268	\$55,267,268		
	Operation and Maintenance Of Plant (100107).....	\$55,142,964	\$55,142,964		
	Fund Sources: General.....	\$198,253,042	\$198,253,042		
	Higher Education Operating.....	\$464,129,876	\$464,129,876		

Authority: Title 23.1, Chapter 23, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

B.1. Out of this appropriation, \$4,336,607 the first year and \$4,336,607 the second year

ITEM 214.	Item Details(\$)		Appropriations(\$)	
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<p>from the general fund is provided for the operation of the Family Practice Residency Program and Family Practice medical student programs. This appropriation for Family Practice programs, whether ultimately implemented by contract, agreement or other means, is considered to be a grant.</p>				
<p>2. The university shall report by July 1 annually to the Department of Planning and Budget an operating plan for the Family Practice Residency Program.</p>				
<p>3. The university, in cooperation with the University of Virginia, shall establish elective Family Practice Medicine experiences in Southwest Virginia for both students and residents.</p>				
<p>4. In the event the Governor imposes across-the-board general fund reductions, pursuant to his executive authority in § 4-1.02 of this act, the general fund appropriation for the Family Practice programs shall be exempt from any reductions, provided the general fund appropriation for the family practice program is excluded from the total general fund appropriation for Virginia Commonwealth University for purposes of determining the University's portion of the statewide general fund reduction requirement.</p>				
<p>C. Out of this appropriation, an amount estimated at \$332,140 the first year and \$332,140 the second year from the general fund and \$168,533 the first year and \$168,533 the second year from nongeneral funds are designated for the educational telecommunications project to provide graduate engineering education. For supplemental budget requests, the participating institutions and centers jointly shall submit a report in support of such requests to the State Council of Higher Education for Virginia for review and recommendation to the Governor and General Assembly.</p>				
<p>D.1. Out of this appropriation, not less than \$486,685 the first year and not less than \$486,685 the second year from the general fund is designated for the Virginia Center on Aging. This includes \$319,750 the first year and \$319,750 the second year for the Alzheimer's and Related Diseases Research Award Fund.</p>				
<p>2. Out of this appropriation, \$253,244 the first year and \$253,244 the second year from the general fund and \$356,250 the first year and \$356,250 the second year from nongeneral funds are designated for the operation of the Virginia Geriatric Education Center and the Geriatric Academic Career Awards Program, both to be administered by the Virginia Center on Aging.</p>				
<p><i>3. Funding designated in paragraphs D.1. and D.2. of this item are intended as a pass-through payment to support the Center on Aging and dementia-related research by investigators throughout the Commonwealth. These funds shall be exempt from supplantation assessment or other budget management plans at Virginia Commonwealth University.</i></p>				
<p>E. All costs for maintenance and operation of the physical plant of the School of Engineering, Phase I and future renovations, repairs, and improvements as they become necessary shall be financed from nongeneral funds.</p>				
<p>F. Out of this appropriation, \$300,000 the first year and \$300,000 the second year from the general fund is designated for support of the Council on Economic Education.</p>				
<p>G. Out of this appropriation, \$492,753 the first year and \$492,753 the second year from the general fund is designated for support of the Education Policy Institute.</p>				
<p>H.1. Notwithstanding any other provisions of law, Virginia Commonwealth University is authorized to remit tuition and fees for merit scholarships for students of high academic achievement subject to the following limitations and restrictions:</p>				
<p>2. The number of such scholarships annually awarded to undergraduate Virginia students shall not exceed 20 percent of the fall headcount enrollment of Virginia students in undergraduate studies in the institution from the preceding academic year. The total value of such merit scholarships annually awarded shall not exceed in any year the amount arrived at by multiplying the applicable figure for undergraduate tuition and required fees by 20 percent of the headcount enrollment of Virginia students in undergraduate studies in the institution for the fall semester from the preceding academic year.</p>				
<p>3. The number of such scholarships annually awarded to undergraduate non-Virginia students shall not exceed 20 percent of the fall headcount enrollment of non-Virginia students in</p>				

ITEM 214.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>undergraduate studies in the institution from the preceding academic year. The total value of such merit scholarships annually awarded shall not exceed in any year the amount arrived at by multiplying the applicable figure for undergraduate tuition and required fees by 20 percent of the fall headcount enrollment of non-Virginia students in undergraduate studies in the institution during the preceding academic year.</p>				
<p>4. A scholarship awarded under this program shall entitle the holder to receive an annual remission of an amount not to exceed the cost of tuition and required fees to be paid by the student.</p>				
<p>I. Out of this appropriation, \$252,595 the first year and \$252,595 the second year from the general fund is provided for the Medical College of Virginia Palliative Care Partnership.</p>				
<p>J. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.</p>				
<p>K. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the general fund is designated for the Virginia Commonwealth University School of Pharmacy to support the Center for Compounding Practice and Research. The allocation will serve to support any costs associated with creating the Center including facility-related expenses as well as the purchase of the compounding equipment necessary for this state of the art teaching and research facility and will be leveraged as a matching gift with private funds. The Center will train Pharm.D. students to meet technical compounding demands, provide continuing education to registered pharmacists and conduct ongoing research on compounded medications.</p>				
<p>L. Out of this appropriation, \$255,000 the first year and \$255,000 the second year from the general fund is designated to support a substance abuse fellowship program and a sickle cell opiod management program at the Virginia Commonwealth University School of Medicine.</p>				
<p>M. Out of this appropriation, \$125,000 the first year and \$125,000 the second year from the general fund is designated to support a partnership between Virginia Commonwealth University and the Virginia Repertory Theatre at the historic November Theatre (formally known as the Empire Theatre).</p>				
<p>N. The appropriation for the fund source Higher Education Operating in this Item shall be considered a sum sufficient appropriation, which is an estimate of the amount of revenues to be collected for the educational and general program under the terms of the management agreement between Virginia Commonwealth University and the Commonwealth, as set forth in Chapters 594 and 616, of the 2008 Acts of Assembly.</p>				
<p>O. 1. Out of this appropriation, \$4,273,380 the first year and \$4,273,380 the second year from the general fund is designated to address increased degree production in Data Science and Technology, Science and Engineering, Healthcare, and Education.</p>				
<p>2. Degree production shall be measured for Bachelors, Masters, Doctorates and First Professional awards as follows:</p>				
<p>a. Data Science and Technology awards shall be based on completion data contained in the State Council of Higher Education for Virginia, C-16 completion report;</p>				
<p>b. Science and Engineering awards shall be based on completion data contained in the State Council of Higher Education for Virginia (SCHEV), C-1 A1 completion report for the following programs Biological and Biomedical Science (26), Engineering (14) less those already counted in paragraph 2 a., Engineering Technologies (15), and Physical Sciences (42);</p>				
<p>c. Healthcare awards shall be based on completion data contained in the SCHEV C-1 A1</p>				

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completion report for the Health Professions and Related Programs (51); and				
d. Education awards shall be based on completion data contained in the SCHEV C-1 A1 completion report for the Education Programs (13).				
3. Virginia Commonwealth University is expected to maintain increases in:				
a. Data Science and Technology awards of 20 annually over the base year.				
b. Science and Engineering awards of 30 annually over the base year.				
c. Healthcare awards of 40 annually over the base year.				
d. Education awards of 20 annually over the base year.				
e. The 2016-17 year will serve as the base year for these purposes.				
4. SCHEV shall report on the progress toward these goals to the Chairmen of the House Appropriations and Senate Finance Committees annually beginning August 2020.				
P. The 4-VA, a public-private partnership among George Mason University, James Madison University, the University of Virginia, Virginia Tech, Old Dominion University, Virginia Military Institute, Virginia Commonwealth University, the College of William and Mary, and CISCO Systems, Inc., utilizes emerging technologies to promote collaboration and resource sharing to increase access, reduce time to graduation and reduce unit cost while maintaining and enhancing quality. Instructional talent across the eight institutions is leveraged in the delivery of programs in foreign languages, science, technology, engineering and mathematics. The 4-VA Management Board can expand this partnership to additional institutions as appropriate to meet the goals of the 4-VA initiative. It is expected that funding will be pooled by the management board as required to support continuing efforts of the 4-VA priorities and projects.				
215.	Not set out.			
216.	Not set out.			
217.	Not set out.			
218.	Not set out.			
219.	Not set out.			
219-10	Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted:			
		FY 2021		FY 2022
	Provide additional funding to support the Center on Aging	\$100,000		\$100,000
	Provide graduate financial aid	\$140,400		\$210,700
	Provide additional funding to support the Education Policy Institute	\$300,000		\$300,000

ITEM 219.10.	Item Details(\$)		Appropriations(\$)	
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Provide additional funding to support Massey Cancer Center	\$7,500,000			\$2,500,000
Increase undergraduate student financial assistance	\$4,638,400			\$4,638,400
Provide funding to support the Wilder School of Government	\$250,000			\$250,000
Agency Total	\$12,928,800			\$7,999,100
Total for Virginia Commonwealth University.....			\$1,315,434,061	\$1,310,504,361
General Fund Positions.....	1,507.80	1,507.80		
Nongeneral Fund Positions.....	3,792.29	3,792.29		
Position Level.....	5,300.09	5,300.09		
Fund Sources: General.....	\$259,740,228	\$254,810,528		
Higher Education Operating.....	\$1,001,719,673	\$1,001,719,673		
Debt Service.....	\$53,974,160	\$53,974,160		

§ 1-36. VIRGINIA COMMUNITY COLLEGE SYSTEM (260)

220.	Not set out.			
221.	Higher Education Student Financial Assistance (10800)			
	a sum sufficient, estimated at.....		\$119,054,661 \$121,054,661	\$119,054,661
	Scholarships (10810).....	\$119,054,661 \$121,054,661	\$119,054,661	
	Fund Sources: General.....	\$86,607,355 \$88,607,355	\$86,607,355	
	Higher Education Operating.....	\$32,447,306	\$32,447,306	

Authority: Title 23.1, Chapter 29, Code of Virginia.

A. Out of this appropriation, \$150,000 the first year and \$150,000 the second year from the general fund is designated for Tidewater Community College to support an apprenticeship program for Virginia's shipyard workers. All general fund amounts appropriated for this apprenticeship program shall be used to provide scholarships to shipyard workers enrolled in the program. The conditions for receiving a scholarship shall be those conditions described in § 23.1-2912, Code of Virginia.

B. 1. Funding in this Item shall be allocated for the Virginia Guaranteed Assistance Program, the Commonwealth Award and need-based student financial assistance for industry-based certifications or related programs that do not qualify for other sources of student financial assistance.

2. Out of this appropriation, \$2,000,000 the first year from the general fund is designated for students enrolled in eligible workforce programs at the Virginia Community College System and Richard Bland College in partnership with the VA Ready program. This partnership leverages private resources in order to assist Virginians unemployed as a result of the COVID-19 pandemic to earn credentials in high demand fields.

C. Up to 15 percent of the funding in this item may be used to support Virginia Guaranteed Assistance Program eligible students for (1) priority funding who are enrolled in Data Science and Technology, Science and Engineering, Healthcare and Education programs and (2) as a grant for students in innovative internship programs provided that the institutions has at least one private sector partner and the grant is matched equally by the partner with non-state funding and / or the institution from private funds.

D. 1. Out of this appropriation, \$34,500,000 each year from the general fund is designated for the Get Skilled, Get a Job, Give Back Program (G3 Program). The G3 Program will offer financial assistance to low- and middle-income Virginia residents who are eligible for in-state tuition pursuant to § 23.1, Code of Virginia, and who are enrolled in a program

ITEM 221.	Item Details(\$)		Appropriations(\$)	
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at a Virginia public associate degree-granting institution that leads to an occupation in a high-demand field. The programs covered under the G3 Program by Classification of Instructional Program (CIP) Codes are as follows:				
	CIP Code	Description		
	11.0101	Computer and Information Sciences, General		
	11.0103	Information Technology		
	11.0201	Computer Programming/ Programmer, General		
	11.0701	Computer Science		
	11.0801	Web Page, Digital/Multimedia and Information Resources Design		
	11.0901	Computer Systems Networking and Telecommunications		
	11.1001	Network and System Administration/ Administrator		
	11.1003	Computer and Information Systems Security/Information Assurance		
	13.0101	Education, General		
	13.1013	Education/Teaching of Individuals with Autism		
	13.1501	Teacher Assistant/Aide		
	15.0000	Engineering and Engineering-Related Fields		
	15.0101	Architectural Engineering Technology/Technician		
	15.0201	Civil Engineering Technology/Technician		
	15.0303	Electrical, Electronic and Communications Engineering Technology/Technician		
	15.0305	Telecommunications Technology/Technician		
	15.0599	Environmental Control Technologies/Technicians, Other		
	15.0612	Industrial Technology/Technician		
	15.0613	Manufacturing Engineering Technology/Technician		
	15.0699	Industrial Production Technologies/Technicians, Other		
	15.0899	Mechanical Engineering Related Technologies/Technicians, Other		
	15.0901	Mining Technology/Technician		
	15.1301	Drafting and Design Technology/Technician, General		
	15.1302	CAD/CADD Drafting and/or Design Technology/Technician		
	15.1303	Architectural Drafting and		

ITEM 221.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
				Architectural CAD/CADD
	15.1401			Nuclear Engineering Technology/Technician
	15.9999			Engineering Technologies and Engineering-Related Fields, Other
	19.0707			Family and Community Services
	19.0709			Child Care Provider/Assistant
	30.0101			Biological and Physical Sciences
	41.0101			Biology Technician/Biotechnology Laboratory Technician
	43.0102			Corrections
	43.0103			Criminal Justice/Law Enforcement Administration
	43.0104			Criminal Justice/Safety Studies
	43.0106			Forensic Science and Technology
	43.0107			Criminal Justice/Police Science
	43.0203			Fire Science/Fire-fighting
	43.0303			Critical Infrastructure Protection
	43.0406			Homeland Security, Other
	43.9999			Homeland Security, Law Enforcement, Firefighting and Related Protective Services, Other
	46.0000			Construction Trades
	46.0302			Electrician
	47.0000			Mechanic and Repair Technologies / Technicians
	47.0101			Electrical/Electronics Equipment Installation and Repair, General
	47.0105			Industrial Electronics Technology/Technician
	47.0201			Heating, Air Conditioning, Ventilation and Refrigeration Maintenance Technology/Technician
	47.0603			Autobody/Collision and Repair Technology/Technician
	47.0604			Automobile/Automotive Mechanics Technology/Technician
	47.0605			Diesel Mechanics Technology/Technician
	47.0607			Airframe Mechanics and Aircraft Maintenance Technology/Technician
	48.0000			Precision Production

ITEM 221.	Item Details(\$)		Appropriations(\$)	
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48.0501		Machine Tool Technology/Machinist		
48.0508		Welding Technology/Welder		
48.0599		Precision Metal Working, Other		
48.0701		Woodworking, General		
51.0601		Dental Assisting/Assistant		
51.0602		Dental Hygiene/Hygienist		
51.0603		Dental Laboratory Technology/Technician		
51.0707		Health Information/Medical Records Technology/Technician		
51.0708		Medical Transcription/ Transcriptionist		
51.0713		Medical Insurance Coding Specialist/Coder		
51.0799		Health and Medical Administrative Services, Other		
51.0801		Medical/Clinical Assistant		
51.0803		Occupational Therapist Assistant		
51.0805		Pharmacy Technician/Assistant		
51.0806		Physical Therapy Technician/Assistant		
51.0808		Veterinary/Animal Health Technology/Technician and Veterinary Assistant		
51.0904		Emergency Medical Technology/Technician (EMT Paramedic)		
51.0907		Medical Radiologic Technology/Science - Radiation Therapist		
51.0908		Respiratory Care Therapy/Therapist		
51.0909		Surgical Technology/Technologist		
51.0910		Diagnostic Medical Sonography/Sonographer and Ultrasound Technician		
51.0911		Radiologic Technology/Science - Radiographer		
51.0912		Physician Assistant		
51.0999		Allied Health Diagnostic, Intervention, and Treatment Professions, Other		
51.1004		Clinical/Medical Laboratory Technician		
51.1005		Clinical Laboratory Science/Medical Technology/Technologist		
51.1009		Phlebotomy Technician/Phlebotomist		
51.1105		Pre-Nursing Studies		

ITEM 221.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
	51.1501	Substance Abuse/Addiction Counseling		
	51.1504	Community Health Services/Liaison/Counseling		
	51.1508	Mental Health Counseling/Counselor		
	51.1599	Mental and Social Health Services and Allied Professions, Other		
	51.1801	Opticianry/Ophthalmic Dispensing Optician		
	51.2706	Medical Informatics		
	51.3101	Dietetics/Dietitian		
	51.3501	Massage Therapy/Therapeutic Massage		
	51.3801	Registered Nursing/Registered Nurse		
	51.3899	Registered Nursing, Nursing Administration, Nursing Research and Clinical Nursing, Other		
	51.3901	Licensed Practical/Vocational Nurse Training		
	51.3902	Nursing Assistant/Aide and Patient Care Assistant/Aide		

2. a. The Board of Workforce Development shall keep a list of high-demand fields and related educational programs. The Board of Workforce Development, in consultation with the Virginia Community College System, the State Council of Higher Education for Virginia, and the Chief Workforce Development Advisor, shall make recommendations to the General Assembly to help determine additions and changes to the high-demand fields for which programs may be offered pursuant to this item.

b. All additions and changes to the eligible high-demand fields for which programs may be offered pursuant to this item shall be approved by the General Assembly prior to implementation.

3. In order to be eligible for financial assistance under this program at a qualified public institution, an applicant shall:

a. Receive a total household income less than or equal to four hundred percent of the Federal Poverty Level;

b. Be enrolled or accepted for enrollment as a full-time or part-time student at an approved institution in an approved program specific to a high-demand field, as specified in paragraph D.1., and shall be enrolled in a minimum of six credit hours per semester, or in an eligible non-credit program;

c. Have submitted complete applications for federal and state student financial aid programs for which they may be eligible.

4. In order to remain eligible for financial assistance under this program at an approved institution, a participating student shall:

a. Meet standards for Satisfactory Academic Progress and maintain the required grade point average established by federal Higher Education Act of 1965 Title IV requirements;

b. Demonstrate reasonable progress to complete their specific program of study to earn an associate degree in no more than three years;

c. Not exceed 150 percent of required credits of certificate or degree.

ITEM 221.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
5. a.	<p>Payments out of this appropriation shall provide (i) grants up to the amount necessary to pay for the last-dollar cost of the enrolled institution's tuition, mandatory fees, and textbook stipend for eligible students after all other qualified federal and state financial aid., and (ii) a Student Support Incentive Grant up to \$2,250 per year for eligible students who are enrolled full-time and receive full Federal Pell Grants.</p>			
b.	<p>Each Student Support Incentive Grant shall be distributed to the eligible students in two equal payments, with the first disbursement after the census date for the enrollment period is reached, and the final disbursement at the end of the term of which the students qualified. Students who withdraw or stop attending during the term shall not receive additional payments and shall be subject to repayment of the funds already received. An eligible student may receive up to \$900 per semester and up to \$450 per Summer Term.</p>			
6. a.	<p>Funds for marketing and public awareness efforts to increase participation in the program are contained in Item 220 U. of this act.</p>			
b.	<p>By September 1, 2020, the governing boards of Virginia's public associate degree-granting institutions shall develop policies and procedures to ensure that program participation does not exceed budget appropriation.</p>			
7. a.	<p>No later than September 1 of each year, each Virginia public associate degree-granting institution shall submit to the State Council of Higher Education for Virginia and the Virginia Community College System a report with data from the previous fiscal year on program participation and completion, including data on what high-demand fields are supported by students at each institution.</p>			
b.	<p>The Council and System shall work collaboratively to compile the data provided by each public associate degree-granting institution and report such data, in aggregate and by institution annually, to the Governor, the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, the Senate Education and Health Committee, and the House Education Committee. The report must include student enrollment, retention rates between terms and academic years, wage data including median wages prior to enrollment and one year after completion of a credential or degree, wage rates of students who have not enrolled in over a year and did not complete a credential, and a comparison of demand of jobs and completion rates. The report must disaggregate the information above by program of study, college, and student income level at start of program.</p>			
222.	Not set out.			
223.	Not set out.			
224.	Not set out.			
225.	Not set out.			
225.10	<p>Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted:</p>			
		FY 2021		FY 2022
	Increase undergraduate student financial	\$2,271,000		\$2,271,000

ITEM 225.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
assistance				
Implement the Get Skilled; Get a Job; Give Back program	\$36,000,000			\$35,000,000
Fund hospitality apprenticeship program	\$250,000			\$250,000
Fund VWCC Healthcare Programs from RUC Merger	\$0			\$385,177
Provide funding for health science and technology pilot	\$0			\$350,000
Provide general operating support	\$4,000,000			\$4,000,000
Fund Hub for Innovation; Virtual Reality; and Entrepreneurship	\$1,000,000			\$0
Fund collaboration with Portsmouth Public Schools' Minority & Women Business Enterprise Advisory Committee	\$386,746			\$386,746
Agency Total	\$43,907,746			\$42,642,923
Total for Virginia Community College System.....			\$1,293,875,181 \$1,295,875,181	\$1,292,960,358
General Fund Positions.....	5,558.57	5,558.57		
Nongeneral Fund Positions.....	5,296.58	5,296.58		
Position Level.....	10,855.15	10,855.15		
Fund Sources: General.....	\$516,312,598 \$518,312,598	\$515,047,775		
Higher Education Operating.....	\$761,451,820	\$761,801,820		
Debt Service.....	\$16,110,763	\$16,110,763		

§ 1-37. VIRGINIA MILITARY INSTITUTE (211)

- 226. Not set out.
- 227. Not set out.
- 228. Not set out.
- 229. Not set out.
- 230. Not set out.

230.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Increase undergraduate student financial assistance	\$26,800	\$26,700
Core Leadership course	\$100,047	\$103,048

ITEM 230.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Math Education and Miller Academic Centers		\$122,500		\$126,000
Agency Total		\$249,347		\$255,748
Total for Virginia Military Institute.....			\$91,306,333	\$91,312,734
General Fund Positions.....	188.71	188.71		
Nongeneral Fund Positions.....	281.06	281.06		
Position Level.....	469.77	469.77		
Fund Sources: General.....	\$19,663,595	\$19,669,996		
Higher Education Operating.....	\$69,246,738	\$69,246,738		
Debt Service.....	\$2,396,000	\$2,396,000		

§ 1-38. VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY (208)

- 231. Not set out.
- 232. Not set out.
- 233. Not set out.
- 234. Not set out.
- 235. Not set out.

235-10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted:

	FY 2021	FY 2022		
Provide funding to support graduate financial aid	\$284,800	\$427,200		
Increase undergraduate student financial assistance	\$1,623,200	\$1,623,200		
Agency Total	\$1,908,000	\$2,050,400		
Total for Virginia Polytechnic Institute and State University.....		\$1,513,129,016	\$1,513,271,416	
General Fund Positions.....	1,890.53	1,890.53		
Nongeneral Fund Positions.....	4,933.45	4,933.45		
Position Level.....	6,823.98	6,823.98		
Fund Sources: General.....	\$213,332,939	\$213,475,339		
Higher Education Operating.....	\$1,289,445,577	\$1,289,445,577		
Debt Service.....	\$10,350,500	\$10,350,500		

Virginia Cooperative Extension and Agricultural Experiment Station (229)

ITEM 236.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
236.	Not set out.			
236.10	<p>Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.</p>			
		FY 2021		FY 2022
	Provide funding to support the Richmond County Extension Agent	\$50,000		\$50,000
	Agency Total	\$50,000		\$50,000
	Total for Virginia Cooperative Extension and Agricultural Experiment Station.....		\$93,914,832	\$93,914,832
	General Fund Positions.....	731.24		731.24
	Nongeneral Fund Positions.....	388.27		388.27
	Position Level.....	1,119.51		1,119.51
	Fund Sources: General.....	\$74,873,528		\$74,873,528
	Higher Education Operating.....	\$19,041,304		\$19,041,304
	Grand Total for Virginia Polytechnic Institute and State University.....		\$1,607,043,848	\$1,607,186,248
	General Fund Positions.....	2,621.77		2,621.77
	Nongeneral Fund Positions.....	5,321.72		5,321.72
	Position Level.....	7,943.49		7,943.49
	Fund Sources: General.....	\$288,206,467		\$288,348,867
	Higher Education Operating.....	\$1,308,486,881		\$1,308,486,881
	Debt Service.....	\$10,350,500		\$10,350,500

§ 1-39. VIRGINIA STATE UNIVERSITY (212)

- 237. Not set out.
- 238. Not set out.
- 239. Not set out.
- 240. Not set out.

240.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall

ITEM 240.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.				
		FY 2021		FY 2022
Expand Supplemental Instructional program		\$320,000		\$320,000
Support Intrusive Advising Early Warning System		\$150,000		\$150,000
Provide funding for data center modernization		\$1,644,000		\$144,000
Launch Virginia College Affordability Network		\$3,773,490		\$4,872,765
Increase undergraduate student financial assistance		\$1,477,000		\$1,477,000
Implement Summer Bridge program		\$319,900		\$442,350
Implement UTeach program		\$250,000		\$250,000
Agency Total		\$7,934,390		\$7,656,115
Total for Virginia State University.....			\$185,263,289	\$184,985,014
General Fund Positions.....	335.47	335.47		
Nongeneral Fund Positions.....	489.89	489.89		
Position Level.....	825.36	825.36		
Fund Sources: General.....	\$56,582,685	\$56,304,410		
Higher Education Operating.....	\$118,348,059	\$118,348,059		
Debt Service.....	\$10,332,545	\$10,332,545		

Cooperative Extension and Agricultural Research Services (234)

241. Not set out.

241.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021		FY 2022
Increase funding for state match	\$1,461,956		\$1,535,054
Agency Total	\$1,461,956		\$1,535,054
Total for Cooperative Extension and Agricultural Research Services.....			\$13,952,280
General Fund Positions.....	31.75	31.75	
Nongeneral Fund Positions.....	67.00	67.00	
Position Level.....	98.75	98.75	
Fund Sources: General.....	\$7,126,822	\$7,199,920	
Higher Education Operating.....	\$6,825,458	\$6,825,458	

ITEM 241.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Grand Total for Virginia State University.....			\$199,215,569	\$199,010,392
General Fund Positions.....	367.22	367.22		
Nongeneral Fund Positions.....	556.89	556.89		
Position Level.....	924.11	924.11		
Fund Sources: General.....	\$63,709,507	\$63,504,330		
Higher Education Operating.....	\$125,173,517	\$125,173,517		
Debt Service.....	\$10,332,545	\$10,332,545		
242. Not set out.				
243. Not set out.				

§ 1-40. JAMESTOWN-YORKTOWN FOUNDATION (425)

244. Not set out.

244.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022		
Commemoration closeout costs	\$442,870	\$8,702		
One-time funding for site infrastructure	\$167,113	\$0		
Education Programs	\$491,200	\$345,100		
Marketing and tourism promotion	\$208,000	\$245,000		
Agency Total	\$1,309,183	\$598,802		
Total for Jamestown-Yorktown Foundation.....		\$20,975,663	\$20,265,282	
General Fund Positions.....	111.00	111.00		
Nongeneral Fund Positions.....	63.00	63.00		
Position Level.....	174.00	174.00		
Fund Sources: General.....	\$12,042,431	\$11,332,050		
Special.....	\$8,933,232	\$8,933,232		

§ 1-41. THE LIBRARY OF VIRGINIA (202)

245. Not set out.

246. Not set out.

247. Financial Assistance for Educational, Cultural, Community, and Artistic Affairs (14300).....			\$18,233,584	\$18,233,584
State Formula Aid for Local Public Libraries (14301).....	\$18,233,584	\$18,233,584	\$19,233,584	

ITEM 247.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Fund Sources: General.....	\$18,233,584 \$19,233,584	\$18,233,584		

Authority: Title 42.1, Chapter 3, Code of Virginia.

A. It is the objective of the Commonwealth that all local public libraries receiving state aid provide access to their patrons to worldwide electronic information on the Internet. It is the intent of the General Assembly that local public libraries receiving state aid invest in the technology necessary to provide or enhance this service.

B. Included in this appropriation is \$190,070 the first year and \$190,070 the second year from the general fund to supplement the state formula aid distribution provided in Title 42.1, Code of Virginia, for Fairfax Public Library System.

C. Out of this appropriation, \$1,000,000 the first year and \$1,000,000 the second year from the general fund of the total amounts for aid to libraries may be used for summer reading materials and programs or for STEAM instructional materials.

D. Out of this appropriation, \$1,000,000 from the general fund in the first year is designated to provide aid to local libraries to expand broadband access to support Virginia families in virtual learning and job search assistance efforts. The State Library shall allocate these funds to localities to expand local wi-fi and mobile hotspots.

248. Not set out.

248.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted:

	FY 2021	FY 2022
Provide funding for Virginia's Centennial Commemoration of Women's Suffrage	\$95,000	\$0
Provide funding to expedite release of gubernatorial records	\$400,000	\$400,000
Increase aid to local libraries	\$1,000,000	\$1,000,000
Agency Total	\$1,495,000	\$1,400,000
Total for The Library Of Virginia.....		\$41,944,316 \$42,944,316
General Fund Positions.....	134.09	134.09
Nongeneral Fund Positions.....	63.91	63.91
Position Level.....	198.00	198.00
Fund Sources: General.....	\$32,619,775 \$33,619,775	\$32,524,775
Special.....	\$4,671,792	\$4,671,792
Federal Trust.....	\$4,652,749	\$4,652,749

§ 1-42. THE SCIENCE MUSEUM OF VIRGINIA (146)

249. Not set out.

ITEM 249.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
249.10	<p>Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.</p>			
		FY 2021		FY 2022
	Security upgrades	\$210,000		\$210,000
	Agency Total	\$210,000		\$210,000
	Total for The Science Museum of Virginia.....		\$11,883,283	\$11,883,283
	General Fund Positions.....	58.19	58.19	
	Nongeneral Fund Positions.....	34.81	34.81	
	Position Level.....	93.00	93.00	
	Fund Sources: General.....	\$5,654,487	\$5,654,487	
	Special.....	\$5,228,192	\$5,228,192	
	Federal Trust.....	\$1,000,604	\$1,000,604	

250. Not set out.

§ 1-43. VIRGINIA COMMISSION FOR THE ARTS (148)

251. Not set out.

252. Not set out.

252.10	<p>Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.</p>			
		FY 2021		FY 2022
	Increase support for grants	\$1,645,886		\$2,645,886
	Agency Total	\$1,645,886		\$2,645,886
	Total for Virginia Commission for the Arts.....		\$6,377,928	\$7,377,928
	General Fund Positions.....	6.00	6.00	
	Position Level.....	6.00	6.00	
	Fund Sources: General.....	\$5,627,134	\$6,627,134	
	Dedicated Special Revenue.....	\$11,000	\$11,000	

ITEM 252.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Federal Trust.....	\$739,794	\$739,794		

§ 1-44. VIRGINIA MUSEUM OF FINE ARTS (238)

253. Not set out.

253.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted:

	FY 2021	FY 2022
Provide funding for storage lease costs and FF upgrades	\$400,000	\$400,000
Agency Total	\$400,000	\$400,000
Total for Virginia Museum of Fine Arts.....		\$44,032,450
General Fund Positions.....	141.50	141.50
Nongeneral Fund Positions.....	212.00	212.00
Position Level.....	353.50	353.50
Fund Sources: General.....	\$11,371,438	\$11,371,438
Special.....	\$6,452,595	\$6,452,595
Enterprise.....	\$7,479,910	\$7,479,910
Dedicated Special Revenue.....	\$18,478,507	\$18,478,507
Federal Trust.....	\$250,000	\$250,000

§ 1-45. EASTERN VIRGINIA MEDICAL SCHOOL (274)

254. Not set out.

255. Not set out.

255.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted:

	FY 2021	FY 2022
Provide base operating support	\$625,000	\$625,000
Agency Total	\$625,000	\$625,000

ITEM 255.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Total for Eastern Virginia Medical School.....			\$30,990,881	\$30,990,881
Fund Sources: General.....	\$30,990,881	\$30,990,881		

§ 1-46. NEW COLLEGE INSTITUTE (938)

256. Not set out.

256.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Provide additional support for staffing	\$95,000	\$95,000
Agency Total	\$95,000	\$95,000
Total for New College Institute.....		\$4,292,196
General Fund Positions.....	17.00	17.00
Nongeneral Fund Positions.....	6.00	6.00
Position Level.....	23.00	23.00
Fund Sources: General.....	\$2,747,051	\$2,747,051
Special.....	\$1,545,145	\$1,545,145

§ 1-47. INSTITUTE FOR ADVANCED LEARNING AND RESEARCH (885)

257. Not set out.

257.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Add funding for staffing	\$95,000	\$95,000
Agency Total	\$95,000	\$95,000
Total for Institute for Advanced Learning and Research.....		\$6,510,193
Fund Sources: General.....	\$6,510,193	\$6,510,193

ITEM 257.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

§ 1-48. ROANOKE HIGHER EDUCATION AUTHORITY (935)

258. Not set out.

258.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted:

	FY 2021	FY 2022
Academic student success center	\$213,254	\$146,356
Security and safety	\$98,817	\$47,944
Agency Total	\$312,071	\$194,300
Total for Roanoke Higher Education Authority.....		\$1,790,791
Fund Sources: General.....	\$1,790,791	\$1,673,020

§ 1-49. SOUTHERN VIRGINIA HIGHER EDUCATION CENTER (937)

259. Not set out.

259.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted:

	FY 2021	FY 2022
Personnel & Technical Training	\$293,972	\$95,000
Equipment		
Agency Total	\$293,972	\$95,000
Total for Southern Virginia Higher Education Center.		\$8,243,669
General Fund Positions.....	34.80	34.80
Nongeneral Fund Positions.....	29.50	29.50
Position Level.....	64.30	64.30
Fund Sources: General.....	\$4,097,837	\$3,898,865
Special.....	\$4,145,832	\$4,145,832

§ 1-50. SOUTHWEST VIRGINIA HIGHER EDUCATION CENTER (948)

ITEM 259.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

260. Not set out.

260.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Add funding for staffing	\$95,000	\$95,000
Provide funding for Rural IF Apprenticeship Program	\$500,000	\$500,000
Agency Total	\$595,000	\$595,000
Total for Southwest Virginia Higher Education Center.....		\$3,981,650
General Fund Positions.....	30.00	30.00
Nongeneral Fund Positions.....	3.00	3.00
Position Level.....	33.00	33.00
Fund Sources: General.....	\$2,766,000	\$2,766,000
Special.....	\$1,215,650	\$1,215,650

§ 1-51. SOUTHEASTERN UNIVERSITIES RESEARCH ASSOCIATION DOING BUSINESS FOR JEFFERSON SCIENCE ASSOCIATES, LLC (936)

261. Not set out.

261.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Leverage the Center for Nuclear Femtography	\$250,000	\$250,000
Agency Total	\$250,000	\$250,000
Total for Southeastern Universities Research Association Doing Business for Jefferson Science Associates, LLC.....		\$1,797,683
Fund Sources: General.....	\$1,797,683	\$1,797,683

ITEM 261.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

§ 1-52. ONLINE VIRGINIA NETWORK AUTHORITY (244)

262. Not set out.

262.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted:

	FY 2021		FY 2022
Online Virginia Network - JMU	\$1,000,000		\$1,000,000
Agency Total	\$1,000,000		\$1,000,000
Total for Online Virginia Network Authority.....		\$4,000,000	\$4,000,000
Fund Sources: General.....	\$4,000,000	\$4,000,000	

§ 1-53. IN-STATE UNDERGRADUATE TUITION MODERATION (980)

262.50 Not set out.

262.60 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted:

	FY 2021		FY 2022
Tuition moderation	\$54,750,000		\$25,000,000
Agency Total	\$54,750,000		\$25,000,000
Total for In-State Undergraduate Tuition Moderation.		\$54,750,000	\$25,000,000
Fund Sources: General.....	\$54,750,000	\$25,000,000	

§ 1-54. MAINTAIN AFFORDABLE ACCESS (984)

262.80	<i>Educational and General Programs (10000).....</i>		\$60,000,000	\$0
	<i>Higher Education Instruction (10001).....</i>	\$60,000,000	\$0	
	<i>Fund Sources: General.....</i>	\$60,000,000	\$0	

Authority: Discretionary Inclusion

ITEM 262.80.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

A. Out of this appropriation, \$60,000,000 the first year from the general fund is designated to maintain affordable access to public colleges and universities. Allocations from this item are as follows:

<i>Institution</i>	<i>FY 2021 Allocation</i>
Christopher Newport University	\$2,400,000
College of William and Mary	3,500,000
James Madison University	5,700,000
Longwood University	1,500,000
University of Mary Washington	3,300,000
Norfolk State University	2,000,000
Radford University	4,900,000
University of Virginia	3,000,000
University of Virginia's College at Wise	1,000,000
Virginia Commonwealth University	10,000,000
Virginia Military Institute	1,000,000
Virginia Polytechnic Institute & State University	4,000,000
Virginia State University	1,700,000
Richard Bland College	1,000,000
Virginia Community College System	15,000,000
Total	\$60,000,000

B. Institutions may use these funds to support operations, enhance financial aid, or for other purposes to address the impact of the COVID-19 pandemic.

Total for Maintain Affordable Access.....			\$60,000,000	\$0
Fund Sources: General.....	\$60,000,000	\$0		

263. Not set out.

TOTAL FOR OFFICE OF EDUCATION.....			\$21,609,049,740	\$22,088,889,935
			\$21,672,033,633	\$21,995,282,888

General Fund Positions.....	18,874.60	18,877.10
Nongeneral Fund Positions.....	42,279.01	42,544.01
Position Level.....	61,153.61	61,421.11
Fund Sources: General.....	\$9,619,348,655	\$9,859,107,388
	\$9,570,504,818	\$9,765,500,341
Special.....	\$42,442,364	\$42,442,364
Higher Education Operating.....	\$9,608,949,753	\$9,742,499,715
Commonwealth Transportation.....	\$2,379,612	\$1,749,612
Enterprise.....	\$7,479,910	\$7,479,910
Trust and Agency.....	\$820,829,075	\$749,974,348
Debt Service.....	\$358,087,772	\$358,087,772
Dedicated Special Revenue.....	\$18,739,507	\$18,739,507
	\$113,967,237	
Federal Trust.....	\$1,130,793,092	\$1,308,809,319
	\$1,147,393,092	

ITEM 264.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

OFFICE OF FINANCE

264. Not set out.

§ 1-55. DEPARTMENT OF ACCOUNTS (151)

265. Not set out.

266. Not set out.

267. Not set out.

268. Not set out.

269. Not set out.

270. Not set out.

271. Not set out.

272. Not set out.

Department of Accounts Transfer Payments (162)

273. Not set out.

274. Revenue Stabilization Fund (73500)..... \$77,409,780 \$17,513,177
\$0

Payments to the Revenue Stabilization Fund (73501). \$77,409,780 \$17,513,177
\$0

Fund Sources: General..... \$77,409,780 \$17,513,177
\$0

Authority: Title 2.2, Chapter 18, Article 4, Code of Virginia.

A. On or before November 1 of each year, the Auditor of Public Accounts shall report to the General Assembly the certified tax revenues collected in the most recently ended fiscal year. The auditor shall, at the same time, provide his report on the 15 percent limitation and the amount that could be paid into the fund in order to satisfy the mandatory deposit requirement of Article X, Section 8 of the Constitution of Virginia as well as the additional deposit requirement of § 2.2-1829, Code of Virginia.

B. Out of this appropriation, \$77,409,780 the first year from the general fund attributable to actual tax collections for fiscal year 2019 shall be paid by the State Comptroller on or before June 30, 2021, into the Revenue Stabilization Fund pursuant to § 2.2-1829, Code of Virginia. This amount is based on the certification of the Auditor of Public Accounts of actual tax revenues for fiscal year 2019. This appropriation meets the mandatory deposit requirement of Article X, Section 8 of the Constitution of Virginia.

C. ~~Out of this appropriation, \$17,513,177 the second year from the general fund shall be paid by the State Comptroller on or before June 30, 2022, into the Revenue Stabilization Fund pursuant to § 2.2-1829, Code of Virginia. This amount represents an estimate of the required deposit to the Revenue Stabilization Fund attributable to tax collections for fiscal year 2021, which the Auditor of Public Accounts shall determine for the year ending June 30, 2021.~~

275. Revenue Cash Reserve (23700)..... \$0 \$300,000,000
\$89,027,631

Appropriated Revenue Reserve (23701)..... \$0 \$300,000,000
\$89,027,631

ITEM 275.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022
Fund Sources: General.....	\$0	\$300,000,000		
	\$89,027,631			

Authority: Title 2.2, Chapter 18, Article 4.1, Code of Virginia.

Notwithstanding any contrary provision of law, there is hereby appropriated in this item \$89,027,631 from the general fund the first year and \$300,000,000 from the general fund the second year to the Revenue Reserve established pursuant to § 2.2-1831.2, Code of Virginia, to mitigate any potential revenue or transfer shortfalls that may arise during the biennium. *Notwithstanding any contrary provision of law, these amounts may be transferred to the Revenue Stabilization Fund to meet any Constitutionally-mandated deposit required based on revenue growth in either year of the fiscal year during the 2020-2022 biennium.*

- 276. Not set out.
- 277. Not set out.
- 278. Not set out.
- 279. Not set out.

279.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022		FY 2021	FY 2022
Provide funding for a voluntary deposit to the Revenue Reserve Fund	\$0	\$300,000,000			
Agency Total	\$0	\$300,000,000			
Total for Department of Accounts Transfer Payments.....				\$1,644,485,110	\$1,884,809,001
				\$1,733,512,741	\$1,867,295,824
Nongeneral Fund Positions.....	1.00	1.00			
Position Level.....	1.00	1.00			
Fund Sources: General.....	\$1,056,304,780	\$1,296,408,177			
	\$1,145,332,411	\$1,278,895,000			
Trust and Agency.....	\$81,244,219	\$81,554,712			
Dedicated Special Revenue.....	\$506,936,111	\$506,846,112			
Grand Total for Department of Accounts.....				\$1,687,841,470	\$1,937,732,518
				\$1,776,869,101	\$1,920,219,341
General Fund Positions.....	115.00	115.00			
Nongeneral Fund Positions.....	55.00	55.00			
Position Level.....	170.00	170.00			
Fund Sources: General.....	\$1,069,877,146	\$1,309,815,543			
	\$1,158,904,777	\$1,292,302,366			
Special.....	\$995,689	\$995,689			

ITEM 279.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Internal Service.....	\$28,788,305	\$38,520,462		
Trust and Agency.....	\$81,244,219	\$81,554,712		
Dedicated Special Revenue.....	\$506,936,111	\$506,846,112		

280. Not set out.

§ 1-56. DEPARTMENT OF TAXATION (161)

281. Not set out.

282. Revenue Administration Services (73200).....			\$61,232,085	\$61,589,772
Tax Return Processing (73214).....	\$6,467,197	\$6,467,197		
Customer Services (73217).....	\$12,353,531	\$12,353,531		
Compliance Audit (73218).....	\$22,761,388	\$23,119,075		
Compliance Collections (73219).....	\$16,695,927	\$16,695,927		
Legal and Technical Services (73222).....	\$2,954,042	\$2,954,042		
Fund Sources: General.....	\$50,392,070	\$50,749,757		
Special.....	\$10,118,172	\$10,118,172		
Dedicated Special Revenue.....	\$721,843	\$721,843		

Authority: Title 3.2; Title 58.1, Code of Virginia.

A. Pursuant to § 58.1-1803, Code of Virginia, the Tax Commissioner is hereby authorized to contract with private collection agencies for the collection of delinquent accounts. The State Comptroller is hereby authorized to deposit collections from such agencies into the Contract Collector Fund (§ 58.1-1803, Code of Virginia). Revenue in the Contract Collector Fund may be used to pay private collection agencies/attorneys and perform oversight of their operations, upgrade audit and collection systems and data interfaces, and retain experts to perform analysis of receivables and collection techniques. Any balance in the fund remaining after such payment shall be deposited into the appropriate general, nongeneral, or local fund no later than June 30 of each year.

B.1. The Department of Taxation is authorized to retain, as special revenue, its reasonable share of any court fines and fees to reimburse the department for any ongoing operational collection expenses.

2. Any form of state debt assigned to the Department of Taxation for collection may be collected by the department in the same manner and means as state taxes may be collected pursuant to Title 58.1, Chapter 18, Code of Virginia.

C. The Department of Taxation is hereby appropriated revenues from the Communications Sales and Use Tax Trust Fund to recover the direct cost of administration incurred by the department in implementing and collecting this tax as provided by § 58.1-662, Code of Virginia.

D. The Tax Commissioner shall have the authority to waive penalties and grant extensions of time to file a return or pay a tax, or both, to any class of taxpayers when the Tax Commissioner in his discretion finds that the normal due date has, or would, cause undue hardship to taxpayers who were, or would be, unable to use electronic means to file a return or pay a tax because of a power or systems failure that causes the department's electronic filing or payment systems to be nonfunctional for all or a portion of a day on or about the due date for a return or payment.

E. The Department of Taxation is hereby appropriated Land Conservation Incentive Act fees imposed under § 58.1-513 C. 2., Code of Virginia, on the transferring of the value of the donated interest. The Code of Virginia specifies such fees will be used by the Departments of Taxation and Conservation and Recreation to recover the direct cost of administration incurred in implementing the Virginia Land Conservation Act.

F. In the event that the United States Congress adopts legislation allowing local governments, with the assistance of the Commonwealth, to collect delinquent local taxes using offsets from federal income taxes, the Department of Accounts shall provide a treasury loan to the

ITEM 282.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>Department of Taxation to finance the costs of modifying the agency's computer systems to implement this federal debt setoff program. This treasury loan shall be repaid from the proceeds collected from the offsets of federal income taxes collected on behalf of localities by the Department of Taxation.</p>				
<p>G. 1. All revenue received by the Commonwealth pursuant to the provisions of § 58.1-645 et seq., Code of Virginia, shall be paid into the state treasury and deposited to the Virginia Communications Sales and Use Tax Fund and shall be distributed pursuant to § 58.1-662, Code of Virginia, and Items 273 and 294 of this act. For the purposes of the Comptroller's preliminary and final annual reports required by § 2.2-813, Code of Virginia, however, all deposits to and disbursements from the Fund shall be accounted for as part of the general fund of the state treasury.</p>				
<p>2. It is the intent of the General Assembly that all such revenues be distributed to counties, cities, and towns, the Department for the Deaf and Hard-of-Hearing, and for the costs of administering the Virginia Communications Sales and Use Tax.</p>				
<p>H. Notwithstanding the provisions of § 58.1-478, Code of Virginia, effective July 1, 2011, every employer whose average monthly liability can reasonably be expected to be \$1,000 or more and the aggregate amount required to be withheld by any employer exceeds \$500 shall file the annual report required by § 58.1-478, Code of Virginia, and all forms required by § 58.1-472, Code of Virginia, using an electronic medium using a format prescribed by the Tax Commissioner. Waivers shall be granted only if the Tax Commissioner finds that this requirement creates an unreasonable burden on the employer. All requests for waiver shall be submitted to the Tax Commissioner in writing.</p>				
<p>I. Notwithstanding the provisions of § 58.1-214, Code of Virginia, the department shall not be required to mail its forms and instructions unless requested by a taxpayer or his representative.</p>				
<p>J.1. Notwithstanding the provisions of § 58.1-609.12, Code of Virginia, no report on the fiscal, economic and policy impact of the miscellaneous Retail Sales and Use Tax exemptions under § 58.1-609.10, Code of Virginia, shall be required after the completion of the final report in the first five-year cycle of the study, due December 1, 2011. The Department of Taxation shall satisfy the requirement of § 58.1-609.12 that it study and report on the annual fiscal impact of the Retail Sales and Use Tax exemptions for nonprofit entities provided for in § 58.1-609.11, Code of Virginia, by publishing such fiscal impact on its website.</p>				
<p>2. Notwithstanding the provisions of § 58.1-202, Code of Virginia, no report detailing the total amount of corporate income tax relief provided in Virginia shall be required after the completion of such report due on October 1, 2013. The Department of Taxation shall satisfy the requirement of § 58.1-202 that it issue an annual report detailing the total amount of corporate income tax relief provided in Virginia by publishing its Annual Report on its website.</p>				
<p>K. 1. Notwithstanding any provision of the Code of Virginia or this act to the contrary,</p>				
<p>a. Effective January 1, 2013, all corporations are required to file estimated tax payments and their annual income tax return and final payment using an electronic medium in a format prescribed by the Tax Commissioner .</p>				
<p>b. Effective July 1, 2013, every employer shall file the annual report required by § 58.1-478 and all forms required by § 58.1-472, Code of Virginia, using an electronic medium in a format prescribed by the Tax Commissioner.</p>				
<p>c. Effective July 1, 2014, every employer shall file the annual report required by § 58.1-478 , not later than January 31 of the calendar year succeeding the calendar year in which wages were withheld from employees.</p>				
<p>d. Effective January 1, 2015, for taxable years beginning on and after January 1, 2014, every pass-through entity shall file the annual return required by § 58.1-392, Code of Virginia, and make related payments using an electronic medium in a format prescribed by the Tax Commissioner.</p>				

ITEM 282.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
e. i. Effective until January 1, 2020, all estates and trusts are required to file estimated tax payments pursuant to § 58.1-490 et seq., Code of Virginia, and their annual income tax return pursuant to § 58.1-381, Code of Virginia, and final payment using an electronic medium in a format prescribed by the Tax Commissioner.				
ii. Effective January 1, 2020, annual income tax returns of estates and trusts required pursuant to § 58.1-381, Code of Virginia, that are prepared by an income tax return preparer, as defined in § 58.1-302, Code of Virginia, must be filed using an electronic medium in a format prescribed by the Tax Commissioner.				
f. Taxpayers subject to the taxes imposed pursuant to § 58.1-320 and required to pay estimated tax pursuant to § 58.1-490 et seq., shall be required to file and remit using an electronic medium in a format prescribed by the Tax Commissioner all installment payments of estimated tax and all payments made with regard to a return or an extension of time to file if (i) any one such payment exceeds or is required to exceed \$7,500, or if (ii) the taxpayer's total tax liability exceeds or can be reasonably expected to exceed \$30,000 in any taxable year beginning on or after January 1, 2018. The Department of Taxation shall provide reasonable advanced notice to taxpayers affected by this requirement.				
2.a. The Tax Commissioner shall have the authority to waive the requirement to file or pay by electronic means. Waivers shall be granted only if the Tax Commissioner finds that this requirement creates an unreasonable burden on the person required to use an electronic medium. All requests for waiver shall be submitted to the Tax Commissioner in writing.				
b. The Tax Commissioner shall have the authority to waive the requirement to file or pay by January 31. Waivers shall be granted only if the Tax Commissioner finds that this requirement creates an unreasonable burden on the person required to file or pay by January 31. All requests for waiver shall be submitted to the Tax Commissioner in writing.				
L.1. Notwithstanding any other provision of law, Retail Sales and Use Tax returns and payments shall be made using an electronic medium prescribed by the Tax Commissioner beginning with the June 2012 return, due July 2012, for monthly filers and, for less frequent filers, with the first return they are required to file after July 1, 2013.				
2. Notwithstanding any other provision of law, Out-of-State Dealer's Use Tax and Business Consumer's Use Tax returns and payments shall be made using an electronic medium prescribed by the Tax Commissioner beginning with the July 2017 return, due August 2017, for monthly filers and, for less frequent filers, with the first return they are required to file after August 1, 2017.				
3. The Tax Commissioner shall have the authority to waive the requirement to file by electronic means upon a determination that the requirement would cause an undue hardship. All requests for waiver shall be transmitted to the Tax Commissioner in writing.				
M. The Department of Taxation is hereby appropriated revenues from the Virginia Motor Vehicle Rental Tax to recover the direct cost of administration incurred by the department in implementing and collecting this tax as provided by § 58.1-1741, Code of Virginia.				
N. Notwithstanding the provisions of § 58.1-490 et seq., Code of Virginia,				
1. Effective for taxable years beginning on or after January 1, 2015, a taxpayer shall be permitted to file a declaration of estimated tax with the Department of Taxation instead of with the commissioner of the revenue and notwithstanding the provisions of § 58.1-306, Code of Virginia, the department may so advise taxpayers.				
2. Effective January 1, 2015, every treasurer who receives an estimated income tax return, declaration or voucher pursuant to § 58.1-495 of the Code of Virginia shall transmit such return, declaration or voucher to the Department of Taxation using an electronic medium in a format prescribed by the Tax Commissioner.				
O. Notwithstanding any provision of the Code of Virginia or this act to the contrary, the Department of Taxation is authorized to provide Form 1099 in an electronic format to taxpayers. The Tax Commissioner shall ensure that taxpayers may elect to receive the electronic version of the form.				

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	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
P. The Department of Taxation is hereby appropriated revenues from the E-911 Wireless Tax to recover the direct cost of administration incurred by the department in implementing and collecting this tax as provided by § 56-484.17:1, Code of Virginia.				
Q. The Department of Taxation is hereby appropriated revenues from the assessment for expenses pursuant to §§ 38.2-400 and 38.2-403, Code of Virginia, to recover any costs related to the Insurance Premiums License Tax that are incurred by the Department of Taxation, as provided in § 58.1-2533, Code of Virginia.				
R. The Department of Taxation is authorized to recover the administrative costs associated with debt collection initiatives under the U.S. Treasury Offset Program authorized by § 2.2-4809, not to exceed twenty percent of revenues generated pursuant to such debt collection initiatives. Such sums are in addition to any fees charged by outside collections contractors and/or enhanced collection revenues returned to the Commonwealth.				
S.1. Notwithstanding any other provision of the Code of Virginia or this act to the contrary, effective July 1, 2015, the Department of Taxation is hereby authorized to charge a fee of \$5.00 per copy of a tax return requested by a taxpayer or a representative thereof.				
2. The Tax Commissioner shall have the authority to waive such fee. Waivers shall be granted only if the Tax Commissioner finds that this requirement creates an unreasonable burden on the person requesting such copies. All requests for waiver shall be submitted to the Tax Commissioner in writing.				
T. Notwithstanding any other provision of the Code of Virginia or this act to the contrary, effective January 1, 2016, the Department of Taxation shall not provide to the local commissioners of the revenue or any other local officials copies of federal tax forms or schedules, including but not limited to, federal Schedules C (1040), C-EZ (1040), D (1040), E (1040), or F (1040), or federal Forms 4562 or 2106, or copies of Virginia Schedule 500FED, unless such schedules or forms are attached to a Virginia income tax return and submitted to the department in an electronic format by the taxpayer.				
U.1. Notwithstanding any other provision of law, Vending Machine Dealer's Sales Tax, Motor Vehicle Rental Tax and Fee, Communications Taxes, and Tobacco Products Tax returns shall be filed using an electronic medium prescribed by the Tax Commissioner beginning with the July 2016 return, due August 2016, for monthly filers and, for less frequent filers, with the first return they are required to file after July 1, 2016.				
2. Notwithstanding any other provision of law, Litter Tax returns shall be filed and any payments shall be made using an electronic medium prescribed by the Tax Commissioner beginning with the first return required to be filed after January 1, 2018.				
3. The Tax Commissioner shall have the authority to waive the requirement to file by electronic means upon a determination that the requirement would cause an undue hardship. All requests for waiver shall be transmitted to the Tax Commissioner in writing.				
V.1. Notwithstanding any other provision of law, effective July 1, 2017, the Department of Taxation shall charge a fee of \$275 for each request, except those requested by the local assessing officer, for a letter ruling to be issued pursuant to § 58.1-203, Code of Virginia, or for an advisory opinion issued pursuant to §§ 58.1-3701 or 58.1-3983.1, Code of Virginia; \$50 for each request for an offer in compromise with respect to doubtful collectability authorized by § 58.1-105, Code of Virginia; and \$100 for each request for permission to change a corporation's filing method pursuant to § 58.1-442, Code of Virginia.				
2. The Tax Commissioner shall have the authority to waive such fees. Waivers shall be granted only if the Tax Commissioner finds that such fee creates an unreasonable burden on the person making such request. All requests for waiver shall be submitted to the Tax Commissioner in writing.				
3. Revenues received from the above fees shall be deposited into the general fund in the state treasury.				
W. Notwithstanding the provisions of § 38.2-5601, Code of Virginia, the Department of				

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	FY2021	FY2022	FY2021	FY2022
Taxation shall not be required to update the Virginia Medical Savings Account Plan report after the completion of such report due on December 31, 2016.				
<p>X.1. Notwithstanding any other provision of law, any employer or payroll service provider that owns or licenses computerized data relating to income tax withheld pursuant to Article 16 (§ 58.1-460 et seq.) of Chapter 3 of Title 58.1 shall notify the Office of the Attorney General without unreasonable delay after the discovery or notification of unauthorized access and acquisition of unencrypted and unredacted computerized data containing a taxpayer identification number in combination with the income tax withheld for that taxpayer that compromises the confidentiality of such data and that creates a reasonable belief that an unencrypted and unredacted version of such information was accessed and acquired by an unauthorized person, and causes, or the employer or payroll provider reasonably believes has caused or will cause, identity theft or other fraud. With respect to employers, this requirement applies only to information regarding the employer's employees, and does not apply to information regarding the employer's customers or other non-employees.</p> <p>Such employer or payroll service provider shall provide the Office of the Attorney General with the name and federal employer identification number of the employer as defined in § 58.1-460 that may be affected by the compromise in confidentiality. Upon receipt of such notice, the Office of the Attorney General shall notify the Department of Taxation of the compromise in confidentiality. The notification required under this provision that does not otherwise require notification under subsections A through L of § 18.2-186.6, Code of Virginia, shall not be subject to any other notification, requirement, exemption, or penalty contained in that section.</p> <p>2. Notwithstanding any other provision of law, any income tax return preparer, as defined in § 58.1-302, who prepares any Virginia individual income tax return during a calendar year for which he has the primary responsibility for the overall substantive accuracy of the preparation thereof shall notify the Department of Taxation without unreasonable delay after the discovery or notification of unauthorized access and acquisition of unencrypted and unredacted return information that compromises the confidentiality of such information and that creates a reasonable belief that an unencrypted and unredacted version of such information was accessed and acquired by an unauthorized person, and causes, or such preparer reasonably believes has caused or will cause, identity theft or other fraud.</p> <p>Such income tax return preparer shall provide the Department of Taxation with the name and taxpayer identifying number of any taxpayer that may be affected by the compromise in confidentiality, as well as the name of the income tax return preparer, his preparer tax identification number, and such other information as the Department may prescribe.</p> <p>Y.1. Every payment settlement entity required to file information returns under § 6050W of the Internal Revenue Code shall, within thirty days of the relevant federal deadline for filing such returns, submit to the Department of Taxation electronically either (i) a duplicate of all such information returns or (ii) a duplicate of such information returns related to participating payees with a Virginia state address or Virginia state taxpayers.</p> <p>2. All third-party settlement organizations, as defined in § 6050W of the Internal Revenue Code, shall report to the Department of Taxation electronically, and to any participating payee, within 30 days of the relevant federal deadline for reporting such information, all information specified by § 6050W of the Internal Revenue Code with respect to reportable payment transactions made on or after January 1, 2020 to such participating payee. For purposes of determining whether a third-party settlement organization is subject to this requirement, the de minimis limitations of § 6041(a) of the Internal Revenue Code shall apply mutatis mutandis in lieu of the de minimis limitations of § 6050W of the Internal Revenue Code. This requirement shall apply only with respect to participating payees with a Virginia mailing address.</p> <p>3. The Tax Commissioner shall have the authority to waive the requirement to submit this information upon a determination that the requirement would cause an unreasonable burden. In addition, the Tax Commissioner shall have the authority to waive the requirement to submit this information electronically upon a determination that the requirement would cause an unreasonable burden. All requests for waiver shall be transmitted to the Tax Commissioner in writing.</p>				

ITEM 282.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Z. The Department of Taxation is hereby appropriated revenues from the Disposable Plastic Bag Tax to recover any administrative costs for collecting the tax incurred by the Department of Taxation as provided by § 58.1-3835 (C), Code of Virginia.				
<i>AA. The Department of Taxation is hereby appropriated revenues from the tobacco products tax imposed under § 58.1-1021.02 of the Code of Virginia to recover any administrative costs for implementing the tax on heated tobacco products incurred by the Department of Taxation as provided by Item 3-5.21(D) of this Act.</i>				
283.	Not set out.			
284.	Not set out.			
	Total for Department of Taxation.....		\$119,592,795	\$119,950,482
	General Fund Positions.....	905.00	905.00	
	Nongeneral Fund Positions.....	56.00	56.00	
	Position Level.....	961.00	961.00	
	Fund Sources: General.....	\$107,110,104	\$107,467,791	
	Special.....	\$11,760,848	\$11,760,848	
	Dedicated Special Revenue.....	\$721,843	\$721,843	

§ 1-57. DEPARTMENT OF THE TREASURY (152)

- 285. Not set out.
- 286. Not set out.
- 287. Not set out.

287.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Increase funding for a new position in the Cash Management and Investments Division	\$100,003	\$109,093
Agency Total	\$100,003	\$109,093
Total for Department of the Treasury.....		\$50,393,960
General Fund Positions.....	32.20	32.20
Nongeneral Fund Positions.....	91.80	91.80
Position Level.....	124.00	124.00
Fund Sources: General.....	\$8,427,411	\$8,114,163
Special.....	\$469,116	\$469,116
Commonwealth Transportation.....	\$185,187	\$185,187
Trust and Agency.....	\$40,662,882	\$40,772,882

ITEM 287.10.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
	Dedicated Special Revenue.....	\$649,364	\$649,364		
288.	Not set out.				
289.	Not set out.				
290.	Not set out.				
	TOTAL FOR OFFICE OF FINANCE.....			\$2,745,750,071	\$3,051,204,336
				\$2,834,777,702	\$3,033,691,159
	General Fund Positions.....	1,123.20	1,123.20		
	Nongeneral Fund Positions.....	218.80	218.80		
	Position Level.....	1,342.00	1,342.00		
	Fund Sources: General.....	\$2,028,981,299	\$2,325,067,785		
		\$2,118,008,930	\$2,307,554,608		
	Special.....	\$13,225,653	\$13,225,653		
	Higher Education Operating.....	\$31,526,576	\$31,526,576		
	Commonwealth Transportation.....	\$185,187	\$185,187		
	Internal Service.....	\$28,788,305	\$38,520,462		
	Trust and Agency.....	\$121,907,101	\$122,327,594		
	Dedicated Special Revenue.....	\$511,280,476	\$511,190,477		
	Federal Trust.....	\$9,855,474	\$9,160,602		

ITEM 291.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

OFFICE OF HEALTH AND HUMAN RESOURCES

§ 1-58. SECRETARY OF HEALTH AND HUMAN RESOURCES (188)

291. Not set out.

Children's Services Act (200)

292.	Protective Services (45300).....		\$371,426,427	\$379,203,904
	Financial Assistance for Child and Youth Services (45303).....	\$371,426,427	\$379,203,904	
	Fund Sources: General.....	\$318,818,681	\$326,596,158	
	Federal Trust.....	\$52,607,746	\$52,607,746	

Authority: Title 2.2, Chapter 52, Code of Virginia.

A. The Department of Education shall serve as fiscal agent to administer funds cited in paragraphs B and C.

B.1.a. Out of this appropriation, \$260,642,978 the first year and \$268,416,617 the second year from the general fund and \$51,607,746 the first year and \$51,607,746 the second year from nongeneral funds shall be used for the state pool of funds pursuant to § 2.2-5211, Code of Virginia. This appropriation shall consist of a Medicaid pool allocation, and a non-Medicaid pool allocation.

b. The Medicaid state pool allocation shall consist of \$28,526,197 the first year and \$28,526,197 the second year from the general fund and \$43,187,748 the first year and \$43,187,748 the second year from nongeneral funds. The Office of Children's Services will transfer these funds to the Department of Medical Assistance Services as they are needed to pay Medicaid provider claims.

c. The non-Medicaid state pool allocation shall consist of \$232,116,781 the first year and \$239,890,420 the second year from the general fund and \$8,419,998 the first year and \$8,419,998 the second year from nongeneral funds. The nongeneral funds shall be transferred from the Department of Social Services.

d. The Office of Children's Services, with the concurrence of the Department of Planning and Budget, shall have the authority to transfer the general fund allocation between the Medicaid and non-Medicaid state pools in the event that a shortage should exist in either of the funding pools.

e. The Office of Children's Services, per the policy of the State Executive Council, shall deny state pool funding to any locality not in compliance with federal and state requirements pertaining to the provision of special education and foster care services funded in accordance with § 2.2-5211, Code of Virginia.

2.a. Out of this appropriation, \$55,666,865 the first year and \$55,666,865 the second year from the general fund and \$1,000,000 the first year and \$1,000,000 the second year from nongeneral funds shall be set aside to pay for the state share of supplemental requests from localities that have exceeded their state allocation for mandated services. The nongeneral funds shall be transferred from the Department of Social Services.

b. In each year, the director of the Office of Children's Services may approve and obligate supplemental funding requests in excess of the amount in 2a above, for mandated pool fund expenditures up to 10 percent of the total general fund appropriation authority in B1a in this Item.

c. The State Executive Council shall maintain local government performance measures to include, but not be limited to, use of federal funds for state and local support of the Children's Services Act.

d. Pursuant to § 2.2-5200, Code of Virginia, Community Policy and Management Teams

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	<p>shall seek to ensure that services and funding are consistent with the Commonwealth's policies of preserving families and providing appropriate services in the least restrictive environment, while protecting the welfare of children and maintaining the safety of the public. Each locality shall submit to the Office of Children's Services information on utilization of residential facilities for treatment of children and length of stay in such facilities. By December 15 of each year, the Office of Children's Services shall report to the Governor and Chairmen of the House Appropriations and Senate Finance Committees on utilization rates and average lengths of stays statewide and for each locality.</p>			
	<p>3. Each locality receiving funds for activities under the Children's Services Act (CSA) shall have a utilization management process, including a uniform assessment, approved by the State Executive Council, covering all CSA services. Utilizing a secure electronic site, each locality shall also provide information as required by the Office of Children's Services to include, but not be limited to case specific information, expenditures, number of youth served in specific CSA activities, length of stay for residents in core licensed residential facilities, and proportion of youth placed in treatment settings suggested by the uniform assessment instrument. The State Executive Council, utilizing this information, shall track and report on child specific outcomes for youth whose services are funded under the Children's Services Act. Only non-identifying demographic, service, cost and outcome information shall be released publicly. Localities requesting funding from the set aside in paragraph 2.a. and 2.b. must demonstrate compliance with all CSA provisions to receive pool funding.</p>			
	<p>4. The Secretary of Health and Human Resources, in consultation with the Secretary of Education and the Secretary of Public Safety and Homeland Security, shall direct the actions for the Departments of Social Services, Education, and Juvenile Justice, Medical Assistance Services, Health, and Behavioral Health and Developmental Services, to implement, as part of ongoing information systems development and refinement, changes necessary for state and local agencies to fulfill CSA reporting needs.</p>			
	<p>5. The State Executive Council shall provide localities with technical assistance on ways to control costs and on opportunities for alternative funding sources beyond funds available through the state pool.</p>			
	<p>6. Out of this appropriation, \$100,000 the first year and \$100,000 the second year from the general fund is provided for a combination of regional and statewide meetings for technical assistance to local community policy and management teams, family assessment and planning teams, and local fiscal agents. Training shall include, but not be limited to, cost containment measures, building community-based services, including creation of partnerships with private providers and non-profit groups, utilization management, use of alternate revenue sources, and administrative and fiscal issues. A state-supported institution of higher education, in cooperation with the Virginia Association of Counties, the Virginia Municipal League, and the State Executive Council, may assist in the provisions of this paragraph. A training plan shall be presented to and approved by the State Executive Council before the beginning of each fiscal year. A training calendar and timely notice of programs shall be provided to Community Policy and Management Teams and family assessment and planning team members statewide as well as to local fiscal agents and chief administrative officers of cities and counties. A report on all regional and statewide training sessions conducted during the fiscal year, including (i) a description of each program and trainers, (ii) the dates of the training and the number of attendees for each program, (iii) a summary of evaluations of these programs by attendees, and (iv) the funds expended, shall be made to the Chairmen of the House Appropriations and Senate Finance Committees and to the members of the State Executive Council by December 1 of each year. Any funds unexpended for this purpose in the first year shall be reappropriated for the same use in the second year.</p>			
	<p>7. Out of this appropriation, \$70,000 the first year and \$70,000 the second year from the general fund is provided for the Office of Children's Services to contract for the support of uniform CSA reporting requirements.</p>			
	<p>8. The State Executive Council shall require a uniform assessment instrument.</p>			
	<p>9. The Office of Children's Services, in conjunction with the Department of Social Services, shall determine a mechanism for reporting Temporary Assistance for Needy Families Maintenance of Effort eligible costs incurred by the Commonwealth and local governments for the Children's Services Act.</p>			

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<p>10. For purposes of defining cases involving only the payment of foster care maintenance, pursuant to § 2.2-5209, Code of Virginia, the definition of foster care maintenance used by the Virginia Department of Social Services for federal Title IV-E shall be used.</p>				
<p>C. The funding formula to carry out the provisions of the Children's Services Act is as follows:</p>				
<p>1. Allocations. The allocations for the Medicaid and non-Medicaid pools shall be the amounts specified in paragraphs B.1.b. and B.1.c. in this Item. These funds shall be distributed to each locality in each year of the biennium based on the greater of that locality's percentage of actual 1997 Children's Services Act pool fund program expenditures to total 1997 pool fund program expenditures or the latest available three-year average of actual pool fund program expenditures as reported to the state fiscal agent.</p>				
<p>2. Local Match. All localities are required to appropriate a local match for the base year funding consisting of the actual aggregate local match rate based on actual total 1997 program expenditures for the Children's Services Act. This local match rate shall also apply to all reimbursements from the state pool of funds in this Item and carryforward expenditures submitted prior to September 30 each year for the preceding fiscal year, including administrative reimbursements under paragraph C.4. in this Item.</p>				
<p>3.a. Notwithstanding the provisions of C.2. of this Item, beginning July 1, 2008, the local match rate for community based services for each locality shall be reduced by 50 percent.</p>				
<p>b. Localities shall review their caseloads for those individuals who can be served appropriately by community-based services and transition those cases to the community for services. Beginning July 1, 2009, the local match rate for non-Medicaid residential services for each locality shall be 25 percent above the fiscal year 2007 base. Beginning July 1, 2011, the local match rate for Medicaid residential services for each locality shall be 25 percent above the fiscal year 2007 base.</p>				
<p>c. By December 1 of each year, The State Executive Council (SEC) shall provide an update to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees on the outcomes of this initiative.</p>				
<p>d. At the direction of the State Executive Council, local Community Policy and Management Teams (CPMTs) and Community Services Boards (CSBs) shall work collaboratively in their service areas to develop a local plan for intensive care coordination (ICC) services that best meets the needs of the children and families. If there is more than one CPMT in the CSB's service area, the CPMTs and the CSB may work together as a region to develop a plan for ICC services. Local CPMTs and CSBs shall also work together to determine the most appropriate and cost-effective provider of ICC services for children in their community who are placed in, or at-risk of being placed in, residential care through the Children's Services Act, in accordance with guidelines developed by the State Executive Council. The State Executive Council and Office of Children's Services shall establish guidelines for reasonable rates for ICC services and provide training and technical assistance to CPMTs and fiscal agents regarding these services.</p>				
<p>e. The local match rate for all non-Medicaid services provided in the public schools after June 30, 2011 shall equal the fiscal year 2007 base.</p>				
<p>4. Local Administrative Costs. Out of this appropriation, an amount equal to two percent of the fiscal year 1997 pool fund allocations, not to exceed \$2,060,000 the first year and \$2,060,000 the second year from the general fund, shall be allocated among all localities for administrative costs. Every locality shall be required to appropriate a local match based on the local match contribution in paragraph C.2. of this Item. Inclusive of the state allocation and local matching funds, every locality shall receive the larger of \$12,500 or an amount equal to two percent of the total pool allocation. Localities are encouraged to use administrative funding to hire a full-time or part-time local coordinator for the Children's Services Act program. Localities may pool this administrative funding to hire regional coordinators.</p>				
<p>5. Definition. For purposes of the funding formula in the Children's Services Act, "locality" means city or county.</p>				

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D. Community Policy and Management Teams shall use Medicaid-funded services whenever they are available for the appropriate treatment of children and youth receiving services under the Children's Services Act. Effective July 1, 2009, pool funds shall not be spent for any service that can be funded through Medicaid for Medicaid-eligible children and youth except when Medicaid-funded services are unavailable or inappropriate for meeting the needs of a child.				
E. Pursuant to subdivision 3 of § 2.2-5206, Code of Virginia, Community Policy and Management Teams shall enter into agreements with the parents or legal guardians of children receiving services under the Children's Services Act. The Office of Children's Services shall be a party to any such agreement. If the parent or legal guardian fails or refuses to pay the agreed upon sum on a timely basis and a collection action cannot be referred to the Division of Child Support Enforcement of the Department of Social Services, upon the request of the community policy management team, the Office of Children's Services shall make a claim against the parent or legal guardian for such payment through the Department of Law's Division of Debt Collection in the Office of the Attorney General.				
F. The Office of Children's Services, in cooperation with the Department of Medical Assistance Services, shall provide technical assistance and training to assist residential and treatment foster care providers who provide Medicaid-reimbursable services through the Children's Services Act to become Medicaid-certified providers.				
G. The Office of Children's Services shall work with the State Executive Council and the Department of Medical Assistance Services to assist Community Policy and Management Teams in appropriately accessing a full array of Medicaid-funded services for Medicaid-eligible children and youth through the Children's Services Act, thereby increasing Medicaid reimbursement for treatment services and decreasing the number of denials for Medicaid services related to medical necessity and utilization review activities.				
H. Pursuant to subdivision 21 of § 2.2-2648, Code of Virginia, no later than December 20 in the odd-numbered years, the State Executive Council shall biennially publish and disseminate to members of the General Assembly and Community Policy and Management Teams a progress report on services for children, youth, and families and a plan for such services for the succeeding biennium.				
I. Out of this appropriation, \$275,000 the first year and \$275,000 the second year from the general fund shall be used to purchase and maintain an information system to provide quality and timely child demographic, service, expenditure, and outcome data.				
J. The State Executive Council shall work with the Department of Education to ensure that funding in this Item is sufficient to pay for the educational services of students that have been placed in or admitted to state or privately operated psychiatric or residential treatment facilities to meet the educational needs of the students as prescribed in the student's Individual Educational Plan (IEP).				
K.1. The Office of Children's Services (OCS) shall report on funding for therapeutic foster care services including but not limited to the number of children served annually, average cost of care, type of service provided, length of stay, referral source, and ultimate disposition. In addition, the OCS shall provide guidance and training to assist localities in negotiating contracts with therapeutic foster care providers.				
2. The Office of Children's Services shall report on funding for special education day treatment and residential services, including but not limited to the number of children served annually, average cost of care, type of service provided, length of stay, referral source, and ultimate disposition.				
3. The Office of Children's Services shall report by December 1 of each year the information included in this paragraph to the Chairmen of the House Appropriations and Senate Finance Committees.				
L. Out of this appropriation, the Director, Office of Children's Services, shall allocate \$2,200,000 the first year and \$2,200,000 the second year from the general fund to localities for wrap-around services for students with disabilities as defined in the Children's Services Act policy manual.				

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M. Notwithstanding any other provision of law, the rates paid by localities to providers of private day special education services under the Children's Services Act shall not increase more than two percent the first year above the rates paid in the prior fiscal year. All localities shall submit their contracted rates for private day education services to the Office of Children's Services by August 1 of each year.

N. Any community policy management team receiving and disbursing funds under the Children's Services Act to pay for a student's placement in a private school, pursuant to an individualized education plan, serving students with disabilities, shall continue to pay a daily or monthly rate for the 2020-21 school year, but may adjust the rate to account for virtual or distance learning provided by a private school to a rate that is commensurate with the level of service being provided, as long as the student's placement is in a private school serving students with disabilities that is continuing to provide a free and appropriate public education and the private school is providing services to the student, including virtual.

293. Not set out.

293.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Finalize rate study for private day special education programs	\$250,000	\$0
Increase training funds for the Children's Services Act	\$50,000	\$50,000
Agency Total	\$300,000	\$50,000
Total for Children's Services Act.....		\$373,686,223
General Fund Positions.....	14.00	14.00
Position Level.....	14.00	14.00
Fund Sources: General.....	\$321,078,477	\$328,605,954
Federal Trust.....	\$52,607,746	\$52,607,746
Grand Total for Secretary of Health and Human Resources.....		\$374,564,287
General Fund Positions.....	19.00	19.00
Position Level.....	19.00	19.00
Fund Sources: General.....	\$321,956,541	\$329,484,018
Federal Trust.....	\$52,607,746	\$52,607,746

294. Not set out.

§ 1-59. DEPARTMENT OF HEALTH (601)

295. Not set out.

ITEM 296.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
296.	Not set out.				
297.	Not set out.				
298.	Not set out.				
299.	Communicable Disease Prevention and Control (40500).....			\$109,901,022	\$109,966,944
	Immunization Program (40502).....	\$8,147,521	\$8,161,841		
	Tuberculosis Prevention and Control (40503).....	\$2,174,878	\$2,174,878		
	Sexually Transmitted Disease Prevention and Control (40504).....	\$3,393,106	\$3,393,106		
	Disease Investigation and Control Services (40505)....	\$5,682,596	\$5,734,198		
	HIV/AIDS Prevention and Treatment Services (40506).....	\$88,359,214	\$88,359,214		
	Pharmacy Services (40507).....	\$2,143,707	\$2,143,707		
	Fund Sources: General.....	\$11,317,437	\$11,383,359		
	Special.....	\$1,883,391	\$1,883,391		
	Federal Trust.....	\$96,700,194	\$96,700,194		

Authority: §§ 32.1-11.1, 32.1-11.2, and 32.1-35 through 32.1-73, Code of Virginia; and P.L. 91-464, as amended, Federal Code.

A. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the general fund shall be used to purchase medications for individuals who have tuberculosis but who do not qualify for free or reduced prescription drugs and who do not have adequate income or insurance coverage to purchase the required prescription drugs.

B. Out of this appropriation, \$40,000 the first year and \$40,000 the second year from the general fund shall be provided to the Division of Tuberculosis Control for the purchase of medications and supplies for individuals who have drug-resistant tuberculosis and require treatment with expensive, second-line antimicrobial agents.

C. The requirement for testing of tuberculosis isolates set out in § 32.1-50 E, Code of Virginia, shall be satisfied by the submission of samples to the Division of Consolidated Laboratory Services, or such other laboratory as may be designated by the Board of Health.

D. Out of this appropriation, \$840,288 the first year and \$840,288 the second year from nongeneral funds shall be used to purchase the Tdap (tetanus/diphtheria/pertussis) vaccine for children without insurance.

E. Out of this appropriation, \$200,000 the first year and \$200,000 the second year from the general fund shall be provided to the State Pharmaceutical Assistance Program (SPAP) for insurance premium payments, coinsurance payments, and other out-of-pocket costs for individuals participating in the Virginia AIDS Drug Assistance Program (ADAP) with incomes between 135 percent and 300 percent of the federal poverty income guidelines and who are Medicare Part D beneficiaries.

F. The State Health Commissioner shall monitor patients who have been removed or diverted from the Virginia AIDS Drug Assistance Program due to budget considerations. At a minimum the Commissioner shall monitor patients to determine if they have been successfully enrolled in a private Pharmacy Assistance Program or other program to receive appropriate anti-retroviral medications. The commissioner shall also monitor the program to assess whether a waiting list has developed for services provided through the ADAP program. The commissioner shall report findings to the Chairmen of the House Appropriations and Senate Finance Committees annually on October 1.

G. The Virginia Department of Health shall report for each month within 30 days after the end of each month, on the number of procedures approved for payment pursuant to § 32.1-92.2, Code of Virginia, and include a description of the nature of the fetal abnormality, to the extent permitted by law, as required for eligibility under § 32.1-92.2, Code of Virginia. The department shall report the information by letter to the Chairmen of the House Appropriations

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	FY2021	FY2022	FY2021	FY2022

and Senate Finance Committees.

H. The Virginia Department of Health, in cooperation with the Department of Behavioral Health and Developmental Services (DBHDS), shall utilize \$1,600,011 each year from available federal funding in DBHDS, including the State Opioid Response Grant, as available, to purchase and provide opioid reversal drugs to support community rescue efforts for those who deal with vulnerable populations.

I. The Department of Health shall convene a work group, which shall include the Commonwealth's Chief Diversity, Equity, and Inclusion Officer and representatives of the Office of Health Equity of the Department of Health, the Department of Emergency Management, and such other stakeholders as the department shall deem appropriate and which may be an existing work group or other entity previously convened for a related purpose, to (i) evaluate the methods by which vaccines and other medications necessary to treat or prevent the spread of COVID-19 are made available to the public, (ii) identify and develop a plan to implement specific actions necessary to ensure such vaccines and other medications are equitably distributed in the Commonwealth to ensure all residents of the Commonwealth are able to access such vaccines and other medications, and (iii) make recommendations for any statutory, regulatory, or budgetary actions necessary to implement such plan. The Department shall make an initial report on its activities and any findings to the Chairs of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by December 1, 2020, and shall report monthly thereafter.

J. The Virginia Department of Health shall review and update their data collection and reporting protocols for COVID-19 or other infectious disease data to report actual deaths not an extrapolated projection of deaths.

K. The State Health Commissioner shall ensure that residents and employees of any nursing home or assisted living facility receive priority for testing indicating the existence of the COVID-19 virus in the Commonwealth. The Commissioner shall make available public health testing, if necessary, in order to ensure that nursing homes or assisted living facilities have access to testing that can provide the most rapid results in order to prevent or contain outbreaks of COVID-19. Such testing shall be provided, as needed, by the Division of Consolidated Laboratory Services or other public health testing agencies of the Commonwealth. Any testing costs through the public health system for employees or residents of nursing homes or assisted living facilities may be billed to responsible third-parties.

300.	Health Research, Planning, and Coordination (40600).....			\$19,671,239	\$19,671,239
	Health Research, Planning and Coordination (40603).....	\$3,515,119	\$3,515,119		
	Regulation of Health Care Facilities (40607).....	\$13,826,070	\$13,826,070		
	Certificate of Public Need (40608).....	\$1,704,248	\$1,704,248		
	Cooperative Agreement Supervision (40609).....	\$625,802	\$625,802		
	Fund Sources: General.....	\$4,293,205	\$4,293,205		
	Special.....	\$3,048,545	\$3,048,545		
	Dedicated Special Revenue.....	\$451,798	\$451,798		
	Federal Trust.....	\$11,877,691	\$11,877,691		

Authority: §§ 32.1-102.1 through 32.1-102.11; 32.1-122.01 through 32.1-122.08; and 32.1-123 through 32.1-138.5, Code of Virginia; and P.L. 96-79, as amended, Federal Code; and Title XVIII and Title XIX of the U.S. Social Security Act, Federal Code.

A. Supplemental funding for the regional health planning agencies shall be provided from the following sources:

1. Special funds from Certificate of Public Need (40608) application fees in excess of those required to operate the COPN Program, provided the program may retain special fund balances each year equal to of one month's operational needs in case of revenue

ITEM 300.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
	shortfalls in the subsequent year.			
	2. The Department of Health shall revise annual agreements with the regional health planning agencies to require an annual independent financial audit to examine the use of state funds and the reasonableness of those expenditures.			
	B. Failure of any regional health planning agency to establish or sustain business operations shall cause funds to revert to the Central Office to support health planning and Certificate of Public Need functions.			
	C. The State Health Commissioner shall continue implementation of the "Five-Year Action Plan: Improving Access to Primary Health Care Services in Medically Underserved Areas and Populations of the Commonwealth." A minimum of \$150,000 the first year and \$150,000 the second year from the general fund shall be provided to the Virginia Office of Rural Health, as the state match for the federal Office of Rural Health Policy Grant. The commissioner is authorized to contract for services to accomplish the plan.			
	D. Out of the this appropriation, \$278,000 the first year and \$278,000 the second year is appropriated to the department from statewide indirect cost recoveries to match federal funds and support the programs of the Office of Licensure and Certification. Amounts recovered in excess of the special fund appropriation shall be deposited to the general fund.			
	E. The Virginia Department of Health (VDH) in collaboration with the Department of Health Professions shall issue risk mitigation guidelines on the prescription of the class of potent pain medicines known as extended-release and long-acting (ER/LA) opioid analgesics to include co-prescription of an opioid antagonist, approved by the U.S. Food and Drug Administration (FDA), for administration by family members or caregivers in a non-medically supervised environment.			
	<p><i>F. In any case in which the Governor has declared a public health emergency related to the novel coronavirus (COVID-19), every medical care facility licensed by the Virginia Department of Health, except nursing facilities, shall allow a person with a disability who requires assistance as a result of such disability to be accompanied by a designated support person at any time during which health care services are provided. In any case in which health care services are provided in an inpatient setting, and the duration of health care services in such inpatient setting is anticipated to last more than 24 hours, the person with a disability may designate more than one designated support person. However, no such facility shall be required to allow more than one designated support person to be present with a person with a disability at any time. A designated support person shall not be subject to any restrictions on visitation adopted by such medical care facility. However, such designated support person may be required to comply with all reasonable requirements of the medical care facility adopted to protect the health and safety of patients and staff of the medical care facility. Every such medical care facility shall establish policies applicable to designated support persons and shall (i) make such policies available to the public on a website maintained by the medical care facility and (ii) provide such policies, in writing, to the patient at such time as health care services are provided. A "designated support person" means a person who is knowledgeable about the needs of a person with a disability and who is designated, orally or in writing, by the individual with a disability, the individual's guardian or the individual's care provider, to provide support and assistance, including physical assistance, emotional support, assistance with communication or decision-making, or any other assistance necessary as a result of the person's disability, to the person with a disability at any time during which health care services are provided.</i></p>			
301.	Not set out.			
302.	Not set out.			
303.	Not set out.			
304.	Not set out.			
305.	Not set out.			

ITEM 306.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
306.	Not set out.			
307.	Not set out.			
307-10	<p>Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.</p>			
		FY 2021		FY 2022
	Support a position at the Mel Leaman Free Clinic	\$30,000		\$30,000
	Add funding for community health workers - two year pilot	\$0		\$289,168
	Fund Behavioral Health Loan Repayment Program and Nursing Preceptor Incentive Position	\$88,914		\$88,914
	Establish Nursing Preceptor Incentive Program	\$500,000		\$500,000
	Establish Behavioral Health Loan Repayment Program	\$1,600,000		\$1,600,000
	Increase support for poison control centers	\$1,500,000		\$0
	Establish the Virginia Sexual and Domestic Violence Prevention Fund	\$750,000		\$750,000
	Increases in rent for Local Health Department facilities	\$75,889		\$75,889
	Increase Hampton Roads Proton Therapy Institute funding	\$1,500,000		\$1,500,000
	Establish Sickle Cell Patient Assistance Program	\$250,000		\$250,000
	Increase support for Special Olympics Virginia	\$10,000		\$10,000
	Add funding for a data management system for Virginia's Drinking Water Program	\$150,000		\$250,000
	Add funding for building Office of Health Equity infrastructure and capacity	\$150,000		\$150,000
	Adds positions for the Shellfish Safety Division	\$168,270		\$168,270
	Increase general fund and nongeneral fund appropriation related to the EPA Drinking Water State Revolving Fund grant	\$482,400		\$482,400
	Add funding and a position for a wastewater infrastructure manager	\$131,880		\$131,880
	Agency Total	\$7,387,353		\$6,276,521

ITEM 307.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Total for Department of Health.....			\$785,787,377	\$781,129,340
General Fund Positions.....	1,513.50	1,517.50		
Nongeneral Fund Positions.....	2,198.00	2,198.00		
Position Level.....	3,711.50	3,715.50		
Fund Sources: General.....	\$200,240,415	\$198,041,753		
Special.....	\$169,842,442	\$169,842,442		
Dedicated Special Revenue.....	\$116,052,192	\$116,052,192		
Federal Trust.....	\$299,652,328	\$297,192,953		

§ 1-60. DEPARTMENT OF HEALTH PROFESSIONS (223)

308.	Not set out.			
309.	Regulation of Professions and Occupations (56000)...		\$35,249,989	\$35,371,849
	Technical Assistance to Regulatory Boards (56044)...	\$35,249,989	\$35,371,849	
	Fund Sources: Trust and Agency.....	\$1,425,987	\$1,425,987	
	Dedicated Special Revenue.....	\$33,824,002	\$33,945,862	

Authority: Title 54.1, Chapter 25, Code of Virginia.

A. The Department of Health Professions shall have authority to increase fees for the Board of Pharmacy to administer the operations of the five cannabis processors pursuant to legislation in the 2020 Session. The department shall have the authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment date of this act.

B. Nurse practitioners licensed in the Commonwealth of Virginia, except those licensed in the category of Certified Registered Nurse Anesthetists, with two or more years of clinical experience may continue to practice in the practice category in which they are certified and licensed and prescribe without a written or electronic practice agreement until the termination of a declared state of emergency due to the COVID-19 pandemic.

Total for Department of Health Professions.....			\$35,314,989	\$35,436,849
Nongeneral Fund Positions.....	259.00	262.00		
Position Level.....	259.00	262.00		
Fund Sources: Special.....	\$65,000	\$65,000		
Trust and Agency.....	\$1,425,987	\$1,425,987		
Dedicated Special Revenue.....	\$33,824,002	\$33,945,862		

§ 1-61. DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (602)

310.	Not set out.			
311.	Not set out.			
312.	Children's Health Insurance Program Delivery (44600).....		\$249,622,837 \$241,382,694	\$270,236,306 \$258,207,202
	Reimbursements for Medical Services Provided Under the Family Access to Medical Insurance Security Plan (44602).....	\$249,622,837 \$241,382,694	\$270,236,306 \$258,207,202	
	Fund Sources: General.....	\$66,286,945 \$58,401,947	\$80,511,386 \$76,301,200	
	Dedicated Special Revenue.....	\$14,065,627	\$14,065,627	
	Federal Trust.....	\$169,270,265 \$168,915,120	\$175,659,293 \$167,840,375	

ITEM 312.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>Authority: Title 32.1, Chapter 13, Code of Virginia; Title XXI, Social Security Act, Federal Code.</p> <p>A. Pursuant to Chapter 679, Acts of Assembly of 1997, the State Corporation Commission shall annually, on or before June 30, 1998, and each year thereafter, calculate the premium differential between: (i) 0.75 percent of the direct gross subscriber fee income derived from eligible contracts and (ii) the amount of license tax revenue generated pursuant to subdivision A 4 of § 58.1-2501 for the immediately preceding taxable year and notify the Comptroller of the Commonwealth to transfer such amounts to the Family Access to Medical Insurance Security Plan Trust Fund as established on the books of the State Comptroller.</p> <p>B. As a condition of this appropriation, revenues from the Family Access to Medical Insurance Security Plan Trust Fund, shall be used to match federal funds for the Children's Health Insurance Program.</p> <p>C. Every eligible applicant for health insurance as provided for in Title 32.1, Chapter 13, Code of Virginia, shall be enrolled and served in the program.</p> <p>D. To the extent that appropriations in this Item are insufficient, the Department of Planning and Budget shall transfer general fund appropriation, as needed, from Medicaid Program Services (45600) and Medical Assistance Services for Low Income Children (46600), if available, into this Item to be used as state match for federal Title XXI funds.</p> <p>E. The Department of Medical Assistance Services shall make the monthly capitation payment to managed care organizations for the member months of each month in the first week of the subsequent month.</p> <p>F. If any part, section, subsection, paragraph, clause, or phrase of this Item or the application thereof is declared by the United States Department of Health and Human Services or the Centers for Medicare and Medicaid Services to be in conflict with a federal law or regulation, such decisions shall not affect the validity of the remaining portions of this Item, which shall remain in force as if this Item had passed without the conflicting part, section, subsection, paragraph, clause, or phrase. Further, if the United States Department of Health and Human Services or the Centers for Medicare and Medicaid Services determines that the process for accomplishing the intent of a part, section, subsection, paragraph, clause, or phrase of this Item is out of compliance or in conflict with federal law and regulation and recommends another method of accomplishing the same intent, the Director, Department of Medical Assistance Services, after consultation with the Attorney General, is authorized to pursue the alternative method.</p>				
313.	Medicaid Program Services (45600).....		\$16,030,222,525	\$17,137,554,276
			\$16,268,112,956	\$16,998,372,512
	Reimbursements to State-Owned Mental Health and Intellectual Disabilities Facilities (45607).....	\$75,685,714	\$57,410,714	
	Reimbursements for Behavioral Health Services (45608).....	\$62,787,880	\$66,242,284	
	Reimbursements for Medical Services (45609).....	\$10,104,253,522	\$10,782,495,276	
		\$10,191,228,313	\$10,643,313,512	
	Reimbursements for Long-Term Care Services (45610).....	\$1,660,622,491	\$1,735,055,863	
		\$1,682,928,061		
	Payments for Healthcare Coverage for Low-Income Uninsured Adults (45611).....	\$4,126,872,918	\$4,496,350,139	
		\$4,255,482,988		
	Fund Sources: General.....	\$5,139,243,074	\$5,478,352,267	
		\$4,859,146,391	\$5,404,301,385	
	Dedicated Special Revenue.....	\$1,323,656,931	\$1,396,986,240	
		\$1,310,610,828	\$1,401,446,240	
	Federal Trust.....	\$9,567,322,520	\$10,262,215,769	
		\$10,098,355,737	\$10,192,624,887	

Authority: Title 32.1, Chapters 9 and 10, Code of Virginia; P.L. 89-97, as amended, Title XIX, Social Security Act, Federal Code.

ITEM 313.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
A. Out of this appropriation, \$37,842,857 the first year and \$28,705,357 the second year from the general fund and \$37,842,857 the first year and \$28,705,357 the second year from the federal trust fund is provided for reimbursement to the institutions within the Department of Behavioral Health and Developmental Services.				
B.1. Included in this appropriation is \$10,753,903 the first year and \$12,370,807 the second year from the general fund and \$29,942,662 the first year and \$31,559,566 the second year from nongeneral funds to reimburse the Virginia Commonwealth University Health System for indigent health care costs as reported by the hospital and adjusted by the department for indigent care savings related to Medicaid expansion. This funding is composed of disproportionate share hospital (DSH) payments, indirect medical education (IME) payments, and any Medicaid profits realized by the Health System. Payments made from the federal DSH fund shall be made in accordance with 42 USC 1396r-4.				
2. Included in this appropriation is \$19,394,915 the first year and \$20,621,854 the second year from the general fund and \$34,109,693 the first year and \$35,336,632 the second year from nongeneral funds to reimburse the University of Virginia Health System for indigent health care costs as reported by the hospital and adjusted by the department for indigent care savings related to Medicaid expansion. This funding is comprised of disproportionate share hospital (DSH) payments, indirect medical education (IME) payments, and any Medicaid profits realized by the Health System. Payments made from the federal DSH fund shall be made in accordance with 42 USC 1396r-4.				
3. The general fund amounts for the state teaching hospitals have been reduced to mirror the general fund impact of reduced and no inflation for inpatient services in prior years. It also includes reductions associated with prior year indigent care reductions. However, the nongeneral funds are appropriated. In order to receive the nongeneral funds in excess of the amount of the general fund appropriated, the health systems shall certify the public expenditures.				
4. The Department of Medical Assistance Service shall have the authority to increase Medicaid payments for Type One hospitals and physicians consistent with the appropriations to compensate for limits on disproportionate share hospital (DSH) payments to Type One hospitals that the department would otherwise make. In particular, the department shall have the authority to amend the State Plan for Medical Assistance to increase physician supplemental payments for physician practice plans affiliated with Type One hospitals up to the average commercial rate as demonstrated by University of Virginia Health System and Virginia Commonwealth University Health System, to change reimbursement for Graduate Medical Education to cover costs for Type One hospitals, to case mix adjust the formula for indirect medical education reimbursement for HMO discharges for Type One hospitals and to increase the adjustment factor for Type One hospitals to 1.0. The department shall have the authority to implement these changes prior to completion of any regulatory process undertaken in order to effect such change.				
C.1. The estimated revenue for the Virginia Health Care Fund is \$472,802,840 \$474,082,840 the first year and \$486,936,557 \$491,396,557 the second year, to be used pursuant to the uses stated in § 32.1-367, Code of Virginia.				
2. Notwithstanding any other provision of law, revenues deposited to the Virginia Health Care Fund shall only be used as the state share of Medicaid unless specifically authorized by this Act.				
3. Notwithstanding § 32.1-366, Code of Virginia, the State Comptroller shall deposit 41.5 percent of the Commonwealth's allocation of the Master Settlement Agreement with tobacco product manufacturers, as defined in § 3.2-3100, Code of Virginia, to the Virginia Health Care Fund.				
D. If any part, section, subsection, paragraph, clause, or phrase of this Item or the application thereof is declared by the United States Department of Health and Human Services or the Centers for Medicare and Medicaid Services to be in conflict with a federal law or regulation, such decisions shall not affect the validity of the remaining portions of this Item, which shall remain in force as if this Item had passed without the conflicting part, section, subsection, paragraph, clause, or phrase. Further, if the United States Department of Health and Human Services or the Centers for Medicare and Medicaid Services determines that the process for				

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accomplishing the intent of a part, section, subsection, paragraph, clause, or phrase of this Item is out of compliance or in conflict with federal law and regulation and recommends another method of accomplishing the same intent, the Director, Department of Medical Assistance Services, after consultation with the Attorney General, is authorized to pursue the alternative method.

E.1. At least 45 days prior to the submission of any state plan or waiver amendment or renewal of such, to the Centers for Medicare and Medicaid Services (CMS) or change in the contracts with managed care organizations that may impact the capitation rates, the Department of Medical Assistance Services (DMAS) shall provide written notification to the Director, Department of Planning and Budget as to the purpose of such change. This notice shall also assess whether the amendment will require any future state regulatory action or expenditure beyond that which is appropriated in this Act. If the Department of Planning and Budget, after review of the proposed change, determines that it may likely result in a material fiscal impact on the general fund, for which no legislative appropriation has been provided, then the Department of Medical Assistance Services shall delay the proposed change until the General Assembly authorizes such action and notify the Chairs of the House Appropriations and Senate Finance and Appropriations Committees of such action.

2. Effective July 1, 2020, the Department of Medical Assistance Services shall have the authority to include the following modifications to the Commonwealth Coordinated Care Plus and Medallion 4.0 contracts:

- a) Expand care coordination for adoption assistance members;
- b) Require that all foster care children receive a physician and dental visit within the first 30 days of plan enrollment;
- c) Provide cultural competency training and case management initiatives specific to the LGBTQI community;
- d) Require Patient utilization Management and Safety (PUMS) Program “lock-in” re-evaluations for members changing plans;
- e) Require additional care coordinators for the early intervention population;
- f) Develop advisory groups for member feedback and engagement surrounding maternal, child, and women's health;
- g) Develop strategies to keep mom and baby together during residential SUD treatment;
- h) Require plans to identify and address racial disparities in maternal, reproductive and child health;
- i) Improve care coordination of the high-risk maternity program;
- j) Require maternal screenings for substance abuse (SBIRT);
- k) Require maternal screenings for mental health;
- l) Waive the signature requirement for non-emergency transportation providers;
- m) Establish payment targets for the total portion of medical spending covered under a value based payment arrangement; and
- n) Require CCC Plus plans to upgrade Medicare Dual Special Needs Plans (D-SNPs) to Medicare Fully Integrated Dual Eligible Special Needs Plans (FIDE-SNPS).

3. Effective July 1, 2020, the Department of Medical Assistance Services shall amend its CCC Plus and Medallion 4.0 contracts with managed care organizations (MCOs) to include the following provisions related to community mental health and rehabilitation services:

- a) Clarify that required response times are based on calendar days, not business days.
- b) Require that, in any case where a service authorization or reauthorization for

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community mental health and rehabilitation services, is not approved or denied within the National Committee for Quality Assurance (NCQA) response time standard, the provider shall assume to have approval to provide the service and receive payment until date of denial.				
c) Clarify response time requirements for weekends and holidays, to the extent that they differ from the NCQA response time standards.				
d) Clarify how MCOs are to determine if a service authorization is considered urgent or non-urgent as it pertains to the NCQA response time standards.				
4. The department shall amend its contracts with managed care organizations to direct the MCOs to modify their contracts with providers to include the requirements from paragraphs a. through d. above.				
5. The department shall track and report on compliance with NCQA response time standards for each MCO, broken down by service type. Such tracking shall include: (i) How often total response time, from initial submittal until service authorization or denial, exceeds the NCQA standards; and (ii) How often appeals are filed, and of those, how often are services subsequently approved and how often they are denied. The department shall publish the data on these items on a quarterly basis to the department's website.				
6. In addition to the changes specified in E.2., DMAS shall have authority to include modifications to the Commonwealth Coordinated Care Plus and Medallion 4.0 contracts as necessary to implement actions specifically authorized through language included in this Act.				
7. The department shall conduct an analysis and report on the costs and benefits to amending the Commonwealth Coordinated Care Plus and Medallion 4.0 contracts to combine any applicable medical loss ratios and underwriting gain provisions to ensure uniformity in the applicability of those provisions to the Joint Subcommittee for Health and Human Resources Oversight. The report shall be completed by November 15, 2020.				
8. The Department of Medical Assistance Services shall develop a plan to merge the Commonwealth Coordinated Care Plus and Medallion 4.0 programs. The department shall submit the plan with a feasible timeline for such a merger to the Governor and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by November 15, 2020.				
F.1. The Director, Department of Medical Assistance Services shall seek the necessary waivers from the United States Department of Health and Human Services to authorize the Commonwealth to cover health care services and delivery systems, as may be permitted by Title XIX of the Social Security Act, which may provide less expensive alternatives to the State Plan for Medical Assistance.				
2. At least 30 days prior to the submission of an application for any new waiver of Title XIX or Title XXI of the Social Security Act, the Department of Medical Assistance Services shall notify the Chairmen of the House Appropriations and Senate Finance Committees of such pending application and provide information on the purpose and justification for the waiver along with any fiscal impact. If the department receives an official letter from either Chairmen raising an objection about the waiver during the 30-day period, the department shall not submit the waiver application and shall request authority for such waiver as part of the normal legislative or budgetary process. If the department receives no objection, then the application may be submitted. Any waiver specifically authorized elsewhere in this Item is not subject to this provision. Waiver renewals are not subject to the provisions of this paragraph.				
3. The director shall promulgate such regulations as may be necessary to implement those programs which may be permitted by Titles XIX and XXI of the Social Security Act, in conformance with all requirements of the Administrative Process Act.				
G. To the extent that appropriations in this Item are insufficient, the Department of Planning and Budget shall transfer general fund appropriation, as needed, from Children's Health Insurance Program Delivery (44600) and Medical Assistance Services for Low Income Children (46600), if available, into this Item to be used as state match for federal Title XIX funds.				
H. Notwithstanding any other provision of law, any unexpended general fund appropriation				

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<p>remaining in this Item on the last day of each fiscal year shall revert to the general fund and shall not be reappropriated in the following fiscal year.</p>				
<p>I. It is the intent of the General Assembly that the medically needy income limits for the Medicaid program are adjusted annually to account for changes in the Consumer Price Index.</p>				
<p>J.1.a. As of July 1, 2019, the Community Living (CL) waiver authorizes 11,736 slots.</p>				
<p>b. As of July 1, 2019, the Family and Individuals Support (FIS) waiver authorizes 2,983 slots.</p>				
<p>c. As of July 1, 2019, the Building Independence (BI) waiver authorizes 400 slots.</p>				
<p>2. Notwithstanding Chapters 228 and 303 of the 2009 Virginia Acts of Assembly and §32.1-323.2 of the Code of Virginia, the Department of Medical Assistance Services shall not add any slots to the Intellectual Disabilities Medicaid Waiver or the Individual and Family Developmental Disabilities and Support Medicaid Waiver other than those slots authorized specifically to support the Money Follows the Person Demonstration, individuals who are exiting state institutions, any slots authorized under Chapters 724 and 729 of the 2011 Virginia Acts of Assembly or §37.2-319, Code of Virginia, or authorized elsewhere in this Act.</p>				
<p>3. Upon approval by the Centers for Medicare and Medicaid Services of the application for renewal of the CL, FIS and BI waivers, expeditious implementation of any revisions shall be deemed an emergency situation pursuant to § 2.2-4002 of the Administrative Process Act. Therefore, to meet this emergency situation, the Department of Medical Assistance Services shall promulgate emergency regulations to implement the provisions of this Act.</p>				
<p>4.a. The Department of Medical Assistance Services (DMAS) shall amend the CL waiver to add 145 new slots effective July 1, 2020 and an additional 95 slots effective July 1, 2021. An amount estimated at \$5,653,333 the first year and \$9,357,240 the second year from the general fund and \$5,653,333 the first year and \$9,357,240 the second year from nongeneral funds is provided to cover the anticipated costs of the new slots. These estimated amounts assume that 20 of the additional slots in each year may be filled with individuals transitioning from facility care. DMAS shall seek federal approval for necessary changes to the CL waiver to add the additional slots.</p>				
<p>b. The Department of Medical Assistance Services (DMAS) shall amend the FIS waiver to add 640 new slots effective July 1, 2020 and an additional 455 slots effective July 1, 2021. An amount estimated at \$10,581,760 the first year and \$18,104,730 the second year from the general fund and \$10,581,760 the first year and \$18,104,730 the second year from nongeneral funds is provided to cover the anticipated costs of the new slots. These estimated amounts assumes that five of the additional slots in each year may be filled with individuals transitioning from facility care. DMAS shall seek federal approval for necessary changes to the FIS waiver to add the additional slots.</p>				
<p>c. In addition to the new slots added in 4.a. and b., the Department of Medical Assistance Services (DMAS) shall amend the CL waiver to add 15 new slots effective July 1, 2020 and an additional 15 slots effective July 1, 2021. The Department of Medical Assistance Services (DMAS) shall amend the FIS waiver to add 10 new slots effective July 1, 2020 and an additional 10 slots effective July 1, 2021. These slots shall be held as reserve capacity by the Department of Behavioral Health and Developmental Services (DBHDS) to address emergency situations. An amount estimated at \$750,168 the first year and \$1,500,335 the second year from the general fund and \$750,168 the first year and \$1,500,335 the second year from nongeneral funds is provided to cover the anticipated costs of the emergency slots. DMAS shall seek federal approval for necessary changes to the CL and FIS waivers to add the additional slots. Beginning July 1, 2018, DBHDS shall provide a quarterly report on the use of the emergency slots provided in this paragraph.</p>				
<p>d. The Department of Medical Assistance Services, in collaboration with the Department of Behavioral Health and Developmental Services, shall separately track all costs, placements and services associated with the additional slots added in paragraphs J.4.a., J.4.b., and J.4.c. above. By October 1 of each year, the department shall report this data to</p>				

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procedures for use of Medicaid for residential treatment and treatment foster care services, including, but not limited to, procedures for determining eligibility, billing, reimbursement, and related reporting requirements. The department shall include in this training information on the proper utilization of inpatient and outpatient mental health services as covered by the Medicaid State Plan.

Q.1. Notwithstanding § 32.1-331.12 et seq., Code of Virginia, the Department of Medical Assistance Services, in consultation with the Department of Behavioral Health and Developmental Services, shall amend the State Plan for Medical Assistance Services to modify the delivery system of pharmaceutical products to include a Preferred Drug List. In developing the modifications, the department shall consider input from physicians, pharmacists, pharmaceutical manufacturers, patient advocates, and others, as appropriate.

2.a. The department shall utilize a Pharmacy and Therapeutics Committee to assist in the development and ongoing administration of the Preferred Drug List program. The Pharmacy and Therapeutics Committee shall be composed of 8 to 12 members, including the Commissioner, Department of Behavioral Health and Developmental Services, or his designee. Other members shall be selected or approved by the department. The membership shall include a ratio of physicians to pharmacists of 2:1 and the department shall ensure that at least one-half of the physicians and pharmacists are either direct providers or are employed with organizations that serve recipients for all segments of the Medicaid population. Physicians on the committee shall be licensed in Virginia, one of whom shall be a psychiatrist, and one of whom specializes in care for the aging. Pharmacists on the committee shall be licensed in Virginia, one of whom shall have clinical expertise in mental health drugs, and one of whom has clinical expertise in community-based mental health treatment. The Pharmacy and Therapeutics Committee shall recommend to the department (i) which therapeutic classes of drugs should be subject to the Preferred Drug List program and prior authorization requirements; (ii) specific drugs within each therapeutic class to be included on the preferred drug list; (iii) appropriate exclusions for medications, including atypical anti-psychotics, used for the treatment of serious mental illnesses such as bi-polar disorders, schizophrenia, and depression; (iv) appropriate exclusions for medications used for the treatment of brain disorders, cancer and HIV-related conditions; (v) appropriate exclusions for therapeutic classes in which there is only one drug in the therapeutic class or there is very low utilization, or for which it is not cost-effective to include in the Preferred Drug List program; and (vi) appropriate grandfather clauses when prior authorization would interfere with established complex drug regimens that have proven to be clinically effective. In developing and maintaining the preferred drug list, the cost effectiveness of any given drug shall be considered only after it is determined to be safe and clinically effective.

b. The Pharmacy and Therapeutics Committee shall schedule meetings at least semi-annually and may meet at other times at the discretion of the chairperson and members. At the meetings, the Pharmacy and Therapeutics committee shall review any drug in a class subject to the Preferred Drug List that is newly approved by the Federal Food and Drug Administration, provided there is at least thirty (30) days notice of such approval prior to the date of the quarterly meeting.

3. The department shall establish a process for acting on the recommendations made by the Pharmacy and Therapeutics Committee, including documentation of any decisions which deviate from the recommendations of the committee.

4. The Preferred Drug List program shall include provisions for (i) the dispensing of a 72-hour emergency supply of the prescribed drug when requested by a physician and a dispensing fee to be paid to the pharmacy for such supply; (ii) prior authorization decisions to be made within 24 hours and timely notification of the recipient and/or the prescribing physician of any delays or negative decisions; (iii) an expedited review process of denials by the department; and (iv) consumer and provider education, training and information regarding the Preferred Drug List prior to implementation, and ongoing communications to include computer access to information and multilingual material.

5. The Preferred Drug List program shall generate savings as determined by the department that are net of any administrative expenses to implement and administer the program.

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6. Notwithstanding § 32.1-331.12 et seq., Code of Virginia, to implement these changes, the Department of Medical Assistance Services shall promulgate emergency regulations to become effective within 280 days or less from the enactment of this Act. With respect to such state plan amendments and regulations, the provisions of § 32.1-331.12 et seq., Code of Virginia, shall not apply. In addition, the department shall work with the Department of Behavioral Health and Development Services to consider utilizing a Preferred Drug List program for its non-Medicaid clients.				
7. The Department of Medical Assistance Services shall (i) continually review utilization of behavioral health medications under the State Medicaid Program for Medicaid recipients; and (ii) ensure appropriate use of these medications according to federal Food and Drug Administration (FDA) approved indications and dosage levels. The department may also require retrospective clinical justification according to FDA approved indications and dosage levels for the use of multiple behavioral health drugs for a Medicaid patient. For individuals 18 years of age and younger who are prescribed three or more behavioral health drugs, the department may implement clinical edits that target inefficient, ineffective, or potentially harmful prescribing patterns in accordance with FDA-approved indications and dosage levels.				
8. The Department of Medical Assistance Services shall ensure that in the process of developing the Preferred Drug List, the Pharmacy and Therapeutics Committee considers the value of including those prescription medications which improve drug regimen compliance, reduce medication errors, or decrease medication abuse through the use of medication delivery systems that include, but are not limited to, transdermal and injectable delivery systems.				
R.1. The Department of Medical Assistance Services may amend the State Plan for Medical Assistance Services to modify the delivery system of pharmaceutical products to include a specialty drug program. In developing the modifications, the department shall consider input from physicians, pharmacists, pharmaceutical manufacturers, patient advocates, the Pharmacy Liaison Committee, and others as appropriate.				
2. In developing the specialty drug program to implement appropriate care management and control drug expenditures, the department shall contract with a vendor who will develop a methodology for the reimbursement and utilization through appropriate case management of specialty drugs and distribute the list of specialty drug rates, authorized drugs and utilization guidelines to medical and pharmacy providers in a timely manner prior to the implementation of the specialty drug program and publish the same on the department's website.				
3. In the event that the Department of Medical Assistance Services contracts with a vendor, the department shall establish the fee paid to any such contractor based on the reasonable cost of services provided. The department may not offer or pay directly or indirectly any material inducement, bonus, or other financial incentive to a program contractor based on the denial or administrative delay of medically appropriate prescription drug therapy, or on the decreased use of a particular drug or class of drugs, or a reduction in the proportion of beneficiaries who receive prescription drug therapy under the Medicaid program. Bonuses cannot be based on the percentage of cost savings generated under the benefit management of services.				
4. The department shall: (i) review, update and publish the list of authorized specialty drugs, utilization guidelines, and rates at least quarterly; (ii) implement and maintain a procedure to revise the list or modify specialty drug program utilization guidelines and rates, consistent with changes in the marketplace; and (iii) provide an administrative appeals procedure to allow dispensing or prescribing provider to contest the listed specialty drugs and rates.				
5. The department shall have authority to enact emergency regulations under § 2.2-4011 of the Administrative Process Act to effect these provisions.				
S.1. The Department of Medical Assistance Services shall reimburse school divisions who sign an agreement to provide administrative support to the Medicaid program and who provide documentation of administrative expenses related to the Medicaid program 50 percent of the Federal Financial Participation by the department.				
2. The Department of Medical Assistance Services shall retain five percent of the Federal Financial Participation for reimbursement to school divisions for medical and transportation services.				

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T. In the event that the Department of Medical Assistance Services decides to contract for pharmaceutical benefit management services to administer, develop, manage, or implement Medicaid pharmacy benefits, the department shall establish the fee paid to any such contractor based on the reasonable cost of services provided. The department may not offer or pay directly or indirectly any material inducement, bonus, or other financial incentive to a program contractor based on the denial or administrative delay of medically appropriate prescription drug therapy, or on the decreased use of a particular drug or class of drugs, or a reduction in the proportion of beneficiaries who receive prescription drug therapy under the Medicaid program. Bonuses cannot be based on the percentage of cost savings generated under the benefit management of services.

U. The Department of Medical Assistance Services, in cooperation with the Department of Social Services' Division of Child Support Enforcement (DSCE), shall identify and report third party coverage where a medical support order has required a custodial or noncustodial parent to enroll a child in a health insurance plan. The Department of Medical Assistance Services shall also report to the DCSE third party information that has been identified through their third party identification processes for children handled by DCSE.

V.1. Notwithstanding the provisions of § 32.1-325.1:1, Code of Virginia, upon identifying that an overpayment for medical assistance services has been made to a provider, the Director, Department of Medical Assistance Services shall notify the provider of the amount of the overpayment. Such notification of overpayment shall be issued within the earlier of (i) four years after payment of the claim or other payment request, or (ii) four years after filing by the provider of the complete cost report as defined in the Department of Medical Assistance Services' regulations, or (iii) 15 months after filing by the provider of the final complete cost report as defined in the Department of Medical Assistance Services' regulations subsequent to sale of the facility or termination of the provider.

2. Notwithstanding the provisions of § 32.1-325.1, Code of Virginia, the director shall issue an informal fact-finding conference decision concerning provider reimbursement in accordance with the State Plan for Medical Assistance, the provisions of § 2.2-4019, Code of Virginia, and applicable federal law. The informal fact-finding conference decision shall be issued within 180 days of the receipt of the appeal request, except as provided herein. If the agency does not render an informal fact-finding conference decision within 180 days of the receipt of the appeal request or, in the case of a joint agreement to stay the appeal decision as detailed below, within the time remaining after the stay expires and the appeal timeframes resume, the decision is deemed to be in favor of the provider. An appeal of the director's informal fact-finding conference decision concerning provider reimbursement shall be heard in accordance with § 2.2-4020 of the Administrative Process Act (§ 2.2-4020 et seq.) and the State Plan for Medical Assistance provided for in § 32.1-325, Code of Virginia. The Department of Medical Assistance Services and the provider may jointly agree to stay the deadline for the informal appeal decision or for the formal appeal recommended decision of the Hearing Officer for a period of up to sixty (60) days to facilitate settlement discussions. If the parties reach a resolution as reflected by a written settlement agreement within the sixty-day period, then the stay shall be extended for such additional time as may be necessary for review and approval of the settlement agreement in accordance § 2.2-514 of the Code of Virginia. Once a final agency case decision has been made, the director shall undertake full recovery of such overpayment whether or not the provider disputes, in whole or in part, the informal fact-finding conference decision or the final agency case decision. Interest charges on the unpaid balance of any overpayment shall accrue pursuant to § 32.1-313, Code of Virginia, from the date the Director's agency case decision becomes final.

W. Any hospital that was designated a Medicare-dependent small rural hospital, as defined in 42 U.S.C. §1395ww (d) (5) (G) (iv) prior to October 1, 2004, shall be designated a rural hospital pursuant to 42 U.S.C. §1395ww (d) (8) (ii) (II) on or after September 30, 2004.

X.1. The Department of Medical Assistance Services shall make programmatic changes in the provision of Intensive In-Home services and Community Mental Health services in order to ensure appropriate utilization and cost efficiency. The department shall consider all available options including, but not limited to, prior authorization, utilization review

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coordination shall be based on the principles of shared financial risk such as shared savings, performance benchmarks or risk and improving the value of care delivered by measuring outcomes, enhancing quality, and monitoring expenditures. The department shall engage stakeholders, including beneficiaries, advocates, providers, and health plans, during the development and implementation of the care coordination projects. Implementation shall include specific requirements for data collection to ensure the ability to monitor utilization, quality of care, outcomes, costs, and cost savings. The department shall report by November 1 of each year to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees detailing implementation progress including, but not limited to, the number of individuals enrolled in care coordination, the geographic areas, populations and services affected and cost savings achieved. Unless otherwise delineated, the department shall have authority to implement necessary changes upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such change. The intent of this Item may be achieved through several steps, including, but not limited to, the following:

a. In fulfillment of this Item, the department and the Department of Behavioral Health and Developmental Services, in collaboration with the Community Services Boards and in consultation with appropriate stakeholders, shall develop a blueprint for the development and implementation of a care coordination model for individuals in need of behavioral health services not currently provided through a managed care organization. The overall goal of the project is to improve the value of behavioral health services purchased by the Commonwealth of Virginia without compromising access to behavioral health services for vulnerable populations. Targeted case management services will continue to be the responsibility of the Community Services Boards. The blueprint shall: (i) describe the steps for development and implementation of the program model(s) including funding, populations served, services provided, timeframe for program implementation, and education of clients and providers; (ii) set the criteria for medical necessity for community mental health rehabilitation services; and (iii) include the following principles:

1. Improves value so that there is better access to care while improving equity.
2. Engages consumers as informed and responsible partners from enrollment to care delivery.
3. Provides consumer protections with respect to choice of providers and plans of care.
4. Improves satisfaction among providers and provides technical assistance and incentives for quality improvement.
5. Improves satisfaction among consumers by including consumer representatives on provider panels for the development of policy and planning decisions.
6. Improves quality, individual safety, health outcomes, and efficiency.
7. Develops direct linkages between medical and behavioral services in order to make it easier for consumers to obtain timely access to care and services, which could include up to full integration.
8. Builds upon current best practices in the delivery of behavioral health services.
9. Accounts for local circumstances and reflects familiarity with the community where services are provided.
10. Develops service capacity and a payment system that reduces the need for involuntary commitments and prevents default (or diversion) to state hospitals.
11. Reduces and improves the interface of vulnerable populations with local law enforcement, courts, jails, and detention centers.
12. Supports the responsibilities defined in the Code of Virginia relating to Community Services Boards and Behavioral Health Authorities.
13. Promotes availability of access to vital supports such as housing and supported employment.

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14. Achieves cost savings through decreasing avoidable episodes of care and hospitalizations, strengthening the discharge planning process, improving adherence to medication regimens, and utilizing community alternatives to hospitalizations and institutionalization.				
15. Simplifies the administration of acute psychiatric, community mental health rehabilitation, and medical health services for the coordinating entity, providers, and consumers.				
16. Requires standardized data collection, outcome measures, customer satisfaction surveys, and reports to track costs, utilization of services, and outcomes. Performance data should be explicit, benchmarked, standardized, publicly available, and validated.				
17. Provides actionable data and feedback to providers.				
18. In accordance with federal and state regulations, includes provisions for effective and timely grievances and appeals for consumers.				
b. The department may seek the necessary waiver(s) and/or State Plan authorization under Titles XIX and XXI of the Social Security Act to develop and implement a care coordination model, that is consistent with the principles in paragraph a., for individuals in need of behavioral health services to be effective July 1, 2019. This model may be applied to individuals on a mandatory basis. The department shall have authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment date of this Act.				
FF. The Department of Medical Assistance Services shall make programmatic changes in the provision of Residential Treatment Facility (Level C) and Levels A and B residential services (group homes) for children with serious emotional disturbances in order ensure appropriate utilization and cost efficiency. The department shall consider all available options including, but not limited to, prior authorization, utilization review and provider qualifications. The department shall have authority to promulgate regulations to implement these changes within 280 days or less from the enactment date of this Act.				
GG. The Department of Medical Assistance Services (DMAS) shall have the authority to amend the State Plan for Medical Assistance to enroll and reimburse freestanding birthing centers accredited by the Commission for the Accreditation of Birthing Centers. Reimbursement shall be based on the Enhanced Ambulatory Patient Group methodology applied in a manner similar to the reimbursement methodology for ambulatory surgery centers. The department shall have authority to implement necessary changes upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such change.				
HH. The department may seek federal authority through amendments to the State Plans under Title XIX and XXI of the Social Security Act, and appropriate waivers to such, to develop and implement programmatic and system changes that allow expedited enrollment of Medicaid eligible recipients into Medicaid managed care, most importantly for pregnant women. The department shall have the authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment date of this Act.				
II.1. The Department of Medical Assistance Services, related to appeals administered by and for the department, shall have authority to amend regulations to:				
i. Utilize the method of transmittal of documentation to include email, fax, courier, and electronic transmission.				
ii. Clarify that the day of delivery ends at normal business hours of 5:00 pm.				
iii. Eliminate an automatic dismissal against DMAS for alleged deficiencies in the case summary that do not relate to DMAS's obligation to substantively address all issues specified in the provider's written notice of informal appeal. A process shall be added, by which the provider shall file with the informal appeals agent within 12 calendar days of the provider's receipt of the DMAS case summary, a written notice that specifies any such alleged deficiencies that the provider knows or reasonably should know exist. DMAS shall have 12 calendar days after receipt of the provider's timely written notification to address or cure any of said alleged deficiencies. The current requirement that the case summary address each adjustment, patient, service date, or other disputed matter identified in the provider's written				

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<p>notice of informal appeal in the detail set forth in the current regulation shall remain in force and effect, and failure to file a written case summary with the Appeals Division in the detail specified within 30 days of the filing of the provider's written notice of informal appeal shall result in dismissal in favor of the provider on those issues not addressed by DMAS.</p>				
<p>iv. Clarify that appeals remanded to the informal appeal level via Final Agency Decision or court order shall reset the timetable under DMAS' appeals regulations to start running from the date of the remand.</p>				
<p>v. Clarify the department's authority to administratively dismiss untimely filed appeal requests.</p>				
<p>vi. Clarify the time requirement for commencement of the formal administrative hearing.</p>				
<p>vii. Clarify that settlement proposals may be tendered during the appeal process and that approval is subject to the requirements of § 2.2-514 of the Code of Virginia. The amended regulations shall develop a framework for the submission of the settlement proposal and state that the Department of Medical Assistance Services and the provider may jointly agree to stay the deadline for the informal appeal decision or for the formal appeal recommended decision of the Hearing Officer for a period of up to sixty (60) days to facilitate settlement discussions. If the parties reach a resolution as reflected by a written settlement agreement within the sixty-day period, then the stay shall be extended for such additional time as may be necessary for review and approval of the settlement agreement in accordance with law.</p>				
<p>2. The Department of Medical Assistance Services shall have authority to promulgate regulations to implement these changes within 280 days or less from the enactment date of this Act.</p>				
<p>JJ. It is the intent of the General Assembly that the implementation and administration of the care coordination contract for behavioral health services be conducted in a manner that insures system integrity and engages private providers in the independent assessment process. In addition, it is the intent that in the provision of services that ethical and professional conflicts are avoided and that sound clinical decisions are made in the best interests of the individuals receiving behavioral health services. As part of this process, the department shall monitor the performance of the contract to ensure that these principles are met and that stakeholders are involved in the assessment, approval, provision, and use of behavioral health services provided as a result of this contract.</p>				
<p>KK. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to allow for delivery of notices of program reimbursement or other items referred to in the regulations related to provider appeals by electronic means consistent with the Uniform Electronic Transactions Act. The department shall implement this change effective July 1, 2013, and prior to completion of any regulatory process undertaken in order to effect such changes.</p>				
<p>LL. Effective July 1, 2017 through June 30, 2020, the Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to pay nursing facilities located in the former Danville Metropolitan Statistical Area (MSA) the operating rates calculated for the Other MSA peer group. For purposes of calculating rates under the rebasing effective July 1, 2017, the department shall use the peer groups based on the existing regulations. For future rebasings, the department shall permanently move these facilities to the Other MSA peer group. The department shall have the authority to implement this reimbursement change effective July 1, 2017 and prior to completion of any regulatory process undertaken in order to effect such change.</p>				
<p>MM. The Department of Medical Assistance Services shall amend its State Plan under Title XIX of the Social Security Act to implement reasonable restrictions on the amount of incurred dental expenses allowed as a deduction from income for nursing facility residents. Such limitations shall include: (i) that routine exams and x-rays, and dental cleaning shall be limited to twice yearly; (ii) full mouth x-rays shall be limited to once every three years; and (iii) deductions for extractions and fillings shall be permitted only if medically necessary as determined by the department.</p>				

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<p>NN. Notwithstanding §32.1-325, et seq. and §32.1-351, et seq. of the Code of Virginia, and effective upon the availability of subsidized private health insurance offered through a Health Benefits Exchange in Virginia as articulated through the federal Patient Protection and Affordable Care Act (PPACA), the Department of Medical Assistance Services shall eliminate, to the extent not prohibited under federal law, Medicaid Plan First and FAMIS Moms program offerings to populations eligible for and enrolled in said subsidized coverage in order to remove disincentives for subsidized private healthcare coverage through publicly-offered alternatives. To ensure, to the extent feasible, a smooth transition from public coverage, DMAS shall endeavor to phase out such coverage for existing enrollees once subsidized private insurance is available through a Health Benefits Exchange in Virginia. The department shall implement any necessary changes upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such change.</p>				
<p>OO. The Department of Medical Assistance Services shall have authority to amend the State Plans for Medical Assistance under Titles XIX and XXI of the Social Security Act, and any waivers thereof, to implement requirements of the federal Patient Protection and Affordable Care Act (PPACA) as it pertains to implementation of Medicaid and CHIP eligibility determination and case management standards and practices, including the Modified Adjusted Gross Income (MAGI) methodology. The department shall have authority to implement such standards and practices upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such change.</p>				
<p>PP. Effective July 1, 2013, the Department of Medical Assistance Services shall establish a Medicaid Physician and Managed Care Liaison Committee including, but not limited to, representatives from the following organizations: the Virginia Academy of Family Physicians; the American Academy of Pediatricians – Virginia Chapter; the Virginia College of Emergency Physicians; the American College of Obstetrics and Gynecology – Virginia Section; Virginia Chapter, American College of Radiology; the Psychiatric Society of Virginia; the Virginia Medical Group Management Association; and the Medical Society of Virginia. The committee shall also include representatives from each of the department's contracted managed care organizations and a representative from the Virginia Association of Health Plans. The committee will work with the department to investigate the implementation of quality, cost-effective health care initiatives, to identify means to increase provider participation in the Medicaid program, to remove administrative obstacles to quality, cost-effective patient care, and to address other matters as raised by the department or members of the committee. The Committee shall establish an Emergency Department Care Coordination work group comprised of representatives from the Committee, including the Virginia College of Emergency Physicians, the Medical Society of Virginia, the Virginia Hospital and Healthcare Association, the Virginia Academy of Family Physicians and the Virginia Association of Health Plans to review the following issues: (i) how to improve coordination of care across provider types of Medicaid "super utilizers"; (ii) the impact of primary care provider incentive funding on improved interoperability between hospital and provider systems; and (iii) methods for formalizing a statewide emergency department collaboration to improve care and treatment of Medicaid recipients and increase cost efficiency in the Medicaid program, including recognized best practices for emergency departments. The committee shall meet semi-annually, or more frequently if requested by the department or members of the committee. The department, in cooperation with the committee, shall report on the committee's activities annually to the Board of Medical Assistance Services and to the Chairmen of the House Appropriations and Senate Finance Committees and the Department of Planning and Budget no later than October 1 each year.</p>				
<p>QQ.1. The Department of Medical Assistance Services shall seek federal authority through any necessary waiver(s) and/or State Plan authorization under Titles XIX and XXI of the Social Security Act to implement a comprehensive value-driven, market-based reform of the Virginia Medicaid/FAMIS programs.</p>				
<p>2. The department is authorized to contract with qualified health plans to offer recipients a Medicaid benefit package adhering to these principles. Any coordination of non-traditional behavioral health services covered under contract with qualified health plans or through other means shall adhere to the principles outlined in paragraph EE.a. This reformed service delivery model shall be mandatory, to the extent allowed under the relevant authority granted by the federal government and shall, at a minimum, include (i) limited high-performing provider networks and medical/health homes; (ii) financial incentives for high quality</p>				

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outcomes and alternative payment methods; (iii) improvements to encounter data submission, reporting, and oversight; (iv) standardization of administrative and other processes for providers; and (v) support of the health information exchange.

3.a. Notwithstanding § 30-347, Code of Virginia, or any other provision of law, the Department of Medical Assistance Services shall have the authority to (1) amend the State Plan for Medical Assistance under Title XIX of the Social Security Act, and any waivers thereof, to implement coverage for newly eligible individuals pursuant to 42 U.S.C. § 1396d(y)(1)[2010] of the Patient Protection and Affordable Care Act and (2) begin the process of implementing a § 1115 demonstration project to transform the Medicaid program for newly eligible individuals pursuant to the provisions of 4.c. and eligible individuals enrolled in the existing Medicaid program. DMAS shall submit the § 1115 demonstration waiver application to CMS for approval. The department shall provide updates on the progress of the State Plan amendments and demonstration waiver applications to the Chairmen of the House Appropriations and Senate Finance Committees, or their designees, upon request, and provide for participation in discussions with CMS staff. The department shall respond to all requests for information from CMS on the State Plan Amendments and demonstration waiver applications in a timely manner.

b. The demonstration project shall include the following elements in the design: The Department of Medical Assistance Services shall develop a supportive employment and housing benefit targeted to high risk Medicaid beneficiaries with mental illness, substance use disorder, or other complex, chronic conditions who need intensive, ongoing support to obtain and maintain employment and stable housing.

c. The department shall have the authority to promulgate emergency regulations to implement these changes within 280 days or less from the enactment date of this Act.

4. In the event that the increased federal medical assistance percentages for newly eligible individuals included in 42 U.S.C. § 1396d(y)(1)[2010] of the PPACA are modified through federal law or regulation from the methodology in effect on January 1, 2014, resulting in a reduction in federal medical assistance as determined by the department in consultation with the Department of Planning and Budget, the Department of Medical Assistance Services shall disenroll and eliminate coverage for individuals who obtained coverage through 42 U.S.C. § 1396d(y)(1) [2010] of the PPACA. The disenrollment process shall include written notification to affected Medicaid beneficiaries, Medicaid managed care plans, and other providers that coverage will cease as soon as allowable under federal law following the date the department is notified of a reduction in Federal Medical Assistance Percentage.

RR.1. Effective July 1, 2014, the Department of Medical Assistance Services shall replace the current Disproportionate Share Hospital (DSH) methodology with the following methodology:

a) DSH eligible hospitals must have a total Medicaid Inpatient Utilization Rate equal to 14 percent or higher in the base year using Medicaid days eligible for Medicare DSH or a Low Income Utilization Rate in excess of 25 percent and meet other federal requirements. Eligibility for out of state cost reporting hospitals shall be based on total Medicaid utilization or on total Medicaid NICU utilization equal to 14 percent or higher.

b) Each hospital's DSH payment shall be equal to the DSH per diem multiplied by each hospital's eligible DSH days in a base year. Days reported in provider fiscal years in state FY 2011 will be the base year for FY 2015 prospective DSH payments. DSH will be recalculated annually with an updated base year. DSH payments are subject to applicable federal limits.

c) Eligible DSH days are the sum of all Medicaid inpatient acute, psychiatric and rehabilitation days above 14 percent for each DSH hospital subject to special rules for out of state cost reporting hospitals. Eligible DSH days for out of state cost reporting hospitals shall be the higher of the number of eligible days based on the calculation in the first sentence times Virginia Medicaid utilization (Virginia Medicaid days as a percent of total Medicaid days) or the Medicaid NICU days above 14 percent times Virginia NICU Medicaid utilization (Virginia NICU Medicaid days as a percent of total NICU Medicaid days). Eligible DSH days for out of state cost reporting hospitals who qualify for DSH but

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	who have less than 12 percent Virginia Medicaid utilization shall be 50 percent of the days that would have otherwise been eligible DSH days.			
	d) Additional eligible DSH days are days that exceed 28 percent Medicaid utilization for Virginia Type Two hospitals (excluding Children's Hospital of the Kings Daughters).			
	e) The DSH per diem shall be calculated in the following manner:			
	a. The DSH per diem for Type Two hospitals is calculated by dividing the total Type Two DSH allocation by the sum of eligible DSH days for all Type Two DSH hospitals. For purposes of DSH, Type Two hospitals do not include Children's Hospital of the Kings Daughters (CHKD) or any hospital whose reimbursement exceeds its federal uncompensated care cost limit. The Type Two Hospital DSH allocation shall equal the amount of DSH paid to Type Two hospitals in state FY 2014 increased annually by the percent change in the federal allotment, including any reductions as a result of the Affordable Care Act, adjusted for the state fiscal year.			
	b. The DSH per diem for State Inpatient Psychiatric Hospitals is calculated by dividing the total State Inpatient Psychiatric Hospital DSH allocation by the sum of eligible DSH days. The State Inpatient Psychiatric Hospital DSH allocation shall equal the amount of DSH paid in state FY 2013 increased annually by the percent change in the federal allotment, including any reductions as a result of the Affordable Care Act, adjusted for the state fiscal year.			
	c. The DSH per diem for CHKD shall be three times the DSH per diem for Type Two hospitals.			
	d. The DSH per diem for Type One hospitals shall be 17 times the DSH per diem for Type Two hospitals.			
	2. Each year, the department shall determine how much Type Two DSH has been reduced as a result of the Affordable Care Act and adjust the percent of cost reimbursed for outpatient hospital reimbursement.			
	3. The department shall convene the Hospital Payment Policy Advisory Council at least once a year to consider additional changes to the DSH methodology.			
	4. The department shall have the authority to implement these reimbursement changes effective July 1, 2014, and prior to completion of any regulatory process in order to effect such changes.			
	SS. The Department of Medical Assistance Services shall have authority to amend the State Plans for Medical Assistance under Titles XIX and XXI of the Social Security Act, and any waivers thereof, to implement requirements of the federal Patient Protection and Affordable Care Act (PPACA), P.L. 111-148, as it pertains to implementation of Medicaid and CHIP eligibility determination and case management standards and practices, including the Modified Adjusted Gross Income (MAGI) methodology and, notwithstanding the requirements of Code of Virginia §2.2-4000, et seq., the process for administrative appeals of MAGI-related eligibility determinations. The department shall have authority to implement such standards and practices upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such changes.			
	TT.1. Notwithstanding § 32.1-330 of the Code of Virginia, the Department of Medical Assistance Services shall improve the preadmission screening process for individuals who will be eligible for long-term care services, as defined in the state plan for medical assistance. The community-based screening team shall consist of a licensed health care professional and a social worker who are employees or contractors of the Department of Health or the local department of social services, or other assessors contracted by the department. The department shall not contract with any entity for whom there exists a conflict of interest. For community-based screening for children, the screening shall be performed by an individual or entity with whom the department has entered into a contract for the performance of such screenings.			
	2. The department shall track and monitor all requests for screenings and report on those screenings that have not been completed within 30 days of an individual's request for screening. The screening teams and contracted entities shall use the reimbursement and			

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tracking mechanisms established by the department.

3. The Department of Medical Assistance Services shall promulgate regulations to implement these provisions to be effective within 280 days of its enactment. The department may implement any changes necessary to implement these provisions prior to the promulgation of regulations undertaken in order to effect such changes.

UU.1.a. There is hereby appropriated sum-sufficient nongeneral funds for the Department of Medical Assistance Services (DMAS) to pay the state share of supplemental payments for qualifying private hospital partners of Type One hospitals (consisting of state-owned teaching hospitals) as provided in the State Plan for Medical Assistance Services. Qualifying private hospitals shall consist of any hospital currently enrolled as a Virginia Medicaid provider and owned or operated by a private entity in which a Type One hospital has a non-majority interest. The supplemental payments shall be based upon the reimbursement methodology established for such payments in Attachments 4.19-A and 4.19-B of the State Plan for Medical Assistance Services. DMAS shall enter into a transfer agreement with any Type One hospital whose private hospital partner qualifies for such supplemental payments, under which the Type One hospital shall provide the state share in order to match federal Medicaid funds for the supplemental payments to the private hospital partner. The department shall have the authority to implement these reimbursement changes consistent with the effective date in the State Plan amendment approved by the Centers for Medicare and Medicaid Services (CMS) and prior to completion of any regulatory process in order to effect such changes.

b. The department shall adjust capitation payments to Medicaid managed care organizations for the purpose of securing access to Medicaid hospital services for the qualifying private hospital partners of Type One hospitals (consisting of state-owned teaching hospitals). The department shall revise its contracts with managed care organizations to incorporate these supplemental capitation payments and provider payment requirements. DMAS shall enter into a transfer agreement with any Type One hospital whose private hospital partner qualifies for such supplemental payments, under which the Type One hospital shall provide the state share in order to match federal Medicaid funds for the supplemental payments to the private hospital partner. The department shall have the authority to implement these reimbursement changes consistent with the effective date approved by the Centers for Medicare and Medicaid Services (CMS). No payment shall be made without approval from CMS.

2.a. The Department of Medical Assistance Services shall promulgate regulations to make supplemental payments to Medicaid physician providers with a medical school located in Eastern Virginia that is a political subdivision of the Commonwealth. The amount of the supplemental payment shall be based on the difference between the average commercial rate approved by CMS and the payments otherwise made to physicians. The department shall have the authority to implement these reimbursement changes consistent with the effective date in the State Plan amendment approved by CMS and prior to completion of any regulatory process in order to effect such changes.

b. The department shall increase payments to Medicaid managed care organizations for the purpose of securing access to Medicaid physician services in Eastern Virginia, through higher rates to physicians affiliated with a medical school located in Eastern Virginia that is a political subdivision of the Commonwealth subject to applicable limits. The department shall revise its contracts with managed care organizations to incorporate these supplemental capitation payments, and provider payment requirements, subject to approval by CMS. No payment shall be made without approval from CMS.

c. Funding for the state share for these Medicaid payments is authorized in Item 254.

3.a. The Department of Medical Assistance Services (DMAS) shall have the authority to amend the State Plan for Medical Assistance Services (State Plan) to implement a supplemental Medicaid payment for local government-owned nursing homes. The total supplemental Medicaid payment for local government-owned nursing homes shall be based on the difference between the Upper Payment Limit of 42 CFR §447.272 as approved by CMS and all other Medicaid payments subject to such limit made to such nursing homes. There is hereby appropriated sum-sufficient funds for DMAS to pay the state share of the supplemental Medicaid payment hereunder. However, DMAS shall not

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submit such State Plan amendment to CMS until it has entered into an intergovernmental agreement with eligible local government-owned nursing homes or the local government itself which requires them to transfer funds to DMAS for use as the state share for the supplemental Medicaid payment each nursing home is entitled to and to represent that each has the authority to transfer funds to DMAS and that the funds used will comply with federal law for use as the state share for the supplemental Medicaid payment. If a local government-owned nursing home or the local government itself is unable to comply with the intergovernmental agreement, DMAS shall have the authority to modify the State Plan. The department shall have the authority to implement the reimbursement change consistent with the effective date in the State Plan amendment approved by CMS and prior to the completion of any regulatory process undertaken in order to effect such change.				
b. If by June 30, 2017, the Department of Medical Assistance Services has not secured approval from the Centers for Medicare and Medicaid Services to use a minimum fee schedule pursuant to 42 C.F.R. § 438.6(c)(1)(iii) for local government-owned nursing homes participating in Commonwealth Coordinated Care Plus (CCC Plus) at the same level as and in lieu of the supplemental Medicaid payments authorized in Section XX.3.a., then DMAS shall: (i) exclude Medicaid recipients who elect to receive nursing home services in local government-owned nursing homes from CCC Plus; (ii) pay for such excluded recipient's nursing home services on a fee-for-service basis, including the related supplemental Medicaid payments as authorized herein; and (iii) prohibit CCC Plus contracted health plans from in any way limiting Medicaid recipients from electing to receive nursing home services from local government-owned nursing homes. The department may include in CCC Plus Medicaid recipients who elect to receive nursing home services in local government-owned nursing homes in the future when it has secured federal CMS approval to use a minimum fee schedule as described above.				
4. The Department of Medical Assistance Services shall have the authority to amend the State Plan for Medical Assistance Services to implement a supplemental payment for clinic services furnished by the Virginia Department of Health (VDH) effective July 1, 2015. The total supplemental Medicaid payment shall be based on the Upper Payment Limit approved by the Centers for Medicare and Medicaid Services and all other Medicaid payments. VDH may transfer general fund to the department from funds already appropriated to VDH to cover the non-federal share of the Medicaid payments. The department shall have the authority to implement the reimbursement change effective July 1, 2015, and prior to the completion of any regulatory process undertaken in order to effect such changes.				
5. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to increase the supplemental physician payments for physicians employed at a freestanding children's hospital serving children in Planning District 8 with more than 50 percent Medicaid inpatient utilization in fiscal year 2014 to the maximum allowed by the Centers for Medicare and Medicaid Services within the limit of the appropriation provided for this purpose. The total supplemental Medicaid payment shall be based on the Upper Payment Limit approved by the Centers for Medicare and Medicaid Services and all other Virginia Medicaid fee-for-service payments. The department shall have the authority to implement these reimbursement changes effective July 1, 2016, and prior to the completion of any regulatory process undertaken in order to effect such change.				
6.a. The Department of Medical Assistance Services shall promulgate regulations to make supplemental Medicaid payments to the primary teaching hospitals affiliated with a Liaison Committee on Medical Education (LCME) accredited medical school located in Planning District 23 that is a political subdivision of the Commonwealth and an LCME accredited medical school located in Planning District 5 that has a partnership with a public university. The amount of the supplemental payment shall be based on the reimbursement methodology established for such payments in Attachments 4.19-A and 4.19-B of the State Plan for Medical Assistance and/or the department's contracts with managed care organizations. The department shall have the authority to implement these reimbursement changes consistent with the effective date in the State Plan amendment or the managed care contracts approved by the Centers for Medicare and Medicaid Services (CMS) and prior to completion of any regulatory process in order to effect such changes. No payment shall be made without approval from CMS.				
b. Funding for the state share for these Medicaid payments is authorized in Item 254 and Item				

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c. Payments authorized in this subsection shall sunset after the effective date of a statewide supplemental payment for private acute care hospitals authorized in Item 3-5.16. For purposes of the upper payment limit, the department shall prorate the upper payment limit if the sunset date is mid-fiscal year. The department shall have the authority to implement this change prior to the completion of any regulatory process undertaken in order to effect such change.

7. The department shall amend the State plan for Medical Assistance to implement a supplemental inpatient and outpatient payment for Chesapeake Regional Hospital based on the difference between reimbursement with rates using an adjustment factor of 100% minus current authorized reimbursement subject to the inpatient and outpatient Upper Payment Limits for non-state government owned hospitals. The department shall include in its contracts with managed care organizations a minimum fee schedule for Chesapeake Regional Hospital consistent with rates using an adjustment factor of 100%. The department shall adjust capitation payments to Medicaid managed care organizations to fund this minimum fee schedule. Both the contract changes and capitation rate adjustments shall be compliant with 42 C.F.R. 438.6(c)(1)(iii) and subject to CMS approval. Prior to submitting the State Plan Amendment or making the managed care contract changes, Chesapeake Regional Hospital shall enter into an agreement with the department to transfer the non-federal share for these payments. The department shall have the authority to implement these reimbursement changes consistent with the effective date(s) approved by the Centers for Medicare and Medicaid (CMS). No payments shall be made without CMS approval.

8.a. There is hereby appropriated sum-sufficient nongeneral funds for the department to pay the state share of supplemental payments for nursing homes owned by Type One hospitals (consisting of state-owned teaching hospitals) as provided in the State Plan for Medical Assistance Services. The total supplemental payment shall be based on the difference between the Upper Payment Limit of 42 CFR § 447.272 as approved by CMS and all other Medicaid payments subject to such limit made to such nursing homes. DMAS shall enter into a transfer agreement with any Type One hospital whose nursing home qualifies for such supplemental payments, under which the Type One hospital shall provide the state share in order to match federal Medicaid funds for the supplemental payments. The department shall have the authority to implement these reimbursement changes consistent with the effective date in the State Plan amendment approved by CMS and prior to completion of any regulatory process in order to effect such changes.

b. The department shall adjust capitation payments to Medicaid managed care organizations to fund a minimum fee schedule compliant with requirements in 42 C.F.R. § 438.6(c)(1)(iii) at a level consistent with the State Plan amendment authorized above for nursing homes owned by Type One hospitals. The department shall revise its contracts with managed care organizations to incorporate these supplemental capitation payments and provider payment requirements. DMAS shall enter into a transfer agreement with any Type One hospitals whose nursing home qualifies for such supplemental payments, under which the Type One hospital shall provide the state share in order to match federal Medicaid funds for the supplemental payments. The department shall have the authority to implement these reimbursement changes consistent with the effective date approved by CMS. No payment shall be made without approval from CMS.

VV. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to provide coverage for cessation services for tobacco users, including pharmacology, group and individual counseling, and other treatment services including the most current version of or an official update to the Clinical Health Guideline "Treating Tobacco Use and Dependence" published by the Public Health Service of the U.S. Department of Health and Human Services. These services shall be subject to copayment requirements. The department shall have authority to implement this reimbursement change effective July 1, 2014 and prior to the completion of any regulatory process undertaken in order to effect such changes.

WW. The Department of Medical Assistance Services shall have the authority to implement Section 1902(a)(10)(A)(i)(IX) of the federal Social Security Act to provide Medicaid benefits up until the age of 26 to individuals who are or were in foster care at

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least until the age of 18 in any state.				
XX.1.The Department of Medical Assistance Services is authorized to amend the State Plan under Title XIX of the Social Security Act to add coverage for comprehensive dental services to pregnant women receiving services under the Medicaid program to include: (i) diagnostic, (ii) preventive, (iii) restorative, (iv) endodontics, (v) periodontics, (vi) prosthodontics both removable and fixed, (vii) oral surgery, and (viii) adjunctive general services.				
2. The Department of Medical Assistance Services is authorized to amend the FAMIS MOMS and FAMIS Select demonstration waiver (No. 21-W-00058/3) for FAMIS MOMS enrollees to add coverage for dental services to align with pregnant women's coverage under Medicaid.				
3. The Department of Medical Assistance Services is authorized to amend the State Plan under Title XXI of the Social Security Act to plan to allow enrollment for dependent children of state employees who are otherwise eligible for coverage.				
4. The department shall have authority to implement necessary changes upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such changes.				
YY. The Department of Medical Assistance Services shall convene a workgroup to evaluate and develop strategies and recommendations to improve payment policies and coordination of care in the Medicaid program to encourage the effective and efficient provision of care by providers and health care systems serving Medicaid members. The workgroup shall include representatives from the Virginia Hospital and Healthcare Association, hospitals, the Virginia Association of Health Plans, managed care organizations, emergency department and primary care physicians, and other stakeholders deemed necessary by the department. The workgroup shall: (i) evaluate the appropriate coordination of services and cooperation among Medicaid managed care organizations (MCOs), hospitals, physicians, social services organizations, and nonprofit organizations to achieve a reduction in hospital readmissions, improved health outcomes, and reduced overall costs of care for conditions with high rates of hospital readmission in the Medicaid program; (ii) examine the role of hospital discharge planning and MCO care coordinators in assisting Medicaid beneficiaries with access to appropriate care and services post-discharge and other factors that may contribute to higher rates of readmission such as social determinants of health that could impact a patient's readmission status; (iii) assess the effectiveness of past and current mechanisms to improve outcomes and readmission rates by hospitals and health care systems and best practices and models from federal programs and other states; (iv) assess how to prevent inappropriate utilization of emergency department services; (v) examine the role of MCO care coordinators in assisting Medicaid beneficiaries access to appropriate care, including Medicaid beneficiary access to and the availability and use of alternative non-emergency care options, adequacy of MCO provider networks and reimbursement for primary care and alternative non-emergency care options, and the effectiveness of past and current mechanisms to improve the use of alternative non-emergent care by Medicaid beneficiaries; (vi) evaluate the impact of freestanding emergency departments and hospital emergency department marketing on emergency department utilization along with lower-cost options for triage of non-emergency cases to alternative settings; (vii) consider other states efforts to address emergency department utilization, including the use of medical and health homes, alternative primary care sites, and programs to coordinate the health needs of "super-utilizers"; and (viii) consider strategies to engage in value-based payment arrangements and other forms of financial incentives to encourage appropriate utilization of services and cooperation by health care providers and systems in improving health care outcomes, including a review of designated Performance Withhold Program measures, Clinical Efficiency measures, and other existing or potential programs. The department shall provide data on emergency room utilization and hospital readmissions of Medicaid beneficiaries to the workgroup to assist in its evaluation and analysis. The department shall report on the workgroup's findings and recommendations to the Joint Subcommittee for Health and Human Resources Oversight by December 15, 2020.				
ZZ. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to increase the supplemental physician payments for practice plans affiliated with a freestanding children's hospital with more than 50 percent Medicaid inpatient utilization in fiscal year 2009 to the maximum allowed by the Centers for Medicare and Medicaid Services. The department shall have the authority to implement these reimbursement changes effective				

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<p>July 1, 2015, and prior to completion of any regulatory process undertaken in order to effect such change.</p>				
<p>AAA. The Department of Medical Assistance Services (DMAS) shall amend its July 1, 2016, managed care contracts in order to conform to the requirement pursuant to House Bill 1942 / Senate Bill 1262, passed during the 2015 Regular Session, for prior authorization of drug benefits.</p>				
<p>BBB.1. Out of this appropriation, \$3,100,000 the first year and \$3,850,000 the second year from the general fund and \$3,100,000 the first year and \$3,850,000 the second year from nongeneral funds shall be used for supplemental payments to fund the fourth year of graduate medical education for two residents who began their residencies in July 2017, the second and third years of graduate medical education of 13 funded slots for residents beginning their residencies in July 2018, the second year of graduate medical education of 16 funded slots for residencies in July 2019, the first and second years of graduate medical education for two residents in July 2020, who were awarded last year but their hiring was delayed, 27 slots for residents beginning their residencies in July 2020, provided to hospitals as awarded by the Virginia Health Care Workforce Authority, and 25 slots for residents beginning their residencies in July 2021.</p>				
<p>2. The supplemental payment for each qualifying residency slot shall be \$100,000 annually minus any Medicare residency payment for which the sponsoring institution is eligible. For any residency program at a facility whose Medicaid payments are capped by the Centers for Medicare and Medicaid Services, the supplemental payments for each qualifying residency slot shall be \$50,000 from the general fund annually minus any Medicare residency payments for which the residency program is eligible. Supplemental payments shall be made for up to four years for each qualifying resident. Payments shall be made quarterly following the same schedule used for other medical education payments.</p>				
<p>3. The Department of Medical Assistance Services shall submit a State Plan amendment based on the authorization in BBB.1. of this Item to make supplemental payments for graduate medical education residency slots. The supplemental payments are subject to federal Centers for Medicare and Medicaid Services approval. The department shall have the authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment of this Act.</p>				
<p>4.a. Effective July 1, 2017, the department shall make supplemental payments to the following sponsoring institutions for the specified number of primary care residencies: Sentara Norfolk General (2 residencies), Carilion Medical Center (6 residencies), Centra Lynchburg General Hospital (1 residency), Riverside Regional Medical Center (2 residencies), Bon Secours St. Francis Medical Center (2 residencies). The department shall make supplemental payments to Carilion Medical Center for 2 psychiatry residencies.</p>				
<p>b. Effective July 1, 2018, the department shall make supplemental payments to the following sponsoring institutions for the specified number of primary care residencies: Sentara Norfolk General (1 residency), Maryview Hospital (1 residency) and Carilion Medical Center (6 residencies). The department shall make supplemental payments to Carilion Medical Center for 2 psychiatric residencies and to Sentara Norfolk General for 1 OB/GYN residency and 2 psychiatric residencies.</p>				
<p>c. Effective July 1, 2019, the department shall make supplemental payments to the following sponsoring institutions for the specified number of primary care residencies: Sentara Norfolk General (1 residency), Maryview Hospital (1 residency), Carilion Medical Center (6 residencies), Centra Health (2 residencies), and Riverside Regional Medical Center (2 residencies). The department shall make supplemental payments to Inova Fairfax Hospital for 1 General Surgery residency and to Carilion Medical Center for 2 psychiatric residencies. The department shall make supplemental payments to Sentara Norfolk General 1 OB/GYN residency and 1 urology residency. The department shall make supplemental payments to the University of Virginia Health System for a one year fellowship in Addiction Medicine and to the Virginia Commonwealth University Health System for a one year fellowship in Addiction Medicine.</p>				

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d. Effective July 1, 2020, the department shall make supplemental payments for a primary care residency to Riverside Regional Medical Center. The department shall make supplemental payments to Sentara Norfolk General for 2 psychiatric residencies and 1 urology residency.				
5. Preference shall be given for residency slots located in underserved areas. Applications for slots that involve multiple medical care providers collaborating in training residents and that involve providing residents the opportunity to train in underserved areas are encouraged. A majority of the new residency slots funded each year shall be for primary care. The department shall adopt criteria for primary care, high need specialties and underserved areas as developed by the Virginia Health Workforce Development Authority. Beginning July 1, 2018, the department shall also review and consider applications from non-hospital sponsoring institutions, such as Federally Qualified Health Centers (FQHCs).				
6. If the number of qualifying residency slots exceeds the available number of supplemental payments, the Virginia Health Workforce Development Authority shall determine which new residency slots to fund based on priorities developed by the authority.				
7. The sponsoring institution will be eligible for the supplemental payments as long as it maintains the number of residency slots in total and by category as a result of the increase. The sponsoring institutions must certify by June 1 each year that they continue to meet the criteria for the supplemental payments and report any changes during the year to the number of residents.				
8. The department shall require all sponsoring institutions receiving Medicaid medical education funding to report annually by September 15 on the number of residents in total and by specialty/subspecialty. Medical education funding includes payments for graduate medical education (GME) and indirect medical education (IME).				
9. The department shall include in the Official Medicaid Forecast funding for cohorts previously funded and funding for up to 25 new or replacement slots each year. Hospitals applying for a slot that replaces a residency previously funded under this program shall qualify for funding as a new residency.				
<i>9. The Department of Planning and Budget shall create a new Service Area in this item for Program 45600, appropriately named, and transfer the appropriation included in this item for graduate medical education residency slots to this new service area. The appropriation in the new service area shall be excluded from the Official Medicaid Forecast.</i>				
CCC.1. The Department of Medical Assistance Services, in consultation with the appropriate stakeholders, shall amend the state plan for medical assistance and/or seek federal authority through an 1115 demonstration waiver, as soon as feasible, to provide coverage of inpatient detoxification, inpatient substance abuse treatment, residential detoxification, residential substance abuse treatment, and peer support services to Medicaid individuals in the Fee-for-Service and Managed Care Delivery Systems.				
2. The Department of Medical Assistance Services shall have the authority to make programmatic changes in the provision of all Substance Abuse Treatment Outpatient, Community Based and Residential Treatment services (group homes and facilities) for individuals with substance abuse disorders in order to ensure parity between the substance abuse treatment services and the medical and mental health services covered by the department and to ensure comprehensive treatment planning and care coordination for individuals receiving behavioral health and substance use disorder services. The department shall ensure appropriate utilization and cost efficiency, and adjust reimbursement rates within the limits of the funding appropriated for this purpose based on current industry standards. The department shall consider all available options including, but not limited to, service definitions, prior authorization, utilization review, provider qualifications, and reimbursement rates for the following Medicaid services: substance abuse day treatment for pregnant women, substance abuse residential treatment for pregnant women, substance abuse case management, opioid treatment, substance abuse day treatment, and substance abuse intensive outpatient. Any amendments to the State Plan or waivers initiated under the provisions of this paragraph shall not exceed funding appropriated in this Act for this purpose. The department shall have the authority to promulgate regulations to implement these changes within 280 days or less				

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from the enactment date of this Act.

3. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance and any waivers thereof to include peer support services to children and adults with mental health conditions and/or substance use disorders. The department shall work with its contractors, the Department of Behavioral Health and Developmental Services, and appropriate stakeholders to develop service definitions, utilization review criteria and provider qualifications. Any amendments to the State Plan or waivers initiated under the provisions of this paragraph shall not exceed funding appropriated in this Act for this purpose. The department shall have the authority to promulgate regulations to implement these changes within 280 days or less from the enactment date of this Act.

4. The Department of Medical Assistance Services shall, prior to the submission of any state plan amendment or waivers to implement paragraphs CCC.1., CCC.2., and CCC.3., submit a plan detailing the changes in provider rates, new services added, other programmatic changes, and a certification of budget neutrality to the Director, Department of Planning and Budget and the Chairmen of the House Appropriation and Senate Finance Committees.

DDD. The Department of Medical Assistance Services (DMAS), in consultation with the appropriate stakeholders, shall seek federal authority via a state plan amendment to cover low-dose computed tomography (LDCT) lung cancer screenings for high-risk adults. The department shall promulgate emergency regulations to implement this amendment within 280 days or less from the enactment of this Act.

EEE. The Department of Medical Assistance Services shall not expend any appropriation for an approved Delivery System Reform Incentive Program (DSRIP) §1115 waiver unless the General Assembly appropriates the funding. The department shall notify the Chairmen of the House Appropriations and Senate Finance Committees within 15 days of any final negotiated waiver agreement with the Centers for Medicare and Medicaid Services.

FFF. Effective July 1, 2017, the Department of Medical Assistance Services shall amend the managed care regulations to specify that all contracts with health plans in a Medicaid managed care delivery model, including long-term services and supports, require reimbursement to nursing facility and specialized care services at no less than the Medicaid established per diem rate for Medicaid covered days, using the department's methodologies, unless the managed care organization and the nursing facility or specialized care services provider mutually agree to an alternative payment. The department shall have authority to implement this provision prior to the completion of any regulatory process in order to effect such change.

GGG.1. The Department of Medical Assistance Services shall monitor the capacity available under the Upper Payment Limit (UPL) for all hospital supplemental payments and adjust payments accordingly when the UPL cap is reached. The department shall make an adjustment to stay under the UPL cap by reducing or eliminating as necessary supplemental payments to hospitals based on when the first supplemental payments were actually made so that the newest supplemental payments to hospitals would be impacted first and so on.

2. The Department of Medical Assistance Services shall have the authority to implement reimbursement changes deemed necessary to meet the requirements of this paragraph prior to the completion of any regulatory process in order to effect such changes.

HHH.1. By October 1, 2019, the Department of Medical Assistance Services shall require consumer-directed aides providing personal care, respite care and companion services in the Medicaid Commonwealth Coordinated Care (CCC) Plus Waiver and Developmental Disability waiver programs and the Early and Periodic Screening Diagnosis and Treatment (EPSDT) program to utilize an Electronic Visit Verification (EVV) system. ~~Nothing~~ *Notwithstanding Item 482.20 of this act, nothing* in this paragraph shall apply to live-in caretakers, who shall be exempt from the EVV requirements beginning January 1, 2021. The department is authorized to contract with a vendor to provide access to an EVV system for use by consumer-directed aides.

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2. For personal care, respite care and companion services agencies, the department shall work with the appropriate stakeholders to develop standards for electronic visit verification systems and certification requirements to ensure EVV systems used by such agencies meet all federal requirements and are capable of providing the necessary data the department may require.				
3. Nothing stated above shall apply to respite services provided by a DBHDS licensed provider in a DBHDS licensed program site such as a group home, sponsored residential home, supervised living, supported living or similar facility/location licensed to provide respite, as allowed by the Centers for Medicare and Medicaid.				
4. The department shall ensure that implementation of electronic visit verification complies with all requirements of the federal Centers of Medicare and Medicaid Services. The department shall have authority to implement these provisions prior to the completion of any regulatory process in order to effect such changes.				
5. <i>The Department of Planning and Budget shall transfer from Item 317 to this item an appropriation necessary to cover the administrative costs for managed care organizations to implement the live-in caretaker exemption required pursuant to paragraph HHH.1. in this item.</i>				
III.1. Effective July 1, 2017, the Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to increase the formula for indirect medical education (IME) for freestanding children's hospitals with greater than 50 percent Medicaid utilization in 2009 as a substitute for DSH payments. The formula for these hospitals for indirect medical education for inpatient hospital services provided to Medicaid patients but reimbursed by capitated managed care providers shall be identical to the formula for Type One hospitals. The IME payments shall continue to be limited such that total payments to freestanding children's hospitals with greater than 50 percent Medicaid utilization do not exceed the federal uncompensated care cost limit to which disproportionate share hospital payments are subject, excluding third party reimbursement for Medicaid eligible patients. The department shall have the authority to implement these changes effective July 1, 2017, and prior to completion of any regulatory action to effect such changes.				
2. The Department of Medical Assistance Services (DMAS) shall have the authority to create additional hospital supplemental payments for freestanding children's hospitals with greater than 50 percent Medicaid utilization in 2009 to replace payments that have been reduced due to the federal regulation on the definition of uncompensated care costs effective June 2, 2017. These new payments shall equal what would have been paid to the freestanding children's hospitals under the current disproportionate share hospital (DSH) formula without regard to the uncompensated care cost limit. These additional hospital supplemental payments shall take precedence over supplemental payments for private acute care hospitals. If the federal regulation is voided, DMAS shall continue DSH payments to the impacted hospitals and adjust the additional hospital supplemental payments authorized in this paragraph accordingly. The department shall have the authority to implement these changes prior to completion of any regulatory process undertaken in order to effectuate such change.				
JJJ. For the period beginning September 1, 2016 until 180 days after publication and distribution of the Developmental Disabilities Waivers provider manual by the Department of Medical Assistance Services (DMAS), retraction of payment from Developmental Disabilities Waivers providers following an audit by DMAS or one of its contractors is only permitted when the audit points identified are supported by the Code of Virginia, regulations, DMAS general providers manuals, or DMAS Medicaid Memos in effect during the date of services being audited.				
KKK. The Department of Medical Assistance Services shall submit a report annually on all supplemental payments made to hospitals through the Medicaid program. This report shall include information for each hospital and by type of supplemental payment (Disproportionate Share Hospital, Graduate Medical Education, Indirect Medical Education, Upper Payment Limit program, and others). The report shall include total Medicaid payments from all sources and calculate the percent of overall payments that are supplemental payments. Furthermore, it shall include a description of each type of supplemental payment and the methodology used to calculate the payments. Each report shall reflect the data for the prior three fiscal years and shall be submitted to the Chairmen of the House Appropriations and Senate Finance Committees by September 1 each year.				

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LLL. Effective July 1, 2018, the Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to make the following changes. The department shall: (i) eliminate eligibility for Disproportionate Share Hospital (DSH) payments for Children's National Medical Center (CNMC); (ii) increase the annual indirect medical education (IME) payments for CNMC by the amount of DSH the hospital was eligible for in fiscal year 2018; and (iii) reduce the Type 2 DSH allocation by this same amount. The department shall have the authority to implement these changes effective July 1, 2018, and prior to completion of any regulatory action to effect such change.

MMM.1. The Department of Medical Assistance Services shall work with stakeholders to review and adjust medical necessity criteria for Medicaid-funded nursing services including private duty nursing, skilled nursing, and home health. The department shall adjust the medical necessity criteria to reflect advances in medical treatment, new technologies, and use of integrated care models including behavioral supports. The department shall have the authority to amend the necessary waiver(s) and the State Plan under Titles XIX and XXI of the Social Security Act to include changes to services covered, provider qualifications, medical necessity criteria, and rates and rate methodologies for private duty nursing. The adjustments to these services shall meet the needs of members and maintain budget neutrality by not requiring any additional expenditure of general fund beyond the current projected appropriation for such nursing services.

2. The department shall have authority to implement these changes to be effective July 1, 2019. The department shall also have authority to promulgate any emergency regulations required to implement these necessary changes within 280 days or less from the enactment dated of this act. The department shall submit a report and estimates of any projected cost savings to the Chairmen of the House Appropriations and Senate Finance Committees 30 days prior to implementation of such changes.

NNN. Effective July 1, 2019, the department shall amend the State Plan for Medical Assistance to clarify payment rules for new nursing homes or renovations that qualify for mid-year rate adjustments, to include the following:

1. For any facility whose Fair Rental Value report has less than 12 months of experience, the department shall develop an occupancy schedule that represents average statewide occupancy by month of operation for use in calculating the per diem rate in lieu of a minimum occupancy requirement or actual occupancy.
2. Any new beds or renovations placed in service between the reporting year and the rate year shall be treated as a mid-year rate adjustment. No new rate will be made after April 30. Rate updates that fall between May 1 and June 30 shall be effective July 1 of the same year.
3. The department shall annualize real estate taxes, property taxes and property insurance costs that do not represent a full year's cost.
4. Costs shall be based on currently available documentation at the time but are subject to audit. The department may use any reasonable method to estimate costs for which there is inadequate documentation. Any adjustments based on subsequent documentation or audit for a current rate year shall be applied beginning with the next rate year.
5. The department shall have 15 days from the date of the provider's submission to determine if the filing is complete for purposes of setting a rate for a new or renovated facility. The facility shall have 15 days from the date the filing is deemed incomplete to submit the required information. The deadline for setting the rate shall be extended for 30 days after the filing is deemed complete.
6. Providers may propose a phased renovation subject to approval by the department. The phased renovation may include reductions to available beds. Any modifications to the proposed renovation are also subject to approval by the department.
7. The department shall have the authority to implement these reimbursement changes effective July 1, 2019 and prior to the completion of any regulatory process undertaken in order to effect such change.

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OOO. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance and any relevant waivers thereof to modify reimbursement for Hospice services provided to patients residing in facilities to include at least 100 percent of the relevant Medicaid facility rate for that individual, a component commonly referred to as "room and board." To the extent allowed under federal law and regulation, the Department shall further amend the State plan and/or relevant waivers thereof to pay this "room and board" rate in effect with no discount applied to the facility directly, thus eliminating the Hospice from its role in passing-through this facility payment to the facility. To the extent federal approval of this direct payment component is dependent on whether it is in the State Plan or in relevant waivers, the Department shall implement the direct payment where federal approval is achieved. The department shall have authority to implement these changes effective July 1, 2019 and prior to the completion of any regulatory process undertaken in order to effect such change.				
PPP. Effective July 1, 2019, the Department of Medical Assistance Services shall increase the telehealth originating site facility fee to 100 percent of the Medicare rate and shall reflect changes annually based on any changes in the Medicare rate. The department shall exempt Federally Qualified Health Centers and Rural Health Centers from this reimbursement change. The department shall have the authority to implement these changes prior to completion of any regulatory process undertaken in order to effect such change.				
QQQ. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to increase reimbursement for Critical Access Hospitals by using an adjustment factor or percent of cost reimbursement of 100% for inpatient operating and capital rates and outpatient rates effective July 1, 2019. The department shall have the authority to implement these changes effective July 1, 2019 and prior to completion of any regulatory action to effect such change.				
RRR. The Department of Medical Assistance Services shall pursue any and all alternatives and cost based reimbursement models to allow a private hospital in rural Southwest Virginia that has closed in the last five years to recoup capital startup costs and minimize operating losses for the next five years, including but not limited to optimizing federal matching dollars in accordance with federal law.				
SSS. The Department of Medical Assistance Services and the Department of Behavioral Health and Developmental Services shall recognize the Certified Employment Support Professional (CESP) and Association of Community Rehabilitation Educators (ACRE) certifications in lieu of competency requirements for supported employment staff in the Medicaid Community Living, Family and Individual Support and Building Independence Waiver programs and shall allow providers that are Department for the Aging and Rehabilitative Services vendors that hold a national three-year accreditation from the Commission on Accreditation of Rehabilitation Facilities (CARF) to be deemed qualified to meet employment staff competency requirements, provided the provider submits the results from their CARF surveys including recommendations received to the Department of Behavioral Health and Developmental Services so that the agency can verify that there are no recommendations for the standards that address staff competency.				
TTT. Effective July 1, 2019, the Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to increase the practitioner rates for primary care services by five percent and rates for Emergency Department services by one percent to reflect the equivalent of 70 percent of the 2018 Medicare rates. The department shall ensure through its contracts with managed care organizations that the rate increase is reflected in their rates to providers. The department shall have the authority to implement these reimbursement changes prior to the completion of the regulatory process.				
UUU. Effective July 1, 2019, the Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to create a separate service category for psychiatric services and to increase practitioner rates for psychiatric services by 21 percent to reflect the equivalent of 100 percent of the 2018 Medicare rates. All practitioners who bill these services shall receive new rates. The department shall have the authority to implement these reimbursement changes prior to the completion of the regulatory process.				
VVV. The Department of Medical Assistance Services shall amend its contracts with				

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managed care organizations to require written notification and training to agency-directed personal care providers at least 60 days prior to the implementation of all changes to Quality Management Review and prior authorization policies and processes consistent with state and federal regulations.

WWW. The Department of Medical Assistance Services shall seek federal authority through waiver and State Plan amendments under Titles XIX and XXI of the Social Security Act to offer medically necessary treatment for substance use disorder in an Institution for Mental Diseases (IMD) for individuals enrolled in FAMIS MOMS, equivalent to such benefits offered to pregnant women under the Medicaid state plan and 1115 substance use disorder demonstration waiver. The department shall have the authority to promulgate emergency regulations to implement these amendments within 280 days or less from the enactment of this Act.

XXX. Effective ~~July 1, 2020~~ upon federal approval but no earlier than April 1, 2021, the Department of Medical Assistance Services shall amend the State Plan under Title XIX of the Social Security Act to eliminate the 40 quarter work requirement for Lawful Permanent Residents who otherwise meet all Medicaid eligibility requirements. The department shall have the authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment of this Act.

YYY.1. The Department of Medical Assistance Services (DMAS) shall have the authority to implement programmatic changes to service definitions, prior authorization and utilization review criteria, provider qualifications, and reimbursement rates for the following existing Medicaid behavioral health services: assertive community treatment, mental health partial hospitalization programs, crisis intervention and crisis stabilization services.

2. The department shall have the authority to develop new service definitions, prior authorization and utilization review criteria, provider qualifications, and reimbursement rates for the following new Medicaid behavioral health services: multi-systemic therapy, family functional therapy, intensive outpatient services, mobile crisis intervention services, 23 hour temporary observation services and residential crisis stabilization unit services.

3. Effective on or after January 1, 2021, DMAS shall implement programmatic changes and reimbursement rates for the following services: assertive community treatment, multi-systemic therapy and family functional therapy.

4. Effective on or after July 1, 2021, DMAS shall implement programmatic changes and reimbursement rates for the following services: intensive outpatient services, partial hospitalization programs, mobile crisis intervention services, 23 hour temporary observation services, crisis stabilization services and residential crisis stabilization unit services.

5. Included in this Item is an additional \$3,028,038 the first year and \$10,273,553 the second year from the general fund and \$4,127,378 the first year and \$14,070,322 the second year from nongeneral funds to effect the changes required by paragraphs above. In the development and implementation of these changes, the department shall ensure appropriate utilization and cost efficiency. Reimbursement rate changes shall be budget neutral and must not exceed the funding appropriated in the Act for these services.

6. The Department of Medical Assistance Services shall, prior to the submission of any state plan amendment or waivers to implement these paragraphs, submit a plan detailing the changes in provider rates, new services added and other programmatic changes to the Director, Department of Planning and Budget and the Chairmen of the House Appropriation and Senate Finance Committees.

7. The department shall have the authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment of this Act.

ZZZ. The Department of Medical Assistance Services shall seek federal authority through waiver and State Plan amendments under Titles XIX and XXI of the Social Security Act to expand the Preferred Office-Based Opioid Treatment (OBOT) model to include individuals with substance use disorders (SUD) that are covered in the Addiction and

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	Recovery Treatment Services (ARTS) benefit. The department shall have the authority to promulgate emergency regulations to implement these amendments within 280 days or less from the enactment of this Act.			
	AAAA. The Department of Medical Assistance Services shall seek federal authority through waiver and State Plan amendments under Titles XIX and XXI of the Social Security Act to extend coverage for pregnant women between 138% and 205% of the Federal Poverty Level to up to one year postpartum. The department shall have the authority to promulgate emergency regulations to implement these amendments within 280 days or less from the enactment of this Act.			
	BBBB.1. Effective July 1, 2021, the Department of Medical Assistance Services (DMAS) shall seek federal authority through waiver and State Plan amendments under Titles XIX and XXI of the Social Security Act to implement a home visiting benefit for pregnant women at risk and postpartum women at risk of poor health outcomes. Prior to implementation, DMAS shall engage all relevant stakeholders in the development of the benefit and gaining the necessary federal approvals.			
	2. Included in this Item is an additional \$1,054,300 the first year and \$11,750,159 the second year from the general fund and \$3,514,556 the first year and \$34,216,923 the second year from nongeneral funds to effect the changes required by paragraph BBBB.1. above. DMAS shall prepare a report that 1) identifies the services included in the proposed benefit; and 2) if the estimated cost of the benefit is consistent with the funding provided in this Act. DMAS shall provide this report, 30 days prior to the submission of a state plan amendment, to the Director, Department of Planning and Budget and the Chairmen of the House Appropriation and Senate Finance Committees. The department shall have the authority to promulgate emergency regulations to implement these amendments within 280 days or less from the enactment of this Act.			
	CCCC. The Department of Medical Assistance Services shall develop and implement episode-based payment models, or bundled payments, for the following conditions: maternity care, asthma, and congestive heart failure. The department shall develop these models with a goal of reducing costs and improving the quality of care for Medicaid members.			
	DDDD.1. Effective July 1, 2020, Department of Medical Assistance Services (DMAS), in consultation with the Department of Behavioral Health and Developmental Services, shall increase provider payment rates for services delivered through the Developmental Disability (DD) waivers:			
	<i>DDDD.1. Effective January 1, 2021, the Department of Medical Assistance Services (DMAS), in consultation with the Department of Behavioral Health and Developmental Services (DBHDS), shall increase provider payment rates for services delivered through the Community Living, Family and Individual Support, and Building Independence Developmental Disability (DD) waivers. The rate increase shall be provided for the following services: Group Home, Sponsored Residential and Group Day Support.</i>			
	<i>2. Effective July 1, 2021, the Department of Medical Assistance Services (DMAS), in consultation with the Department of Behavioral Health and Developmental Services, shall increase provider payment rates for services delivered through the Community Living, Family and Individual Support, and Building Independence Developmental Disability (DD) waivers. The rate increase shall be provided for the following services: Independent Living Supports, Supported Living, In-home Support Services, Group Supported Employment, Workplace Assistance, Community Engagement, Community Coaching and Therapeutic Consultation.</i>			
	23. Included in this Item is an additional \$25,034,884 the first year and \$25,785,930 the second year from the general fund and \$25,034,884 the first year and \$25,785,930 the second year from the nongeneral funds to effect the changes required by the paragraph DDDD.1. above. The DMAS shall prepare a report that 1) identifies the implemented rate and rate increase percentage for each service impacted by this action; and 2) determines whether the estimated cost of each service is consistent with the funding provided in this Act. DMAS shall provide this report to the Director, Department of Planning and Budget and the Chairmen of the House Appropriation and Senate Finance Committees by September December 1, 2020.			
	34. The department shall have the authority to implement these changes prior to the			

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completion of any regulatory process to effect such changes.

EEEE. Effective July 1, 2020, the Department of Medical Assistance Services shall increase rates by 14.7 percent for psychiatric services to the equivalent of 110 percent of Medicare rates. The department shall have the authority to implement these reimbursement changes prior to the completion of any regulatory process to effect such changes.

FFFF. The Department of Medical Assistance Services, shall seek federal authority through waiver and State Plan amendments under Titles XIX and XXI of the Social Security Act to provide care coordination services to individuals who are Medicaid eligible 30 days prior to release from incarceration. The department shall have the authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment of this Act.

GGGG. Effective on and after July 1, 2020, the Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to modify reimbursement for nursing facility services such that the direct peer group price percentage shall be increased to 109.3 percent and the indirect peer group price percentage shall be increased to 103.3 percent. The department shall have the authority to implement these changes effective July 1, 2020 and prior to the completion of any regulatory process undertaken in order to effect such change.

HHHH. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to implement a supplemental disproportionate share hospital (DSH) payment for Chesapeake Regional Hospital up to its hospital-specific disproportionate share hospital limit (OBRA '93 DSH limit) as determined pursuant to 42 U.S.C. Section 1396r-4. The payment shall be made annually based upon the hospital's disproportionate share limit for the most recent year for which the disproportionate share limit has been calculated subject to the availability of DSH funds under the federal allotment of such funds to the department. Prior to submitting the State Plan Amendment, Chesapeake Regional Hospital shall enter into an agreement with the department to transfer the non-federal share of the supplemental DSH payment. Payment of the supplemental DSH payment is contingent upon receipt of intergovernmental transfer of funds or certified public expenditures from Chesapeake Regional Hospital. In the event that Chesapeake Regional Hospital is ineligible to transfer or certify necessary funds pursuant to federal law, the department may amend the State Plan for Medical Assistance to terminate the supplemental DSH payment program. The department shall have the authority to implement these reimbursement changes consistent with effective date(s) approved by the Centers for Medicare and Medicaid Services (CMS). No payments shall be made without CMS approval. In the event, that CMS recoups supplemental DSH hospital funds from the department, Chesapeake Regional Hospital shall reimburse such funds to the department.

IIII. Out of this appropriation, \$733,303 the first year and \$754,247 the second year from the general fund and \$733,303 the first year and \$754,247 the second year from nongeneral funds shall be used to increase the nursing facility direct and indirect operating rates by a uniform percentage for any nursing facilities that underwent a change in ownership subsequent to December 31, 2017, if the Medicaid cost report of a predecessor operator being used by the department to rebase Medicaid price-based operating rates effective July 1, 2020, was audited and the operating costs thereon were materially adjusted due to such predecessor not providing documentation of such costs to the department. The department shall amend the State Plan for Medical Assistance effective July 1, 2020 through June 30, 2023 in order to implement this Item. The department shall also have the authority to implement these reimbursement changes prior to the completion of any regulatory process undertaken in order to effect such change.

JJJJ. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to provide that any nursing facility which thereafter loses its Medicaid capital reimbursement status as a hospital-based nursing facility because a replacement hospital was built at a different location and Medicare rules no longer allow the nursing home's cost to be included on the hospital's Medicare cost report shall have its first fair rental value (FRV) capital payment rate set at the maximum FRV rental rate for a new free-standing nursing facility with the date of acquisition for its capital assets being the date the replacement hospital is licensed. The department shall have the authority to

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implement these reimbursement changes effective July 1, 2020 and prior to the completion of the regulatory process.				
<p>KKKK. Effective July 1, 2020, the department shall amend the State Plan for Medical Assistance to increase the direct and indirect operating rates from 15 percent to 25.4 percent above a facility's calculated price-based rates where at least 80 percent of the resident population have one or more of the following diagnoses: quadriplegia, traumatic brain injury, multiple sclerosis, paraplegia, or cerebral palsy. In addition, a qualifying facility must have at least 90 percent Medicaid utilization and a case mix index of 1.15 or higher in fiscal year 2014. The department shall have the authority to implement this reimbursement methodology change for rates on or after July 1, 2020, and prior to completion of any regulatory process in order to effect such change.</p>				
<p>LLLL. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to establish Specialized Care operating rates for fiscal years 2021 and 2022 by inflating the fiscal year 2020 rates using Virginia nursing home inflation. After fiscal year 2022, the department shall revert to the existing cost-based methodology. The department has the authority to implement this change notwithstanding current regulations and consistent with the approved State Plan amendment.</p>				
<p>MMMM. The Department of Medical Assistance Services shall require Medicaid managed care organizations to reimburse at no less than 90 percent of the state Medicaid program Durable Medical Equipment fee schedule for the same service or item of durable medical equipment, prosthetics, orthotics, and supplies. The department shall have the authority to implement this reimbursement change effective July 1, 20202021 and prior to the completion of any regulatory process undertaken in order to effect such change.</p>				
<p>NNNN. The Department of Medical Assistance Services (DMAS) shall convene an advisory panel of representatives chosen by the Virginia Association of Community Services Boards (VACSB), the Virginia Association of Community-Based Providers (VACBP), the Virginia Coalition of Private Provider Associations (VCOPPA), Caliber, the Virginia Network of Private Providers (VNPP), and the Virginia Hospital and Healthcare Association. The advisory panel shall meet at least every two months with the appropriate staff from DMAS to review and advise on all aspects of the plan for and implementation of the redesign of behavioral health services with a specific focus on ensuring that the systemic plan incorporates development, and maintenance of sustainable business models. Upon advice of the Advisory panel, DMAS may assign staff, as necessary, to review operations of a sample of providers to examine the process for service authorization, the interpretation of the medical necessity criteria, and the claims processing by all Medicaid managed care organizations. DMAS will report their findings from this review to the advisory panel and to the Secretary of Health and Human Resources, and the Chairs of House Appropriations and Senate Finance by December 31, 2020.</p>				
<p>OOOO. The Department of Medical Assistance Services (DMAS) shall convene a workgroup of stakeholders to include representatives of Jill's House, SOAR 365, Virginia Sponsored Residential Provider Group, the Virginia Association of Community Services Boards, the Virginia Network of Private Providers and the Department of Behavioral Health and Developmental Services to review the existing and any proposed regulations governing the provision of respite or personal assistance services to determine the barriers to the provision of these services in a center or residential setting other than the individual's home. DMAS shall consider the option of basing the reimbursement for center-based respite and personal assistance on the Level/Tier as determined by the individual's Supports Intensity Scale score. DMAS shall report on the conclusions of the workgroup to the Chairs of House Appropriations and Senate Finance and Appropriations Committees by December 1, 2020, including whether the department needs emergency regulatory authority to make changes in order to minimize barriers to services and support broader appropriate utilization of the identified services.</p>				
<p>PPPP. The Department of Medical Assistance Services shall review and consider amending regulations governing the practice and requirements for peer recovery services for individuals with mental illness and/or substance use disorder. In reviewing the regulations, the department shall convene stakeholders to assess the existing barriers to providing the service and assist in the development of emergency regulations. Stakeholders shall include, but not be limited to, the Virginia Organization of Consumers Asserting Leadership (VOCAL),</p>				

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<p>Substance Abuse Addiction Recovery Alliance (SAARA), Virginia Network of Private Providers (VNPP), Mental Health America-Virginia (MHA-V), Virginia Association of Community Services Boards (VACSB), and National Alliance for Mental Illness-Virginia (NAMI-V). The department shall have the authority to promulgate emergency regulations to implement changes that are budget neutral within 280 days or less from the enactment of this act. The department shall submit changes that have a fiscal impact as part of the normal budget process for consideration in the 2021 Session.</p>				
<p>QQQQ. The Department of Medical Assistance Services shall adjust the post eligibility special earnings allowance for individuals in the CCC Plus, Community Living, Family and Individual Support and Building Independence waiver programs to incentivize employment for individuals receiving waiver services. DMAS shall lower the number of hours from at least eight hours but less than 20 hours per week requirement to at least four hours but less than 20 hours per week. The Special Earnings Allowance for waiver participants allows a percentage of earned income to be disregarded when calculating an individual's contribution to the cost of their waiver services when earning income. The current requirement is at least eight hours but less than 20 hours per week for a disregard of up to 200 percent of Supplemental Security Income (SSI) and a disregard of up to 300 percent for individuals that work 20 hours or more per week.</p>				
<p>RRRR. The Department of Medical Assistance Services shall conduct an analysis to determine if any additional payment opportunities could be directed to the primary teaching hospital affiliated with a Liaison Committee on Medical Education (LCME) accredited medical school located in Planning District 23 that is a political subdivision of the Commonwealth, based on the department's reimbursement methodology established for such payments. If such opportunity does exist, the department shall work with the entities to determine the framework for implementing such payments, including a reasonable cap on such payments so other qualifying entities are not adversely affected in future years.</p>				
<p>SSSS.1. Effective July 1, 2020, the Department of Medical Assistance Services shall increase the rates for agency and consumer directed personal care, respite and companion services in the home and community based services waivers and Early Periodic Screening, and Diagnosis and Treatment (EPSDT) program by five percent. The department shall have the authority to implement these changes prior to completion of any regulatory process undertaken in order to effect such change.</p>				
<p>2. Effective July 1, 2021, the Department of Medical Assistance Services shall increase the rates for agency and consumer directed personal care, respite and companion services in the home and community based services waivers and Early Periodic Screening, and Diagnosis and Treatment (EPSDT) program by two percent. The department shall have the authority to implement these changes prior to completion of any regulatory process undertaken in order to effect such change.</p>				
<p>TTTT. Out of this appropriation, \$796,755 from the general fund and \$796,755 from nongeneral funds the first year and \$833,109 from the general fund and \$833,109 from nongeneral funds the second year shall be used to increase reimbursement rates for adult day health services provided through Medicaid home- and community-based waiver programs by 10 percent effective July 1, 2020. The department shall have the authority to implement these reimbursement changes prior to the completion of any regulatory process undertaken in order to effect such changes.</p>				
<p>UUUU. Effective July 1, 2020 2021, the Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to increase the practitioner rates for anesthesiologists to reflect the equivalent of 70 percent of the 2019 Medicare rates. The department shall ensure through its contracts with managed care organizations that the rate increase is reflected in their rates to providers. The department shall have the authority to implement these reimbursement changes prior to the completion of any regulatory process undertaken in order to effect such changes.</p>				
<p>VVVV. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to increase the supplemental physician payments for physicians employed at a freestanding children's hospital serving children in Planning District 8 to the maximum allowed by the Centers for Medicare and Medicaid Services within the limit of</p>				

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the appropriation provided for this purpose. The total supplemental Medicaid payment shall be based on the Upper Payment Limit approved by the Centers for Medicare and Medicaid Services and all other Virginia Medicaid fee-for-service payments. The department shall have the authority to implement these reimbursement changes effective July 1, 2020, and prior to the completion of any regulatory process undertaken in order to effect such change.

WWWW. The Department of Medical Assistance Services shall have the authority to amend the State Plan for Medical Assistance or any waiver under Title XIX of the Social Security Act to increase the income eligibility for participation in the Medicaid Works program to 138 percent of the Federal Poverty Level. The department shall have the authority to implement this change prior to the completion of the regulatory process necessary to implement such change.

XXXX. The Department of Medical Assistance Services shall amend the State Plan under Title XIX and XXI to add coverage of tobacco cessation services for full coverage adults who are not enrolled pursuant to the Patient Protection and Affordable Care Act. The department shall have the authority to implement these changes effective July 1, 2020, and prior to the completion of any regulatory process undertaken in order to effect such changes.

YYYY. Effective July 1, ~~2020~~ 2021, the Department of Medical Assistance Services shall increase rates for skilled and private duty nursing services to 80 percent of the benchmark rate developed by the department and consistent with the appropriation available for this purpose. The department shall have the authority to implement these changes prior to the completion of any regulatory process to effect such changes.

ZZZZ. Effective, ~~July 1, 2020~~ January 1, 2021, the Department of Medical Assistance Services shall amend the State Plan for Medical Assistance under Title XIX of the Social Security Act, and any necessary waivers, to authorize time and a half up to *eight hours and effective July 1, 2021, up to* 16 hours for a single attendant who works more than 40 hours per week for attendants providing Medicaid-reimbursed consumer-directed (CD) personal assistance, respite and companion services. The department shall have authority to implement this provision prior to the completion of any regulatory process undertaken in order to effect such change.

AAAAA. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance Services to allow the pending, reviewing and the reducing of fees for avoidable emergency room claims for codes 99282, 99283 and 99284, both physician and facility. The department shall utilize the avoidable emergency room diagnosis code list currently used for Managed Care Organization clinical efficiency rate adjustments. If the emergency room claim is identified as a preventable emergency room diagnosis, the department shall direct the Managed Care Organizations to default to the payment amount for code 99281, commensurate with the acuity of the visit. The department shall have the authority to implement this reimbursement change effective July 1, 2020, and prior to the completion of any regulatory process undertaken in order to effect such change.

BBBBB. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance Services under Title XIX to modify the definition of readmissions to include cases when patients are readmitted to a hospital for the same or a similar diagnosis within 30 days of discharge, excluding planned readmissions, obstetrical readmissions, admissions to critical access hospitals, or in any case where the patient was originally discharged against medical advice. If the patient is readmitted to the same hospital for a potentially preventable readmission then the payment for such cases shall be paid at 50 percent of the normal rate, except that a readmission within five days of discharge shall be considered a continuation of the same stay and shall not be treated as a new case. Similar diagnoses shall be defined as ICD diagnosis codes possessing the same first three digits. The department shall have the authority to implement this reimbursement change effective July 1, 2020, and prior to the completion of any regulatory process undertaken in order to effect such change. The department shall report quarterly on the number of hospital readmissions, the cost, and the primary diagnosis of such readmissions to the Joint Subcommittee for Health and Human Resources Oversight.

CCCCC. The Department of Medical Assistance Services shall establish a workgroup of Medicaid managed care organizations, physicians and pharmacists and other stakeholders, as necessary, to assess policies and procedures, including risk sharing arrangements,

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reimbursement methods or other mechanisms to determine Medicaid coverage and reimbursement of FDA fast-track drugs and emerging-break-through technologies. The assessment shall include an examination of other states' approaches to determine Medicaid coverage, clinical criteria for coverage across the fee-for-service and managed care programs, risk sharing arrangements, and reimbursement methodologies including kick-payments or other pass-through arrangements that are consistent with the utilization and cost of the drug or technology. The assessment will also examine and make recommendations regarding the timeline for providing coverage from the date of FDA approval of the drug or technology. The workgroup shall report on issues and recommendations to the Joint Subcommittee for Health and Human Resources Oversight by September 1, 2020, including any budgetary or regulatory authority required to implement changes for such coverage.

DDDDD. The Department of Medical Assistance Services shall continue working with the Department of Behavioral Health and Developmental Services to complete the actions necessary to qualify to file a Section 1115 waiver application for Serious Mental Illness and/or Serious Emotional Disturbance. The department shall develop such a waiver application at the appropriate time that shall be consistent with the Addiction Treatment and Recovery Services substance abuse waiver program. The department shall develop a plan with a timeline and potential costs savings of such a waiver to the Commonwealth. The department shall provide an update on the status of the waiver by November 1 of each year to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees.

EEEE.1. Effective January 1, 2021, the Department of Medical Assistance Services shall develop and implement an actuarially sound risk adjustment model that addresses the behavioral health acuity differences among the Medicaid managed care organizations for the community well population of individuals who are dually eligible for Medicare and Medicaid currently served through the Commonwealth Coordinated Care (CCC) Plus program. Behavioral Health services shall be defined to include the following: case management services, community behavioral health, early intervention services, and addiction and recovery treatment services. The risk adjustment shall be based on nationally accepted models, such as the Chronic Illness and Disability Payment System (COPS) or Clinical Classifications Software Refined (CCSR), and shall incorporate variables predictive of behavioral health service utilization. Managed care experience shall be utilized as the basis for the risk adjustment.

2. Effective January 1, 2021, the Department of Medical Assistance Services shall develop and implement differential capitation rates for members in behavioral health treatment versus those who are not, for the community well population of individuals who are dually eligible for Medicare and Medicaid currently served through the CCC Plus program. The rates shall be actuarially sound and the behavioral health rates shall additionally incorporate risk adjustment to account for acuity differences amongst the managed care organizations. Behavioral health services shall be defined to include the following: case management services, community behavioral health, early intervention services, and addiction and recovery treatment services. The risk adjustment shall be based on nationally accepted models, such as The Chronic Illness and Disability Payment System (COPS) or Clinical Classifications Software Refined (CCSR), and shall incorporate variables predictive of behavioral health service utilization. Managed care experience shall be utilized as the basis for the establishment of the capitation rates and the risk adjustment.

3. The risk adjustment model and differential capitation rates in these paragraphs shall be implemented such that the impact is budget neutral.

FFFF.1. The Department of Medical Assistance Services shall accept from any county, city, or town provider assessment funds that have been collected, pursuant to an ordinance, from inpatient hospitals to make Medicaid supplemental payments pursuant to the State Plan for Medical Assistance Services amendments 11-018 and 11-019. The Department of Medical Assistance Services shall pay such funds into the state treasury to be credited to the Medicaid Supplemental Payment Program Fund established in subsection 2.

2. There is hereby created in the state treasury a special nonreverting fund to be known as the Medicaid Supplemental Payment Program Fund, referred to in this section as "the

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<p>Fund." The Fund shall be established on the books of the Comptroller. All funds accepted by the Department of Medical Assistance Services from any county, city, or town to make Medicaid supplemental payments pursuant to the State Plan for Medical Assistance Services amendments 11-018 and 11-019 shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purpose of funding the non-federal share of the Medicaid supplemental payment programs authorized by the State Plan for Medical Assistance Services amendments 11-018 and 11-019. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director of the Department of Medical Assistance Services.</p>				
<p>3. Medicaid supplemental payments authorized under amendments 11-018 and 11-019 are strictly applicable to the period October 25, 2011 through June 30, 2017 and will necessarily be applied against the private hospital upper payment limit for each state fiscal year therein. No Medicaid supplemental payments authorized under amendments 11-018 and 11-019 may apply to any state fiscal year or any related private hospital upper payment limit beginning July 1, 2017.</p>				
<p>4. In the event of any federal disallowance action associated with Medicaid supplemental payments paid to qualifying hospitals by the Department of Medical Assistance Services under the authority of amendments 11-018 and 11-019, hospitals in receipt of the Medicaid supplemental payments in dispute or the hospital health system owner shall return to the Department of Medical Assistance Services all federal funds associated with the Medicaid supplemental payments subject to the disallowance action.</p>				
<p>5. The authority of a local government to enact an ordinance to impose an assessment shall be governed by the charter of such local government or pursuant to the Uniform Charters Powers Act.</p>				
<p>6. The authority of the Department of Medical Assistance Services to appropriate monies under amendments 11-018 and 11-019 shall only be permitted as authorized in the budget.</p>				
<p>7. The Department of Medicaid Assistance services shall retain five percent of the federal funding for state costs related to administration of the supplemental payment program and shall deposit such funds into the Health Care Fund.</p>				
<p>8. The provisions of this paragraph are contingent on approval from CMS waiving the two year timely filing requirement and federal approval of the local provider assessment program.</p>				
<p>GGGGG. The Department of Medical Assistance Services shall review reimbursement of services covered under the state's Medicaid program provided by local education agencies to Medicaid eligible children and determine what services can be covered outside of a student's Individualized Education Plan consistent with federal rules and regulations. The department shall evaluate options to consider to allow school divisions to draw down additional federal resources in supporting the needs of school children. The department shall report its findings and recommendations to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by December 15, 2020.</p>				
<p>HHHHH. Free-standing emergency departments, also referred to as dedicated emergency departments as defined in 42 C.F.R. § 489.24(b) that operate as a department of a hospital subject to requirements of the federal Emergency Medical Treatment and Labor Act (42 U.S.C. § 1395dd), and is located off the main hospital campus or in an independent facility, shall submit to the payor upon billing for services rendered (i) the campus location in which their services were rendered, and (ii) an indicator specifying that the services were rendered in a free-standing emergency department.</p>				
<p>IIII.I. Effective January July 1, 2021, the Department of Medical Assistance Services shall have the authority to amend the State Plan of Medical Assistance under Title XIX of the Social Security Act to provide a comprehensive dental benefit to adults. The department shall work with its Dental Advisory Committee, including members of the Virginia Dental Association, the Virginia Health Catalyst, the Virginia Commonwealth University School of Dentistry, the Virginia Dental Hygienists Association, the Virginia Health Care Association, a</p>				

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representative of the developmental and intellectual disability community, the Virginia Department of Health and the administrator of the Smiles for Children program to develop the benefit. The benefit shall be modeled after the existing benefit for pregnant women. The benefit shall include preventive and restorative services and shall not include any cosmetic services or orthodontic services. The Dental Advisory Committee shall design a benefit that does not exceed the appropriated funds to provide such services. The department shall work with its dental benefit administrator, the Virginia Dental Association, the Virginia Association of Free and Charitable Clinics, the Virginia Community Healthcare Association and other stakeholders to ensure an adequate network of providers and awareness among beneficiaries. The department shall report to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees on the benefit design and plans for the implementation of the benefit by November 1, 2020. The department shall have authority to promulgate emergency regulations to implement these changes within 280 days or less from the enactment date of this act.

2. The Department of Planning and Budget shall have the authority to transfer appropriation from Item 317 to Item 316 in this act, as needed, to fund the administrative costs of implementing the new Medicaid dental benefit for adults if the existing appropriation in Item 316 is insufficient.

JJJJ. The Department of Medical Assistance Services shall conduct a review of other state methods and strategies for providing sick leave to personal care attendants and evaluate feasible options for the Commonwealth to consider. The department shall report its findings and recommendations to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by November 1, 2020.

KKKK.1. The Department of Medical Assistance Services, in collaboration with the Virginia Department of Social Services, state workforce agencies and programs, and appropriate stakeholders, shall develop a referral system designed to connect current and newly eligible Medicaid enrollees to employment, training, education assistance and other support services. The department shall review current federal law and regulations that may allow through State Plan amendments, contracts, or other policy changes, the department to support such a referral program. The department shall provide new enrollees in the Medicaid program, that have been identified as being potentially unemployed or underemployed with information on all available state and federal programs available to them that offer training, education assistance or other types of employment support services. The department shall work with its contracted managed care organizations to facilitate referrals to employment related services. To the degree that resources are available in other state agencies or from federal grants to support the referral program and existing authority permits such use, the department shall coordinate the use of such programs to provide assistance to Medicaid enrollees.

2. The department shall report on development of the referral program and make recommendations to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by October 1, 2020.

LLLL. The Department of Medical Assistance Services shall increase nursing home and specialized care per diem rates by \$20 per day per patient effective ~~until June 30, 2021~~ ~~for the period of the Governor's Declaration of a State of Emergency due to COVID-19.~~ Such adjustment shall be made through existing managed care capitation rates as a mandated specified rate increase ~~for the period of the Governor's emergency declaration.~~ DMAS shall adjust capitation rates to account for the nursing facility rate increase. ~~and reflect the duration of the Governor's emergency.~~ ~~Should the nursing facility rate increase necessitate state spending in excess of those funds appropriated in this Item; then, notwithstanding the provisions of §4-3.02 of this Act, the Secretary of Finance may authorize an interest-free treasury loan for DMAS to offset the cost of the required nursing facility rate increase.~~ The department shall have the authority to file all necessary regulatory authorities without delay, make any necessary contract changes, and implement these reimbursement changes without regard to existing regulations. The specified rate increase in this paragraph applies across fee-for-service and Medicaid managed care.

MMMM. *The Department of Medical Assistance Services (DMAS) shall modify the disbursement methodology for the State's allocation of federal CARES Act funding to nursing facilities and assisted living facilities to define eligible costs for reimbursement*

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<i>from this funding as COVID-related costs incurred since March 12, 2020, or as far back as the CARES Act allows.</i>				
<i>NNNNN. The Department of Medical Assistance Services shall submit a request to amend its 1915(c) Home and Community-Based Services (HCBS) waivers with an Emergency Preparedness and Response Appendix K to the Centers for Medicare and Medicaid Services to allow telehealth and virtual and/or distance learning for Group Day, Supported Employment and Benefits Planning services for the duration of the Governor's declared state of emergency due to the COVID-19 pandemic or until the Appendix K expires. The department shall have the authority to implement this change prior to the completion of the regulatory process.</i>				
<i>OOOOO. The Department of Medical Assistance Services shall allow Medicaid agency-directed personal care and respite services to conduct telephonic supervisory visits by a licensed nurse (either a registered nurse or a licensed practical nurse (LPN)). A registered nurse must conduct the supervisory visit at least every 90 calendar days with the LPN making any other supervisory visits during that time. The department's forms shall be used to document the interaction during these phone calls and shall meet the standards already established by the department to include verbal consent, authorization, and confirmation of participation. This flexibility shall remain in place only for the duration of the Governor's declared state of emergency due to the COVID-19 pandemic.</i>				
314.	Not set out.			
315.	Medical Assistance Services for Low Income Children (46600).....		\$218,013,796	\$237,496,600
			\$213,912,225	\$228,204,922
	Reimbursements for Medical Services Provided to Low-Income Children (46601).....		\$218,013,796	\$237,496,600
			\$213,912,225	\$228,204,922
	Fund Sources: General.....		\$68,121,628	\$81,366,975
			\$62,154,540	\$78,114,888
	Federal Trust.....		\$149,892,168	\$156,129,625
			\$151,757,685	\$150,090,034
Authority: Title 32.1, Chapters 9, 10 and 13, Code of Virginia; P.L. 89-97, as amended, Titles XIX and XXI, Social Security Act, Federal Code.				
To the extent that appropriations in this Item are insufficient, the Department of Planning and Budget shall transfer general fund appropriation, as needed, from Children's Health Insurance Program Delivery (44600) and Medicaid Program Services (45600), if available, into this Item to be used as state match for federal Title XXI funds.				
316.	Not set out.			
317.	Not set out.			
317.10	Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted:			

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	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022
		FY 2021		FY 2022
Supplemental Payments for Children's National Medical Center		\$354,766		\$354,766
Fund Managed Care Contract Changes		\$812,600		\$1,014,350
Increase Medicaid Rates for Anesthesiologists		\$253,376		\$262,491
Increase Payment Rate by 9.5% for Nursing Homes with Special Populations		\$493,097		\$506,903
Increase mental health provider rates		\$2,374,698		\$2,458,479
Add 250 DD Waiver Slots in FY 2022		\$0		\$4,133,500
Modify Nursing Facility Operating Rates at Four Facilities		\$733,303		\$754,247
Increase Medicaid Nursing Facility Reimbursement		\$6,794,541		\$6,984,788
Implement episodic payment models for certain conditions		\$75,957		\$124,707
Increase DD Waiver Provider Rates Using Updated Data		\$21,395,221		\$22,037,077
Increase Developmental Disability (DD) waiver rates		\$3,639,663		\$3,748,853
Increase rates for skilled and private duty nursing services		\$6,245,286		\$6,245,286
Provide care coordination prior to release from incarceration		\$347,803		\$465,440
Increase Rates for Psychiatric Residential Treatment Facilities		\$7,599,696		\$7,599,696
Medicaid Rate Setting Analysis		\$300,000		\$0
Add Medicaid Adult Dental Benefits		\$8,743,420		\$25,304,935
Allow Overtime for Personal Care Attendants		\$9,609,223		\$9,609,223
Expand opioid treatment services		\$421,476		\$1,273,633
Medicaid MCO Reimbursement for Durable Medical Equipment		\$345,621		\$352,534
Modify Capital Reimbursement for Certain Nursing Facilities		\$119,955		\$119,955
Allow FAMIS MOMS to access substance use disorder treatment in an institution for mental disease		\$307,500		\$356,775
Fund home visiting services		\$0		\$11,750,159
Fund costs of Medicaid-reimbursable STEP-VA services		\$486,951		\$2,293,826
Extend FAMIS MOMS' postpartum coverage to 12 months		\$1,114,936		\$2,116,376
Enhance behavioral health services		\$3,028,038		\$10,273,553
Medicaid Works for Individuals with Disabilities		\$114,419		\$228,838
Exempt Live-in Caretakers from EVV Program		\$507,500		\$373,000
Expand Tobacco Cessation Coverage		\$34,718		\$34,718
Adjust medical residency award language		\$1,350,000		\$2,600,000
Increase Rate for Adult Day Health Care		\$796,755		\$833,109
Eliminate 40 quarter work requirement for legal permanent residents		\$1,172,091		\$3,289,890

ITEM 317.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Agency Total	\$79,572,610		\$127,501,107	
Total for Department of Medical Assistance Services.			\$16,837,588,064	\$17,981,096,468
			\$17,063,136,781	\$17,820,593,922
General Fund Positions.....	260.02	260.02		
Nongeneral Fund Positions.....	269.98	269.98		
Position Level.....	530.00	530.00		
Fund Sources: General.....	\$5,374,833,685	\$5,741,826,660		
	\$5,080,884,916	\$5,660,313,505		
Special.....	\$2,585,000	\$3,575,000		
Dedicated Special Revenue.....	\$1,349,813,042	\$1,422,956,718		
	\$1,336,766,939	\$1,427,416,718		
Federal Trust.....	\$10,110,356,337	\$10,812,738,090		
	\$10,642,899,926	\$10,729,288,699		

§ 1-62. DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES (720)

318.	Not set out.			
319.	Not set out.			
320.	Administrative and Support Services (49900).....		\$123,177,138	\$110,597,199
			\$123,238,341	\$110,719,604
	General Management and Direction (49901).....	\$21,016,747	\$21,016,747	
	Information Technology Services (49902).....	\$43,783,399	\$37,450,870	
	Architectural and Engineering Services (49904).....	\$2,731,753	\$2,731,753	
	Collection and Locator Services (49905).....	\$3,195,236	\$3,195,236	
	Human Resources Services (49914).....	\$615,324	\$615,324	
	Planning and Evaluation Services (49916).....	\$3,626	\$3,626	
	Program Development and Coordination (49933).....	\$51,831,053	\$45,583,643	
		\$51,892,256	\$45,706,048	
	Fund Sources: General.....	\$64,685,318	\$65,746,308	
		\$64,746,521	\$65,868,713	
	Special.....	\$20,996,019	\$15,555,090	
	Dedicated Special Revenue.....	\$8,200,000	\$0	
	Federal Trust.....	\$29,295,801	\$29,295,801	

Authority: Title 16.1, Article 18, and Title 37.2, Chapters 2, 3, 4, 5, 6 and 7, and Title 2.2, Chapters 26 and 53 Code of Virginia; P.L. 102-119, Federal Code.

A. The Commissioner, Department of Behavioral Health and Developmental Services shall, at the beginning of each fiscal year, establish the current capacity for each facility within the system. When a facility becomes full, the commissioner or his designee shall give notice of the fact to all sheriffs.

B. The Commissioner, Department of Behavioral Health and Developmental Services shall work in conjunction with community services boards to develop and implement a graduated plan for the discharge of eligible facility clients to the greatest extent possible, utilizing savings generated from statewide gains in system efficiencies.

C. Notwithstanding § 4-5.09 of this act and paragraph C of § 2.2-1156, Code of Virginia, the Department of Behavioral Health and Developmental Services is hereby authorized to deposit the entire proceeds of the sales of surplus land at state-owned behavioral health and intellectual disability facilities into a revolving trust fund. The trust fund may initially be used for expenses associated with restructuring such facilities. Remaining proceeds after such expenses shall be dedicated to continuing services for current patients as facility services are restructured.

D. The Department of Behavioral Health and Developmental Services shall identify and create opportunities for public-private partnerships and develop the incentives necessary to establish and maintain an adequate supply of acute-care psychiatric beds for children and

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adolescents.				
<p>E. The Department of Behavioral Health and Developmental Services, in cooperation with the Department of Juvenile Justice, where appropriate, shall identify and create opportunities for public-private partnerships and develop the incentives necessary to establish and maintain an adequate supply of residential beds for the treatment of juveniles with behavioral health treatment needs, including those who are mentally retarded, aggressive, or sex offenders, and those juveniles who need short-term crisis stabilization but not psychiatric hospitalization.</p>				
<p>F. Out of this appropriation, \$730,788 the first year and \$730,788 the second year from the general fund shall be provided for placement and restoration services for juveniles found to be incompetent to stand trial pursuant to Title 16.1, Chapter 11, Article 18, Code of Virginia.</p>				
<p>G. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the general fund shall be used to pay for legal and medical examinations needed for individuals living in the community and in need of guardianship services.</p>				
<p>H.1. Out of this appropriation, \$554,975 the first year and \$554,975 the second year from the general fund shall be provided for clinical evaluations and court testimony for sexually violent predators who are being considered for release from state correctional facilities and who will be referred to the Clinical Review Committee for psycho-sexual evaluations prior to the state seeking civil commitment</p>				
<p>2. Out of this appropriation, \$2,628,360 the first year and \$2,864,912 the second year from the general fund shall be provided for conditional release services, including treatment, and costs associated with contracting with Global Positioning System service to closely monitor the movements of individuals who are civilly committed to the sexually violent predator program but conditionally released as provided by the Department of Corrections, outlined in the Memorandum of Understanding between the two agencies and pursuant to §37.2-912 of the Code of Virginia.</p>				
<p>I. Out of this appropriation, \$146,871 the first year and \$146,871 the second year from the general fund shall be used to operate a real-time reporting system for public and private acute psychiatric beds in the Commonwealth.</p>				
<p>J. The Department of Behavioral Health and Developmental Services shall submit a report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than December 1 of each year for the preceding fiscal year that provides information on the operation of Virginia's publicly-funded behavioral health and developmental services system. The report shall include a brief narrative and data on the numbers of individuals receiving state facility services or CSB services, including purchased inpatient psychiatric services, the types and amounts of services received by these individuals, and CSB and state facility service capacities, staffing, revenues, and expenditures. The annual report also shall describe major new initiatives implemented during the past year and shall provide information on the accomplishment of systemic outcome and performance measures during the year.</p>				
<p>K. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the general fund shall be used for a comprehensive statewide suicide prevention program. The Commissioner of the Department of Behavioral Health and Developmental Services, in collaboration with the Departments of Health, Education, Veterans Services, Aging and Rehabilitative Services, and other partners shall develop and implement a statewide program of public education, evidence-based training, health and behavioral health provider capacity-building, and related suicide prevention activity.</p>				
<p>L.1. Beginning October 1, 2013, the Commissioner of the Department of Behavioral Health and Developmental Services shall provide quarterly reports to the House Appropriations and Senate Finance Committees on progress in implementing the plan to close state training centers and transition residents to the community. The reports shall provide the following information on each state training center: (i) the number of authorized representatives who have made decisions regarding the long-term type of placement for the resident they represent and the type of placement they have chosen; (ii)</p>				

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<p>the number of authorized representatives who have not yet made such decisions; (iii) barriers to discharge; (iv) the general fund and nongeneral fund cost of the services provided to individuals transitioning from training centers; and (v) the use of increased Medicaid reimbursement for congregate residential services to meet exceptional needs of individuals transitioning from state training centers.</p>				
<p>2. At least six months prior to the closure of a state intellectual disabilities training center, the Commissioner of Behavioral Health and Developmental Services shall complete a comprehensive survey of each individual residing in the facility slated for closure to determine the services and supports the individual will need to receive appropriate care in the community. The survey shall also determine the adequacy of the community to provide care and treatment for the individual, including but not limited to, the appropriateness of current provider rates, adequacy of waiver services, and availability of housing. The Commissioner shall report quarterly findings to the Governor and Chairmen of the House Appropriations and Senate Finance Committees.</p>				
<p>3. The department shall convene quarterly meetings with authorized representatives, families, and service providers in Health Planning Regions I, II, III and IV to provide a mechanism to (i) promote routine collaboration between families and authorized representatives, the department, community services boards, and private providers; (ii) ensure the successful transition of training center residents to the community; and (iii) gather input on Medicaid waiver redesign to better serve individuals with intellectual and developmental disability.</p>				
<p>4. In the event that provider capacity cannot meet the needs of individuals transitioning from training centers to the community, the department shall work with community services boards and private providers to explore the feasibility of developing (i) a limited number of small community group homes or intermediate care facilities to meet the needs of residents transitioning to the community, and/or (ii) a regional support center to provide specialty services to individuals with intellectual and developmental disabilities whose medical, dental, rehabilitative or other special needs cannot be met by community providers. The Commissioner shall report on these efforts to the House Appropriations and Senate Finance Committees as part of the quarterly report, pursuant to paragraph L.1.</p>				
<p>M. The Department of Behavioral Health and Developmental Services in collaboration with the Department of Medical Assistance Services shall provide a detailed report for each fiscal year on the budget, expenditures, and number of recipients for each specific intellectual disability (ID) and developmental disability (DD) service provided through the Medicaid program or other programs in the Department of Behavioral Health and Developmental Services. This report shall also include the overall budget and expenditures for the ID, DD and Day Support waivers separately. The Department of Medical Assistance Services shall provide the necessary information to the Department of Behavioral Health and Developmental Services 90 days after the end of each fiscal year. This information shall be published on the Department of Behavioral Health and Developmental Services' website within 120 days after the end of each fiscal year.</p>				
<p>N. Effective July 1, 2015, the Department of Behavioral Health and Developmental Services shall not charge any fee to Community Services Boards or private providers for use of the knowledge center, an on-line training system.</p>				
<p>O. Out of this appropriation, \$600,000 the first year and \$600,000 the second year from the general fund shall be used to provide mental health first aid training and certification to recognize and respond to mental or emotional distress. Funding shall be used to cover the cost of personnel dedicated to this activity, training, manuals, and certification for all those receiving the training.</p>				
<p>P. Out of this appropriation, \$752,170 the first year and \$752,170 the second year from the general fund is provided to establish community support teams responsible for the development and oversight of a continuum of integrated community settings for individuals leaving state hospitals.</p>				
<p>Q. The Department of Behavioral Health and Developmental Services and the Department of Medical Assistance Services shall recognize Certified Employment Support Professional (CESP) and Association of Community Rehabilitation Educators (ACRE) certifications in lieu of competency requirements for supported employment staff in the developmental</p>				

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<p>disability Medicaid waiver programs to allow providers that are Department of Aging and Rehabilitative Services (DARS) vendors that hold a national three-year accreditation from the National Council on Accreditation of Rehabilitation Facilities (CARF) to be deemed qualified to meet employment competency requirements.</p>				
<p>R. The Department of General Services, in cooperation with the Department of Behavioral Health and Developmental Services, shall work with James City County to identify a minimum of 10 acres on the Eastern State Hospital site for the location of a new facility for Colonial Behavioral Health, which may or may not include a joint facility with Olde Towne Medical Center. The subject acres shall be transferred to James City County upon such terms and conditions as may be agreed to by the parties.</p>				
<p>S.1. The Department of Behavioral Health and Developmental Services for each fiscal year shall report the number of waiver slots, by waiver, that becomes available for reallocation during the year. In addition, the department shall report on the allocation of emergency waiver slots and reserve slots, which shall include how many slots were allocated in the year and for which waiver. The information on reserve slots shall indicate for which waiver the reserve slot was used and the waiver from which the individual moved that was granted the slot. Furthermore, the report shall show the allocations by each Community Services Board from new waiver slots, emergency slots and reserve slots for the year. The department shall submit this report for the prior fiscal year, ending June 30, by September 1 of each year.</p>				
<p>2. The department shall report within 30 days after the close of each quarter, the number of new slots for the fiscal year that have been allocated by Community Services and of those how many are accessing services. The report shall be provided on the department's website.</p>				
<p>T.1. Out of this appropriation, \$75,000 the first year and \$75,000 the second year from the general fund is provided for compensation to individuals who were involuntarily sterilized pursuant to the Virginia Eugenical Sterilization Act and who were living as of February 1, 2015. Any funds that are appropriated but remain unspent at the end of the fiscal year shall be carried forward into the subsequent fiscal year in order to provide compensation to individuals who qualify for compensation.</p>				
<p>2. A claim may be submitted on behalf of an individual by a person lawfully authorized to act on the individual's behalf. A claim may be submitted by the estate of or personal representative of an individual who died on or after February 1, 2015.</p>				
<p>3. Reimbursement shall be contingent on the individual or their representative providing appropriate documentation and information to certify the claim under guidelines established by the department.</p>				
<p>4. Reimbursement per verified claim shall be \$25,000 and shall be contingent on funding being available, with disbursements being prioritized based on the date at which sufficient documentation is provided.</p>				
<p>5. Should the funding provided in the paragraph be exhausted prior to the end of the fiscal year, the department may use available special fund revenue balances to provide compensation. The department shall report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees on a quarterly basis on the number of additional individuals who have applied.</p>				
<p>U. The Department of Behavioral Health and Development Services and the Department of Medical Assistance Services shall not implement the proposed individualized supports budget process for the Medicaid Community Living, Family and Individual Support and Building Independence Waiver programs without the explicit authorization of the General Assembly through legislation or authorizing budget language.</p>				
<p>V. The Department of Behavioral Health and Developmental Services shall report on the allocation and funding for Programs of Assertive Community Treatment (PACT) in the Commonwealth. The report shall include information on the cost of each team, the cost per individual served and the cost effectiveness of each PACT in diverting individuals from state and local hospitalization and stabilizing individuals in the community. The department shall provide the report to the Chairmen of the House Appropriations and</p>				

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Senate Finance Committees by November 1, of each year.				
<p>W. The Department of Behavioral Health and Developmental Services shall work with the Fairfax-Falls Church Community Services Board, and the provider, to ensure that future openings for the Miller House in Falls Church allow residents of Falls Church, that have been allocated a developmental disability waiver slot, be given first choice in the Miller House, if the group home is appropriate to meet their needs. In addition, the department shall work with the Community Services Board and the City of Falls Church to explore options for establishing a special allocation within the Community Services Board allocation of waiver slots for Falls Church residents who are on the Priority One waiting list and could live in the Miller House when future openings occur in the group home.</p>				
<p>X. The Department of Behavioral Health and Developmental Services shall lease 25 acres of land at Eastern State Hospital to Hope Family Village Corporation for one dollar for the development of a village of residence and common areas to create a culture of self-care and neighborly support for families and their loved ones impacted by serious mental illness. The department shall work with the Hope Family Village Corporation to identify a 25 acre plot of land that is suitable for the project.</p>				
<p>Y. The Department of Behavioral Health and Developmental Services shall report a detailed accounting, annually, of the agency's organization and operations. This report shall include an organizational chart that shows all full- and part-time positions (by job title) employed by the agency as well as the current management structure and unit responsibilities. The report shall also provide a summary of organization changes implemented over the previous year. The report shall be made available on the department's website by August 15, of each year.</p>				
<p>Z.1. A joint subcommittee of the House Appropriations and Senate Finance Committees, in collaboration with the Secretary of Health and Human Resources and the Department of Behavioral Health and Developmental Services, shall continue to monitor and review the status of the closure of Central Virginia Training Center. As part of this review process the joint subcommittee may evaluate options for those individuals in any remaining training centers with the most intensive medical and behavioral needs to determine the appropriate types of facility or residential settings necessary to ensure the care and safety of those residents is appropriately factored into the overall plan to transition to a more community-based system. In addition, the joint subcommittee may review any plans for the redesign of the Intellectual Disability, Developmental Disability and Day Support Waivers.</p>				
<p>2. To assist the joint subcommittee, the Department of Behavioral Health and Developmental Services shall provide a quarterly accounting of the costs to operate and maintain any remaining training centers at a level of detail as determined by the joint subcommittee. The quarterly reports for the first, second and third quarter shall be due to the joint subcommittee 20 days after the close of the quarter. The fourth quarter report shall be due on August 15 of each year.</p>				
<p>AA. Notwithstanding the provisions of the Acts of Assembly, Chapter 610, of the 2019 Session or any other provision of law, the Department of General Services is hereby authorized to sell, pursuant to § 2.2-1156, certain real property in Carroll County outside the town of Hillsville on which the former Southwestern Virginia Training Center was situated, subject to the following conditions: (1) the sale price shall be, at a minimum, an amount sufficient to fully cover any debt or other financial obligations currently on the property; (2) the purchaser shall be responsible for all transactional expenses associated with the transfer of the property; and (3) the sale shall be made to a health care company that agrees to use the property for the provision of health care services for a minimum of five years established through a deed restriction.</p>				
<p>BB. Included in this item is \$150,000 the first year and \$150,000 the second year from the general fund to support substance abuse treatment utilizing non-narcotic, long-acting, injectable prescription drug treatment regimens ("treatment") used in conjunction with drug treatment court programs. Such treatment may be utilized in approved drug treatment court programs. In allocating such funding, the department shall consider the rate of fatalities within the locality, whether a drug treatment court program is available and whether such program utilizes medication-assisted treatment. The drug treatment court programs utilizing this funding shall use these resources to support provider fees, counseling and patient monitoring for participants, and medication to participants in which the costs of treatment services would</p>				

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not otherwise be covered. The Department of Behavioral Health and Developmental Services shall submit a report to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees no later than December 1 of each year for the preceding fiscal year that provides information on the number of participants, the number of drug courts that utilized the funding and the number of treatments administered. Any adult drug treatment court that accesses this funding shall provide all necessary information to the Department of Behavioral Health and Developmental Services to prepare this report.

CC.1. Out of this appropriation, \$7,500,000 the first year and \$7,500,000 the second year from the general fund is provided for the Department of Behavioral Health and Developmental Services (DBHDS) to pursue alternative inpatient options to state behavioral health hospital care through the establishment of two-year pilot projects that will reduce census pressures on state hospitals. Proposals shall be evaluated on: (i) the expected impact on state hospital bed use, including the impact on the extraordinary barrier list; (ii) the speed by which the project can become operational; (iii) the start-up and ongoing costs of the project; (iv) the sustainability of the project without the use of ongoing general funds; (v) the alignment between the project target population and the population currently being admitted to state hospitals; and (vi) the applicant's history of success in meeting the needs of the target population. No project shall be allocated more than \$2.5 million each year. Projects may include public-private partnerships, to include contracts with private entities. The department shall give preference to projects that serve individuals who would otherwise be admitted to a state hospital operated by DBHDS, that can be rapidly implemented, and provide the best long-term outcomes for patients. Consideration may be given to regional projects addressing comprehensive psychiatric emergency services, complex medical and neuro-developmental needs of children and adolescents receiving inpatient behavioral health services, and addressing complex medical needs of adults receiving inpatient behavioral health services. Any unexpended balance in this appropriation on June 30, 2021, shall be reappropriated for this purpose in the next fiscal year to fund project costs.

2. The department shall report quarterly on projects awarded with details on each project and its projected impact on the state behavioral health hospital census. The report shall be submitted to the Chairs of House Appropriations and Senate Finance and Appropriations Committees no later than 30 days after each quarter ends.

3. Notwithstanding any other provision of law, the contracts DBHDS enters into pursuant to paragraph AA.1. shall be exempt from competition as otherwise required by the Virginia Public Procurement Act (§§ 2.2-4300 through 2.2-4377, Code of Virginia).

DD. The Department of Behavioral Health and Developmental Services, in collaboration with the Department of General Services, shall establish a workgroup to inventory the department's vacant and surplus properties and buildings and develop a plan for the potential disposition of those properties. The plan shall include various cost options for the demolition of buildings, environmental remediation, options to fund bond defeasance costs, or other costs necessary to prepare the property to be sold or utilized for a different purpose. The workgroup shall initially focus on the Central Virginia Training Center in Madison Heights, vacant buildings at the Southwestern Virginia Mental Health Institute in Marion, and the previous Southern Virginia Training Center in Petersburg. The department shall submit the plan by November 15, 2020 to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees.

EE. The Department of Behavioral Health and Developmental Services shall conduct a review of the Commonwealth's Sexually Violent Predator Program to examine programmatic and community options that could reduce the number of individuals that are committed to the Virginia Center for Behavioral Health. The department shall report on these options to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by October 1, 2020.

FF. The Department of Behavioral Health and Developmental Services shall develop a plan to convert Crisis Intervention Team Assessment Centers (CITACs) to 24-hour, seven-day operations and moving toward regional CITAC sites. This plan shall include the costs and recommended areas of the Commonwealth for at least three assessment centers in fiscal year 2022. The department shall submit the plan to the Chairs of the House

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Appropriations and Senate Finance and Appropriations Committees by October 1, 2020.

GG. The Department of Behavioral Health and Developmental Services is authorized to collaborate with the Children's Hospital of the King's Daughters (CHKD) to develop a memorandum of understanding (MOU) for dedicating a portion of the future bed capacity of a 60-bed mental health hospital at CHKD for use in providing treatment services to children or adolescents that may otherwise be admitted to the Commonwealth Center for Children and Adolescents (CCCA). The MOU should detail the priority populations that would be best served at CHKD and that assists the Commonwealth in reducing census pressure on CCCA. As part of the MOU the department and CHKD shall develop an estimated financial contribution for the potential benefit of such an arrangement to the Commonwealth. The department shall report on the details of the MOU to the Governor and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by November 1, 2020.

HH. Out of this appropriation, \$940,000 the first year and \$940,000 the second year from the general fund shall be provided to Commonwealth Autism Services to assist in coordination of services for people with developmental disabilities in regards to autism assessments and services in Virginia.

321. Not set out.

321.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted:

	FY 2021	FY 2022		
Provide additional funds for the Virginia Mental Health Access Program	\$4,224,388		\$4,224,388	
Provide funds for administrative costs of STEP-VA	\$726,807		\$1,222,908	
Train workforce in preparation for behavioral health redesign	\$129,253		\$129,253	
Jewish Foundation for Group Homes	\$89,396		\$35,818	
Adverse childhood experiences initiative	\$143,260		\$143,260	
Alternative transportation from state hospitals	\$150,000		\$150,000	
Increase funding for statewide discharge assistance plans	\$7,500,000		\$12,500,000	
Provide grants to recovery residences	\$250,000		\$250,000	
Pilot Programs for facility census reduction	\$7,500,000		\$7,500,000	
Agency Total	\$20,713,104		\$26,155,627	
Total for Department of Behavioral Health and Developmental Services.....			\$178,602,337	\$170,068,820
			\$178,663,540	\$170,191,225
General Fund Positions.....	474.50	474.50		
	475.50	475.50		

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Nongeneral Fund Positions.....	31.75	31.75		
Position Level.....	506.25	506.25		
	507.25	507.25		
Fund Sources: General.....	\$116,540,991	\$124,648,403		
	\$116,602,194	\$124,770,808		
Special.....	\$21,152,603	\$15,711,674		
Dedicated Special Revenue.....	\$11,200,000	\$0		
Federal Trust.....	\$29,708,743	\$29,708,743		

Grants to Localities (790)

322.	Financial Assistance for Health Services (44500).....		\$540,317,960	\$562,590,641
				\$565,590,641
	Community Substance Abuse Services (44501).....	\$122,527,688	\$122,527,688	
	Community Mental Health Services (44506).....	\$318,733,256	\$338,381,297	
				\$341,381,297
	Community Developmental Disability Services (44507).....	\$99,057,016	\$101,681,656	
	Fund Sources: General.....	\$446,517,960	\$472,590,641	
				\$475,590,641
	Dedicated Special Revenue.....	\$3,800,000	\$0	
	Federal Trust.....	\$90,000,000	\$90,000,000	

Authority: Title 37.2, Chapters 5 and 6; Title 2.2, Chapter 53, Code of Virginia.

A. It is the intent of the General Assembly that community mental health, intellectual disability and substance abuse services are to be improved throughout the state. Funds provided in this Item shall not be used to supplant the funding effort provided by localities for services existing as of June 30, 1996.

B. Further, it is the intent of the General Assembly that funds appropriated for this Item may be used by Community Services Boards to purchase, develop, lease, or otherwise obtain, in accordance with §§ 37.2-504 and 37.2-605, Code of Virginia, real property necessary to the provision of residential services funded by this Item.

C. Out of the appropriation for this Item, funds are provided to Community Services Boards in an amount sufficient to reimburse the Virginia Housing Development Authority for principal and interest payments on residential projects for the mentally disabled financed by the Housing Authority.

D. The Department of Behavioral Health and Developmental Services shall make payments to the Community Services Boards from this Item in twenty-four equal semimonthly installments, except for necessary budget revisions or the operational phase-in of new programs.

E. Failure of a board to participate in Medicaid covered services and to meet all requirements for provider participation shall result in the termination of a like amount of state grant support.

F. Community Services Boards may establish a line of credit loan for up to three months' operating expenses to assure adequate cash flow.

G. Out of this appropriation \$190,000 the first year and \$190,000 the second year from the general fund shall be provided to Virginia Commonwealth University for the continued operation and expansion of the Virginia Autism Resource Center.

H.1. Out of this appropriation, \$22,306,813 the first year and \$23,656,453 the second year from the general fund shall be provided for Virginia's Part C Early Intervention System for infants and toddlers with disabilities.

2. By November 15 of each year, the department shall report to the Chairmen of the House Appropriations and Senate Finance Committees on the (a) total revenues used to support Part C services, (b) total expenses for all Part C services, (c) total number of infants, toddlers and families served using all Part C revenues, and (d) services provided to those

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infants, toddlers, and families.				
<p>I. Out of this appropriation \$6,148,128 the first year and \$6,148,128 the second year from the general fund shall be provided for mental health services for children and adolescents with serious emotional disturbances and related disorders, with priority placed on those children who, absent services, are at-risk for custody relinquishment, as determined by the Family and Assessment Planning Team of the locality. The Department of Behavioral Health and Developmental Services shall provide these funds to Community Services Boards through the annual Performance Contract. These funds shall be used exclusively for children and adolescents, not mandated for services under the Comprehensive Services Act for At-Risk Youth, who are identified and assessed through the Family and Assessment Planning Teams and approved by the Community Policy and Management Teams of the localities. The department shall provide these funds to the Community Services Boards based on an individualized plan of care methodology.</p>				
<p>J. The Commissioner, Department of Behavioral Health and Developmental Services shall allocate \$1,000,000 the first year and \$1,000,000 the second year from the federal Community Mental Health Services Block Grant for two specialized geriatric mental health services programs. One program shall be located in Health Planning Region II and one shall be located in Health Planning Region V. The programs shall serve elderly populations with mental illness who are transitioning from state mental health geriatric units to the community or who are at risk of admission to state mental health geriatric units. The commissioner is authorized to reduce the allocation in each year in an amount proportionate to any reduction in the federal Community Mental Health Services Block Grant funds awarded to the Commonwealth.</p>				
<p>K. The Commissioner, Department of Behavioral Health and Developmental Services shall allocate \$750,000 the first year and \$750,000 the second year from the federal Community Mental Health Services Block Grant for consumer-directed programs offering specialized mental health services that promote wellness, recovery and improved self-management. The commissioner is authorized to reduce the allocation in each year in an amount proportionate to any reduction in the federal Community Mental Health Services Block Grant funds awarded to the Commonwealth.</p>				
<p>L. Out of this appropriation, \$2,197,050 the first year and \$2,197,050 the second year from the general fund shall be used for jail diversion and reentry services. Funds shall be distributed to community-based contractors based on need and community preparedness as determined by the commissioner.</p>				
<p>M. Out of this appropriation, \$2,400,000 the first year and \$2,400,000 the second year from the general fund shall be used for treatment and support services for substance use disorders, including individuals with acquired brain injury and co-occurring substance use disorders. Funded services shall focus on recovery models and the use of best practices.</p>				
<p>N. Out of this appropriation, \$2,780,645 the first year and \$2,780,645 the second year from the general fund shall be used to provide outpatient clinician services to children with mental health needs. Each Community Services Board shall receive funding as determined by the commissioner to increase the availability of specialized mental health services for children. The department shall require that each Community Services Board receiving these funds agree to cooperate with Court Service Units in their catchment areas to provide services to mandated and nonmandated children, in their communities, who have been brought before Juvenile and Domestic Relations Courts and for whom treatment services are needed to reduce the risk these children pose to themselves and their communities or who have been referred for services through family assessment and planning teams through the Comprehensive Services Act for At-Risk Youth and Families.</p>				
<p>O. Out of this appropriation, \$17,701,997 the first year and \$17,701,997 the second year from the general fund shall be used to provide emergency services, crisis stabilization services, case management, and inpatient and outpatient mental health services for individuals who are in need of emergency mental health services or who meet the criteria for mental health treatment set forth pursuant to §§ 19.2-169.6, 19.2-176, 19.2-177.1, 37.2-808, 37.2-809, 37.2-813, 37.2-815, 37.2-816, 37.2-817 and 53.1-40.2 of the Code of Virginia. Funding provided in this item also shall be used to offset the fiscal impact of (i) establishing and providing mandatory outpatient treatment, pursuant to House Bill 499 and Senate Bill 246, 2008 Session of General</p>				

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<p>Assembly; and (ii) attendance at involuntary commitment hearings by community services board staff who have completed the prescreening report, pursuant to §§ 19.2-169.6, 19.2-176, 19.2-177.1, 37.2-808, 37.2-809, 37.2-813, 37.2-815, 37.2-816, 37.2-817 and 53.1-40.2 of the Code of Virginia.</p>				
<p>P. Out of this appropriation, \$10,475,000 the first year and \$10,475,000 the second year from the general fund shall be used to provide community crisis intervention services in each region for individuals with intellectual or developmental disabilities and co-occurring mental health or behavioral disorders.</p>				
<p>Q. Out of this appropriation, \$1,900,000 the first year and \$1,900,000 the second year from the general fund shall be used for community-based services in Health Planning Region V. These funds shall be used for services intended to delay or deter placement, or provide discharge assistance for patients in a state mental health facility.</p>				
<p>R. Out of this appropriation, \$2,000,000 the first year and \$2,000,000 the second year from the general fund shall be used for crisis stabilization and related services statewide intended to delay or deter placement in a state mental health facility.</p>				
<p>S. Out of this appropriation, \$8,400,000 the first year and \$8,400,000 the second year from the general fund shall be used to provide child psychiatry and children's crisis response services for children with mental health and behavioral disorders. These funds, divided among the health planning regions based on the current availability of the services, shall be used to hire or contract with child psychiatrists who can provide direct clinical services, including crisis response services, as well as training and consultation with other children's health care providers in the health planning region such as general practitioners, pediatricians, nurse practitioners, and community service boards staff, to increase their expertise in the prevention, diagnosis, and treatment of children with mental health disorders. Funds may also be used to create new or enhance existing community-based crisis response services in a health planning region, including mobile crisis teams and crisis stabilization services, with the goal of diverting children from inpatient psychiatric hospitalization to less restrictive services in or near their communities. The Department of Behavioral Health and Developmental Services shall include details on the use of these funds in its annual report on the System Transformation, Excellence and Performance in Virginia (STEP-VA) process.</p>				
<p>T.1. Out of this appropriation, \$10,500,000 the first year and \$10,500,000 the second year from the general fund shall be used for up to 32 drop-off centers to provide an alternative to incarceration for people with serious mental illness and individuals with acquired brain injury and co-occurring serious mental health illness. Priority for new funding shall be given to programs that have implemented Crisis Intervention Teams pursuant to § 9.1-102 and § 9.1-187 et seq. of the Code of Virginia and have undergone planning to implement drop-off centers.</p>				
<p>2. Out of this appropriation, \$1,800,000 the first year and \$1,800,000 the second year from the general fund is provided for Crisis Intervention assessment centers in six unserved rural communities.</p>				
<p>3. Out of this appropriation, \$657,648 the first year and \$657,648 the second year from the general fund is provided for CIT training programs in six rural communities.</p>				
<p>U. Out of this appropriation, \$2,750,000 the first year and \$2,750,000 the second year from the general fund shall be for crisis services for children with intellectual or developmental disabilities.</p>				
<p>V. Out of this appropriation, \$35,500,441 the first year and \$35,500,411 the second year from the general fund shall be used to provide community-based services or acute inpatient services in a private facility to individuals residing in state hospitals who have been determined clinically ready for discharge, and for continued services for those individuals currently being served under a discharge assistance plan. Of this appropriation, \$1,305,000 the first year and \$1,305,000 the second year shall be allocated for individuals currently or previously residing at Western State Hospital.</p>				
<p>W. Out of this appropriation, \$620,000 the first year and \$620,000 the second year from the general fund shall be used for telepsychiatry and telemedicine services.</p>				

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X.	Out of this appropriation, \$4,000,000 the first year and \$4,000,000 the second year from the general fund shall be used for community-based mental health outpatient services for youth and young adults.			
Y.	Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the general fund shall be used to increase mental health inpatient treatment purchased in community hospitals. Priority shall be given to regions that exhaust available resources before the end of the year in order to ensure treatment is provided in the community and do not result in more restrictive placements.			
Z.1.	Out of this appropriation, \$25,583,710 the first year and \$34,038,710 the second year from the general fund is provided for programs for permanent supportive housing for individuals with serious mental illness.			
2.	The Department of Behavioral Health and Developmental Services shall report on the number of individuals who are discharged from state behavioral health hospitals who receive supportive housing services, the number of individuals who are on the hospitals' extraordinary barrier list who could receive supportive housing services, and the number of individuals in the community who receive supportive housing services and whether they are at risk of institutionalization. In addition, the department shall report on the average length of stay in permanent supportive housing for individuals receiving such services and report how the funding is reinvested when individuals discontinue receiving such services. The report shall be provided to the Chairmen of the House Appropriations and Senate Finance Committee by November 1 of each year.			
AA.	Out of this appropriation, \$400,000 the first year and \$400,000 the second year is provided for rental subsidies and associated costs for individuals served through the Rental Choice VA program.			
BB.	Out of this appropriation, \$7,897,833 the first year from the general fund and \$3,800,000 the first year from the Behavioral Health and Developmental Services Trust Fund and \$13,062,833 the second year from the general fund shall be used for a program of rental subsidies for individuals with intellectual and developmental disabilities.			
CC.	Out of this appropriation, \$5,000,000 the first year and \$5,000,000 the second year from the general fund is provided to increase access to medication assisted treatment for individuals with substance use disorders who are addicted to opioids. In expending this amount, the department shall ensure that preferred drug classes shall include non-narcotic, non-addictive, injectable prescription drug treatment regimens. The department shall ensure that a portion of the funding is used for non-narcotic, non-addictive, prescription drug treatment regimens for individuals who are: (i) on probation; (ii) in an institution, prison, or jail; or (iii) not able for clinical or other reasons to participate in buprenorphine or methadone based drug treatment regimens.			
DD.	Out of this appropriation, \$1,000,000 the first year and \$1,000,000 the second year from the general fund is provided for community detoxification and sobriety services for individuals in crisis.			
EE.	Out of this appropriation, \$880,000 the first year and \$880,000 the second year from the general fund is provided for one regional, multi-disciplinary team for older adults. This team shall provide clinical, medical, nursing, and behavioral expertise and psychiatric services to nursing facilities and assisted living facilities.			
FF.	Out of this appropriation, \$1,652,400 the first year and \$1,652,400 the second year from the general fund shall be used to provide permanent supportive housing to pregnant or parenting women with substance use disorders.			
GG.	Out of this appropriation, \$11,025,231 the first year and \$11,025,231 the second year from the general fund shall be used to divert admissions from state hospitals by purchasing acute inpatient or community-based psychiatric services at private facilities.			
HH.	Out of this appropriation, \$3,000,000 the first year and \$3,700,800 the second year from the general fund is provided for discharge planning at jails for individuals with serious mental illness. Funding shall be used to create staff positions in Community Services Boards and will			

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<p>be implemented at up to five jails with a high percentage of inmates with serious mental illness.</p>				
<p>II. Out of this appropriation, \$708,663 the first year and \$708,663 the second year from the general fund is provided to establish an Intercept 2 diversion program in up to three rural communities. The funding shall be used for staffing and to provide access to treatment services.</p>				
<p>JJ. Out of this appropriation, \$1,100,000 the first year and \$1,100,000 the second year from the general fund is provided to establish the Appalachian Telemental Health Initiative, a telemental health pilot program. Any funds that remain unspent at the end of each fiscal year shall be carried forward to the subsequent fiscal year.</p>				
<p>KK. Out of this appropriation, \$200,000 the first year and \$200,000 the second year from the general fund shall be provided to the Department of Behavioral Health and Developmental Services to contract with Best Buddies Virginia to expand inclusion services for people with intellectual and developmental disabilities to the Richmond and Virginia Beach areas of the state.</p>				
<p>LL. Out of this appropriation, \$200,000 the first year and \$200,000 the second year from the general fund is provided to the Fairfax-Falls Church Community Services Board to fully fund its Program of Assertive Community Treatment (PACT) Team.</p>				
<p>MM.1. Out of this appropriation, \$62,739,824 the first year and \$68,490,045 the second year from the general fund is provided for services by Community Services Boards and Behavioral Health Authorities pursuant to the System Transformation, Excellence and Performance in Virginia (STEP-VA) process and Chapters 607 and 683, 2017 Acts of Assembly.</p>				
<p>2. Of the amounts in MM.1., \$10,795,651 the first year and \$10,795,651 the second year from the general fund is provided for same day access to mental health screening services.</p>				
<p>3. Of the amounts in MM.1., \$7,440,000 the first year and \$7,440,000 the second year from the general fund is provided for primary care outpatient screening services.</p>				
<p>4. Of the amounts in MM.1., \$24,424,032 the first year and \$21,924,980 the second year from the general fund is provided for outpatient mental health and substance use services.</p>				
<p>5. Out of the amounts in MM.1., \$2,000,000 the first year and \$2,000,000 the second year from the general fund is provided for crisis detoxification services.</p>				
<p>6. Out of the amounts in MM.1., \$7,800,000 the first year and \$13,954,924 the second year from the general fund is provided for crisis services for individuals with mental health or substance use disorders.</p>				
<p>7. Out of the amounts in MM.1., \$4,263,141 the first year and \$3,840,490 the second year from the general fund is provided for military and veterans services.</p>				
<p>8. Out of the amounts in MM.1., \$2,817,000 the first year and \$5,334,000 the second year from the general fund is provided for peer support and family services.</p>				
<p>9. Out of the amounts in MM.1., \$3,200,000 the first year and \$3,200,000 the second year from the general fund is provided for the ancillary costs of expanding services at Community Services Boards and Behavioral Health Authorities.</p>				
<p>10. Notwithstanding the provisions of Chapters 607 and 683, 2017 Acts of Assembly, effective July 1, 2021, the core of services provided by Community Services Boards and Behavioral Health Authorities within cities and counties that they serve shall include, in addition to those set forth in subdivisions B 1, 2, and 3 of § 37.2-500 of the Code of Virginia and subdivisions C 1, 2, and 3 of § 37.2-601 of the Code of Virginia, (i) outpatient mental health and substance abuse services, (ii) peer support and family support services, and (iii) mental health services for members of the armed forces located 50 miles or more from a military treatment facility and veterans located 40 miles or more from a Veterans Health Administration medical facility. In addition, Community Services Boards and Behavioral Health Authorities shall continue to expand the availability of crisis services for individuals with mental health or substance use disorders, as funded in MM.6.</p>				

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of this Item and Items 313 and 320 of this Act. Psychiatric rehabilitation, care coordination, and case management services shall not be required services but may be provided subject to available funding.

NN. Notwithstanding the provisions of Chapters 607 and 683, 2017 Acts of Assembly, no Community Services Board or Behavioral Health Authority shall be required to provide any service pursuant to the System Transformation, Excellence and Performance in Virginia (STEP-VA) process, beyond those services funded in Chapter 854, 2019 Acts of Assembly. Any new service requirements shall be subject to appropriation and allotment of funds for that purpose.

OO. Out of this appropriation, \$3,000,000 the second year from the general fund shall be provided to establish one mental health awareness response and community understanding services alert system programs and community care teams in each of the Department of Behavioral Health and Developmental Services' regions pursuant to legislation adopted in the 2020 Special Session I of the General Assembly. Each region shall receive \$600,000 for this purpose.

322.10 A: Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted:

	FY 2021	FY 2022
Increase permanent supportive housing capacity	\$8,500,000	\$17,000,000
Expand forensic discharge planning programs in jails	\$1,400,000	\$2,100,800
Provide funds for partial implementation of STEP-VA	\$19,704,173	\$30,151,414
Agency Total	\$29,604,173	\$49,252,214

B: Notwithstanding the provisions of Chapters 607 and 683, 2017 Acts of Assembly, and paragraph MM. of Item 322 of this Act, no Community Services Board or Behavioral Health Authority shall be required to provide any service pursuant to the to the System Transformation, Excellence and Performance in Virginia (STEP-VA) process, beyond those services funded in Chapter 854, 2019 Acts of Assembly. Any new service requirements shall be subject to appropriation and allotment of funds for that purpose:

Total for Grants to Localities.....			\$540,317,960	\$562,590,641
Fund Sources: General.....	\$446,517,960	\$472,590,641		\$565,590,641
		\$475,590,641		
Dedicated Special Revenue.....	\$3,800,000	\$0		
Federal Trust.....	\$90,000,000	\$90,000,000		

Mental Health Treatment Centers (792)

323. Not set out.

324. Not set out.

ITEM 324.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
325.	Not set out.			
326.	Not set out.			
327.	Not set out.			
328.	Not set out.			
328-10	<p>Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.</p>			
		FY 2021		FY 2022
	Provide for increased pharmacy costs at state facilities	\$966,638		\$966,638
	Increase funding for safety and security in state facilities	\$2,299,637		\$3,066,182
	Add critical clinical staffing at the Commonwealth Center for Children and Adolescents	\$765,428		\$765,428
	Agency Total	\$4,031,703		\$4,798,248
	Total for Mental Health Treatment Centers.....		\$447,627,285	\$445,056,219
	General Fund Positions.....	4,260.00	4,260.00	
	Nongeneral Fund Positions.....	613.00	613.00	
	Position Level.....	4,873.00	4,873.00	
	Fund Sources: General.....	\$388,498,317	\$390,927,251	
	Special.....	\$58,928,968	\$53,928,968	
	Federal Trust.....	\$200,000	\$200,000	
329.	Not set out.			
330.	Not set out.			
331.	Not set out.			
332.	Not set out.			
333.	Not set out.			
Virginia Center for Behavioral Rehabilitation (794)				
334.	Not set out.			
335.	Not set out.			

ITEM 336.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
336.	Not set out.			
337.	Not set out.			
338.	Not set out.			
338-10	<p>Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.</p>			
		FY 2021		FY 2022
	Support expanded facility and projected census growth	\$536,003		\$5,393,750
	Agency Total	\$536,003		\$5,393,750
	Total for Virginia Center for Behavioral Rehabilitation.....		\$51,782,685	\$56,640,432
	General Fund Positions.....	793.50	886.50	
	Position Level.....	793.50	886.50	
	Fund Sources: General.....	\$51,782,685	\$56,640,432	
	Grand Total for Department of Behavioral Health and Developmental Services.....		\$1,293,779,984	\$1,292,811,471
			\$1,293,841,187	\$1,295,933,876
	General Fund Positions.....	5,634.00	5,727.00	
		5,635.00	5,728.00	
	Nongeneral Fund Positions.....	1,247.75	1,247.75	
	Position Level.....	6,881.75	6,974.75	
		6,882.75	6,975.75	
	Fund Sources: General.....	\$1,021,968,939	\$1,056,435,713	
		\$1,022,030,142	\$1,059,558,118	
	Special.....	\$136,702,302	\$116,267,015	
	Dedicated Special Revenue.....	\$15,000,000	\$0	
	Federal Trust.....	\$120,108,743	\$120,108,743	

§ 1-63. DEPARTMENT FOR AGING AND REHABILITATIVE SERVICES (262)

- 339. Not set out.
- 340. Not set out.
- 341. Not set out.
- 342. Not set out.
- 343. Not set out.
- 344. Not set out.

ITEM 344.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
345.	Not set out.				
346.	Not set out.				
346.10	Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.				

	FY 2021	FY 2022		
Dementia Case Management	\$150,000			\$150,000
Centers for Independent Living	\$425,000			\$425,000
Brain Injury Services	\$1,000,000			\$1,000,000
Align personal attendant services hourly pay with Medicaid rates	\$99,320			\$99,320
Jewish Social Services Agency	\$50,000			\$50,000
Agency Total	\$1,724,320			\$1,724,320
Total for Department for Aging and Rehabilitative Services.....			\$237,907,115	\$237,907,115
General Fund Positions.....	82.76	82.76		
Nongeneral Fund Positions.....	882.26	882.26		
Position Level.....	965.02	965.02		
Fund Sources: General.....	\$63,378,200	\$63,378,200		
Special.....	\$12,849,556	\$12,849,556		
Dedicated Special Revenue.....	\$1,824,937	\$1,824,937		
Federal Trust.....	\$159,854,422	\$159,854,422		

Wilson Workforce and Rehabilitation Center (203)

347.	Not set out.				
348.	Not set out.				
348.10	Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.				

ITEM 348.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
		FY 2021		FY 2022
Funding for Vehicle Purchase		\$80,000		\$0
Agency Total		\$80,000		\$0
Total for Wilson Workforce and Rehabilitation Center.....			\$23,126,402	\$23,046,402
General Fund Positions.....	58.80	58.80		
Nongeneral Fund Positions.....	193.20	193.20		
Position Level.....	252.00	252.00		
Fund Sources: General.....	\$5,722,704	\$5,642,704		
Special.....	\$17,215,735	\$17,215,735		
Federal Trust.....	\$187,963	\$187,963		
Grand Total for Department for Aging and Rehabilitative Services.....			\$261,033,517	\$260,953,517
General Fund Positions.....	141.56	141.56		
Nongeneral Fund Positions.....	1,075.46	1,075.46		
Position Level.....	1,217.02	1,217.02		
Fund Sources: General.....	\$69,100,904	\$69,020,904		
Special.....	\$30,065,291	\$30,065,291		
Dedicated Special Revenue.....	\$1,824,937	\$1,824,937		
Federal Trust.....	\$160,042,385	\$160,042,385		

§ 1-64. DEPARTMENT OF SOCIAL SERVICES (765)

349.	Program Management Services (45100).....			\$52,444,822	\$49,918,659
				\$56,005,680	
	Training and Assistance to Local Staff (45101).....	\$5,177,672	\$5,177,672		
	Central Administration and Quality Assurance for Benefit Programs (45102).....	\$14,774,193	\$12,682,884		
		\$18,335,051			
	Central Administration and Quality Assurance for Family Services (45103).....	\$15,639,009	\$15,846,400		
	Central Administration and Quality Assurance for Community Programs (45105).....	\$10,890,414	\$10,845,088		
	Central Administration and Quality Assurance for Child Care Activities (45107).....	\$5,963,534	\$5,366,615		
	Fund Sources: General.....	\$22,988,078	\$21,282,524		
	Special.....	\$100,000	\$100,000		
	Federal Trust.....	\$29,356,744	\$28,536,135		
		\$32,917,602			

Authority: Title 2.2, Chapter 54; Title 63.2, Chapters 2 and 21, Code of Virginia; Title VI, Subtitle B, P.L. 97-35, as amended; P.L. 103-252, as amended; P.L. 104-193, as amended, Federal Code.

A. The Department of Social Services, in collaboration with the Office of Children's Services, shall provide training to local staff serving on Family Assessment and Planning Teams and Community Policy and Management Teams. Training shall include, but need not be limited to, the federal and state requirements pertaining to the provision of the foster care services funded under § 2.2-5211, Code of Virginia. The training shall also include written guidance concerning which services remain the financial responsibility of the local departments of social services. Training shall be provided on a regional basis at least once per year. Written guidance shall be updated and provided to local Office of Children's Services teams whenever there is a change in allowable expenses under federal or state guidelines. In addition, the Department of Social Services shall provide ongoing local oversight of its federal and state requirements related to the provision of services funded under § 2.2-5211, Code of Virginia.

B.1. By November 1 of each year, the Department of Planning and Budget, in cooperation

ITEM 349.	Item Details(\$)		Appropriations(\$)		
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022	
<p>with the Department of Social Services, shall prepare and submit a forecast of expenditures for cash assistance provided through the Temporary Assistance for Needy Families (TANF) program, mandatory child day care services under TANF, foster care maintenance and adoption subsidy payments, upon which the Governor's budget recommendations will be based, for the current and subsequent two years to the Chairmen of the House Appropriations and Senate Finance Committees.</p> <p>2. The forecast of expenditures shall detail the incremental general fund and federal fund adjustments required by the forecast each year in the biennial budget. The Department of Planning and Budget shall convene a meeting on or before October 15 of each year with the appropriate staff from the Department of Social Services, and the House Appropriations and Senate Finance Committees to review current trends and assumptions used in the forecasts prior to their finalization.</p> <p>C. The Department of Social Services shall provide administrative support and technical assistance to the Family and Children's Trust Fund (FACT) Board of Trustees established in Sections 63.2-2100 through 63.2-2103, Code of Virginia.</p> <p>D. Out of this appropriation, \$1,829,111 the first year and \$1,829,111 the second year from the general fund and \$1,829,111 the first year and \$1,829,111 the second year from nongeneral funds shall be provided to fund the Supplemental Nutrition Assistance Program (SNAP) Electronic Benefit Transfer (EBT) contract cost.</p> <p>E.1. Out of this appropriation, ten positions and the associated funding shall be dedicated to providing on-going financial oversight of foster care services. Each of the ten positions, with two working out of each regional office, shall assess and review all foster care spending to ensure that state and federal standards are met. None of these positions shall be used for quality, information technology, or clerical functions.</p> <p>2. By September 1 of each year, the department shall report to the Governor, the Chairmen of the House Appropriations and Senate Finance Committees, and the Director, Department of Planning and Budget regarding the foster care program's statewide spending, error rates and compliance with state and federal reviews.</p> <p>F. Out of this appropriation, \$187,549 the first year from the Temporary Assistance for Needy Families block grant shall be provided to manage the summer feeding pilot program, beginning June 2020 and ending August 2020.</p> <p>G. The Department of Social Services shall provide an annual report on the activities of the Office of New Americans by December 1 of each year.</p> <p><i>H. Out of this appropriation, \$3,560,858 the first year from the federal Temporary Assistance for Needy Families (TANF) grant shall be provided to fund a one-time food benefit payment to families with children enrolled in Head Start.</i></p>					
350.	Financial Assistance for Self-Sufficiency Programs and Services (45200).....			\$293,632,171 \$310,443,424	\$148,847,863
	Temporary Assistance for Needy Families (TANF) Cash Assistance (45201).....	\$81,777,467	\$76,773,813		
	Temporary Assistance for Needy Families (TANF) Employment Services (45212).....	\$21,657,833	\$21,657,833		
	Supplemental Nutrition Assistance Program Employment and Training (SNAPET) Services (45213).....	\$1,017,741	\$1,017,741		
	Temporary Assistance for Needy Families (TANF) Child Care Subsidies (45214).....	\$59,216,801	\$38,707,424		
	At-Risk Child Care Subsidies (45215).....	\$124,635,948 \$141,235,948	\$5,364,671		
	Unemployed Parents Cash Assistance (45216).....	\$5,326,381 \$5,537,634	\$5,326,381		
	Fund Sources: General.....	\$79,487,600 \$96,087,600	\$79,487,600		
	Federal Trust.....	\$214,144,571 \$214,355,824	\$69,360,263		

ITEM 350.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>Authority: Title 2.2, Chapter 54; Title 63.2, Chapters 1 through 7, Code of Virginia; Title VI, Subtitle B, P.L. 97-35, as amended; P.L. 103-252, as amended; P.L. 104-193, as amended, Federal Code.</p>				
<p>A. It is hereby acknowledged that as of June 30, 2019 there existed with the federal government an unexpended balance of \$151,404,869 in federal Temporary Assistance for Needy Families (TANF) block grant funds which are available to the Commonwealth of Virginia to reimburse expenditures incurred in accordance with the adopted State Plan for the TANF program. Based on projected spending levels and appropriations in this act, the Commonwealth's accumulated balance for authorized federal TANF block grant funds is estimated at \$132,072,240 on June 30, 2020; \$78,587,022 on June 30, 2021; and \$33,342,303 on June 30, 2022.</p>				
<p>B. No less than 30 days prior to submitting any amendment to the federal government related to the State Plan for the Temporary Assistance for Needy Families program, the Commissioner of the Department of Social Services shall provide the Chairmen of the House Appropriations and Senate Finance Committees as well as the Director, Department of Planning and Budget written documentation detailing the proposed policy changes. This documentation shall include an estimate of the fiscal impact of the proposed changes and information summarizing public comment that was received on the proposed changes.</p>				
<p>C. Notwithstanding any other provision of state law, the Department of Social Services shall maintain a separate state program, as that term is defined by federal regulations governing the Temporary Assistance for Needy Families (TANF) program, 45 C.F.R. § 260.30, for the purpose of providing welfare cash assistance payments to able-bodied two-parent families. The separate state program shall be funded by state funds and operated outside of the TANF program. Able-bodied two-parent families shall not be eligible for TANF cash assistance as defined at 45 C.F.R. § 260.31 (a)(1), but shall receive benefits under the separate state program provided for in this paragraph. Although various conditions and eligibility requirements may be different under the separate state program, the basic benefit payment for which two-parent families are eligible under the separate state program shall not be less than what they would have received under TANF. The Department of Social Services shall establish regulations to govern this separate state program.</p>				
<p>D. As a condition of this appropriation, the Department of Social Services shall disregard the value of one motor vehicle per assistance unit in determining eligibility for cash assistance in the Temporary Assistance for Needy Families (TANF) program and in the separate state program for able-bodied two-parent families.</p>				
<p>E. The Department of Social Services, in collaboration with local departments of social services, shall maintain minimum performance standards for all local departments of social services participating in the Virginia Initiative for Employment, Not Welfare (VIEW) program. The department shall allocate VIEW funds to local departments of social services based on these performance standards and VIEW caseloads. The allocation formula shall be developed and revised in cooperation with the local social services departments and the Department of Planning and Budget.</p>				
<p>F. A participant whose Temporary Assistance for Needy Families (TANF) financial assistance is terminated due to the receipt of 24 months of assistance as specified in § 63.2-612, Code of Virginia, or due to the closure of the TANF case prior to the completion of 24 months of TANF assistance, excluding cases closed with a sanction for noncompliance with the Virginia Initiative for Employment Not Welfare program, shall be eligible to receive employment and training assistance for up to 12 months after termination, if needed, in addition to other transitional services provided pursuant to § 63.2-611, Code of Virginia.</p>				
<p>G. The Department of Social Services, in conjunction with the Department of Correctional Education, shall identify and apply for federal, private and faith-based grants for pre-release parenting programs for non-custodial incarcerated parent offenders committed to the Department of Corrections, including but not limited to the following grant programs: Promoting Responsible Fatherhood and Healthy Marriages, State Child Access and Visitation Block Grant, Serious and Violent Offender Reentry Initiative Collaboration, Special Improvement Projects, § 1115 Social Security Demonstration Grants, and any new grant programs authorized under the federal Temporary Assistance for Needy Families (TANF)</p>				

ITEM 350.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
block grant program.				
H.1. Out of this appropriation, \$10,703,748 the first year and \$2,500,000 the second year from nongeneral funds is included for Head Start wraparound child care services.				
2. Included in this Item is funding to carry out the former responsibilities of the Virginia Council on Child Day Care and Early Childhood Programs. Nongeneral fund appropriations allocated for uses associated with the Head Start program shall not be transferred for any other use until eligible Head Start families have been fully served. Any remaining funds may be used to provide services to enrolled low-income families in accordance with federal and state requirements. Families, who are working or in education and training programs, with income at or below the poverty level, whose children are enrolled in Head Start wraparound programs paid for with the federal block grant funding in this Item shall not be required to pay fees for these wraparound services.				
I. Out of this appropriation, \$2,647,305 the first year and \$2,647,305 the second year from the general fund and \$72,503,762 the first year and from federal funds shall be provided to support state child care programs which will be administered on a sliding scale basis to income eligible families. The sliding fee scale and eligibility criteria are to be set according to the rules and regulations of the State Board of Social Services, except that the income eligibility thresholds for child care assistance shall account for variations in the local cost of living index by metropolitan statistical areas. The Department of Social Services shall make the necessary amendments to the Child Care and Development Funds Plan to accomplish this intent. Funds shall be targeted to families who are most in need of assistance with child care costs. Localities may exceed the standards established by the state by supplementing state funds with local funds.				
J. Out of this appropriation, \$600,000 the first year from nongeneral funds shall be used to provide scholarships to students in early childhood education and related majors who plan to work in the field, or already are working in the field, whether in public schools, child care or other early childhood programs, and who enroll in a state community college or a state supported senior institution of higher education.				
K. Out of this appropriation, \$505,000 the first year from nongeneral funds shall be used to provide training of individuals in the field of early childhood education.				
L. Out of this appropriation, \$300,000 the first year from nongeneral funds shall be used to provide child care assistance for children in homeless and domestic violence shelters.				
M. Out of this appropriation, the Department of Social Services shall use \$4,800,000 the first year and \$4,800,000 the second year from the federal Temporary Assistance to Needy Families (TANF) block grant to provide to each TANF recipient with two or more children in the assistance unit a monthly TANF supplement equal to the amount the Division of Child Support Enforcement collects up to \$200, less the \$100 disregard passed through to such recipient. The TANF child support supplement shall be paid within two months following collection of the child support payment or payments used to determine the amount of such supplement. For purposes of determining eligibility for medical assistance services, the TANF supplement described in this paragraph shall be disregarded. In the event there are sufficient federal TANF funds to provide all other assistance required by the TANF State Plan, the Commissioner may use unobligated federal TANF block grant funds in excess of this appropriation to provide the TANF supplement described in this paragraph.				
N. The Board of Social Services shall combine Groups I and II for the purposes of Temporary Assistance to Needy Families cash benefits and use the Group II rates for the new group.				
O. The Department of Social Services shall increase the Temporary Assistance for Needy Families (TANF) cash benefits and income eligibility threshold by 15 percent effective July 1, 2020.				
P. Out of this appropriation, \$5,240,499 the first year from the Temporary Assistance for Needy Families block grant shall be provided for a one-year summer feeding program pilot. This pilot shall provide fifty dollars for each of the months of June, July, and August on a qualifying child's family electronic benefits transaction (EBT) card. The funding shall				

ITEM 350.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>be used to purchase meals for qualifying low-income children in areas that are currently unserved by but summer feeding programs. The pilot shall end on August 31, 2020. The department shall report on program performance and shall include monthly expenditures, number of children served, and localities in which children were served. This report shall be provided to the Governor, Director of the Department of Planning and Budget, and the Chairmen of the House Appropriations and Senate Finance committees by November 1, 2020.</p> <p>Q. The Department of Social Services shall study the resource cliff faced by families receiving public assistance when income increases enough to reduce or terminate the family's eligibility for public assistance. The report shall address how the structure and terms of eligibility affect the ability of participants to move toward self-sufficiency. The report shall be submitted to the Governor and Chairmen of the House Appropriations and Senate Finance committees on or before August 1, 2021.</p> <p><i>R. Out of this appropriation, \$16,600,000 the first year from the Temporary Assistance for Needy Families block grant shall be transferred to Direct Aid for Public Education to fund current Virginia Preschool Initiative (VPI) slots.</i></p> <p><i>S. Out of this appropriation, \$16,600,000 the first year from the Child Care Development Fund block grant balance shall be used to support child care funding in Virginia for TANF recipients currently receiving child care and for families receiving child care subsidies, including Head Start wraparound services.</i></p> <p><i>T. Out of this appropriation, \$16,600,000 from the general fund and \$16,600,000 from federal Coronavirus Relief Funds the first year shall be used to contract with local partners to provide support to school divisions, local governments, and other entities, including religious institutions and community centers, for the provision of space to increase local capacity to provide care for school-age children, purchase personal protective equipment (PPE) and cleaning supplies, and provide a stable financial environment for the operation of these programs. School divisions, local governments, and local departments of social services shall cooperate with local partners receiving these funds to maximize the number of school-age children served. In addition, local partners are encouraged to use these funds to support a diverse set of providers with these funds including existing child day centers, family day homes, religious institutions, and other organizations seeking to provide such services. Within this appropriation, the federal Coronavirus Relief funds shall be expended prior to the expenditure of general fund amounts for this purpose.</i></p> <p><i>U. Out of this appropriation, \$211,253 the first year from the federal Temporary Assistance for Needy Families (TANF) grant shall fund a one-time payment to TANF UP recipients.</i></p>				
351.	Not set out.			
352.	Not set out.			
353.	Not set out.			
354.	Child Welfare Services (46900).....		\$272,522,205	\$268,732,264
	Foster Care Payments (46901).....	\$60,738,976		\$60,735,138
		\$62,693,500		
	Supplemental Child Welfare Activities (46902).....	\$47,356,349		\$43,570,246
	Adoption Subsidy Payments (46903).....	\$147,606,780		\$147,606,780
		\$145,652,256		
	Prevention Services (46905).....	\$16,820,100		\$16,820,100
	Fund Sources: General.....	\$125,977,900		\$131,074,062
		\$120,214,088		
	Special.....	\$2,434,593		\$2,434,593
	Dedicated Special Revenue.....	\$585,265		\$585,265
	Federal Trust.....	\$143,524,447		\$134,638,344
		\$149,288,259		

Authority: Title 63.2, Chapters 1, 2, 4 and 8 through 15, Code of Virginia; P.L. 100-294, P.L. 101-126, P.L. 101-226, P.L. 105-89, P.L. 110-351, P.L. 111-320, as amended, Federal Code.

ITEM 354.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>A. Expenditures meeting the criteria of Title IV-E of the Social Security Act shall be fully reimbursed except that expenditures otherwise subject to a standard local matching share under applicable state policy, including local staffing, shall continue to require local match. The commissioner shall ensure that local social service boards obtain reimbursement for all children eligible for Title IV-E coverage.</p>				
<p>B. The commissioner, in cooperation with the Department of Planning and Budget, shall establish a reasonable, automatic adjustment for inflation each year to be applied to the room and board maximum rates paid to foster parents. However, this provision shall apply only in fiscal years following a fiscal year in which salary increases are provided for state employees.</p>				
<p>C. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the general fund shall be provided for the purchase of services for victims child abuse and neglect prevention activities as stated in § 63.2-1502, Code of Virginia, in accordance with regulations promulgated by the Board of Social Services.</p>				
<p>D. Out of this appropriation, \$180,200 the first year and \$180,200 the second year from the general fund and \$99,800 the first year and \$99,800 the second year from nongeneral funds shall be provided to continue respite care for foster parents.</p>				
<p>E. Notwithstanding the provisions of §§ 63.2-1300 through 63.2-1303, Code of Virginia, adoption assistance subsidies and supportive services shall not be available for children adopted through parental placements, except parental placements where the legal guardian is a child placing agency at the time of the adoption. This restriction does not apply to existing adoption assistance agreements.</p>				
<p>F.1. Out of this appropriation, \$1,500,000 the first year and \$1,500,000 the second year from the general fund shall be provided to implement pilot programs that increase the number of foster care children adopted.</p>				
<p>2. Beginning July 1, 2017, the department shall provide an annual report, not later than 45 days after the end of the state fiscal year, on the use and effectiveness of this funding including, but not limited to, the additional number of special needs children adopted from foster care as a result of this effort and the types of ongoing supportive services provided, to the Governor, Chairmen of House Appropriations and Senate Finance Committees, and the Director, Department of Planning and Budget.</p>				
<p>G. Out of this appropriation, \$14,864,476 the first year and \$14,864,476 the second year from the general fund and \$7,000,000 the first year and \$7,000,000 the second year from nongeneral funds shall be provided for special needs adoptions.</p>				
<p>H. Out of this appropriation \$61,019,627 \$57,160,459 the first year and \$61,019,627 the second year from the general fund and \$61,019,627 the first year and \$61,019,627 the second year from nongeneral funds shall be provided for Title IV-E adoption subsidies.</p>				
<p>I. The Commissioner, Department of Social Services, shall ensure that local departments that provide independent living services to persons between 18 and 21 years of age make certain information about and counseling regarding the availability of independent living services is provided to any person who chooses to leave foster care or who chooses to terminate independent living services before his twenty-first birthday. Information shall include the option for restoration of independent living services following termination of independent living services, and the processes whereby independent living services may be restored should he choose to seek restoration of such services in accordance with § 63.2-905.1 of the Code of Virginia.</p>				
<p>J.1. Notwithstanding the provisions of § 63.2-1302, Code of Virginia, the Department of Social Services shall negotiate all adoption assistance agreements with both existing and prospective adoptive parents on behalf of local departments of social services. This provision shall not alter the legal responsibilities of the local departments of social services set out in Chapter 13 of Title 63.2, Code of Virginia, nor alter the rights of the adoptive parents to appeal.</p>				
<p>2. Out of this appropriation, \$342,414 the first year and \$342,414 the second year from the general fund and \$215,900 the first year and \$215,900 the second year from nongeneral</p>				

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funds shall be provided for five positions to execute these negotiations.				
<p>K.1. The Department of Social Services shall partner with Patrick Henry Family Services to implement a pilot program in the area encompassing Planning District 11 (Amherst, Appomattox, Bedford, Campbell Counties and the City of Lynchburg) for the temporary placements of children for children and families in crisis. The pilot program will allow a parent or legal custodian of a minor, with the assistance of Patrick Henry Family Services, to delegate to another person by a properly executed power of attorney any powers regarding care, custody, or property of the minor for a temporary placement for a period that is not greater than 90 days. The program will allow for an option of a one-time 90 day extension.</p>				
<p>2. The department shall ensure that this pilot program meets the following specific programmatic and safety requirements outlined in 22 VAC 40-131 and 22 VAC 40-191:</p>				
<p>(i) The pilot program organization shall meet the background check requirements described in 22 VAC 40-191.</p>				
<p>(ii) The pilot program organization shall develop and implement written policies and procedures for governing active and closed cases, admissions, monitoring the administration of medications, prohibiting corporal punishment, ensuring that children are not subjected to abuse or neglect, investigating allegations of misconduct toward children, implementing the child's back-up emergency care plan, assigning designated casework staff, management of all records, discharge policies, and the use of seclusion and restraint (22 VAC 40-131-90).</p>				
<p>(iii) The pilot program organization shall provide pre-service and ongoing training for temporary placement providers and staff (22 VAC 40-131-210 and 22 VAC 40-131-150).</p>				
<p>L.1. Out of this appropriation, \$2,925,954 the first year and \$2,925,954 the second year from the general fund and \$2,886,611 the first year and \$2,886,611 the second year from nongeneral funds shall be available for the expansion of foster care and adoption assistance as authorized in the federal Foster Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351; P.L. 11-148).</p>				
<p>2. In order to implement the Fostering Futures program, the Department of Social Services shall set out the requirements for program participation in accordance with 42 U.S.C. 675 (8) (B) (iv) and shall provide the format of an agreement to be signed by the local department of social services and the youth. The definition of a child for the purpose of the Fostering Futures program shall be any natural person who has reached the age of 18 years but has not reached the age of 21. The Department of Social Services shall develop guidance setting out the requirements for local implementation including a requirement for six-month reviews of each case and reasons for termination of participation by a youth. The guidance shall also include a definition of a supervised independent living arrangement which does not include group homes or residential facilities. Implementation of this program includes the extension of adoption assistance to age 21 for youth who were adopted at age 16 or older and who meet the program participation requirements set out in guidance by the Department of Social Services.</p>				
<p>3. The Department of Social Services shall issue guidance for the program's eligibility requirements and shall be available, on a voluntary basis, to an individual upon reaching the age of 18 who:</p>				
<p>(i) was in the custody of a local department of social services either:</p>				
<p>(a) prior to reaching 18 years of age, remained in foster care upon turning 18 years of age; or</p>				
<p>(b) immediately prior to commitment to the Department of Juvenile Justice and is transitioning from such commitment to self-sufficiency.</p>				
<p>(ii) and who is:</p>				
<p>(a) completing secondary education or an equivalent credential; or</p>				
<p>(b) enrolled in an institution that provides post-secondary or vocational education; or</p>				
<p>(c) employed for at least 80 hours per month; or</p>				

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(d) participating in a program or activity designed to promote employment or remove barriers to employment; or				
(e) incapable of doing any of the activities described in subdivisions (a) through (d) due to a medical condition, which incapability is supported by regularly updated information in the program participant's case plan.				
4. Implementation of extended foster care services shall be available for those eligible youth reaching age 18 on or after July 1, 2016.				
M.1. Out of this appropriation, \$7,517,668 the first year and \$7,517,668 the second year from the general fund and \$2,500,000 the first year and \$2,500,000 the second year from nongeneral funds shall be available for the reinvestment of adoption general fund savings as authorized in title IV, parts B and E of the federal Social Security Act (P.L. 110-351).				
2. Of the amounts in paragraph M.1. above, \$3,078,595 the first year and \$3,078,595 the second year from the general fund shall be used to develop a case management module for a comprehensive child welfare information system (CCWIS). In the development of the CCWIS, the department shall not create any future obligation that will require the appropriation of general fund in excess of that provided in this Act. Should additional appropriation, in excess of the amounts identified in this paragraph, be needed to complete development of this or any other module for the CCWIS, the department shall notify the Chairmen of the House Appropriations and Senate Finance Committees, and Director, Department of Planning and Budget.				
3. Beginning September 1, 2018, the department shall also provide semi-annual progress reports that includes current project summary, implementation status, accounting of project expenditures and future milestones. All reports shall be submitted to the Chairmen of the House Appropriations and Senate Finance Committees, and Director, Department of Planning and Budget.				
N. Out of this appropriation, \$1,009,563 the first year and \$1,009,563 the second year from nongeneral funds shall be used to fund ten positions that support the child protective services hotline.				
O. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the general fund and \$50,000 the first year and \$50,000 the second year from nongeneral funds shall be used to fund one position that supports Virginia Fosters.				
P. Out of this appropriation, \$851,000 the first year and \$851,000 the second year from the general fund is provided for training, consultation and technical support, and licensing costs associated with establishing evidence-based programming as identified in the federal Family First Prevention Services Act (FFPSA) Evidence-Based Programs Clearinghouse.				
Q. The Department of Social Services shall develop a plan to provide access statewide to a Kinship Navigator Program which will provide services to kinship caregivers who are having trouble finding assistance for their unique needs and to help these caregivers navigate their locality's service system, as well as federal and state benefits.				
R. Out of this appropriation, \$100,000 the first year and \$200,000 the second year from the general fund shall be provided to support the development and implementation of a statewide driver's licensing program to support foster care youth in obtaining a driver's license. Funding shall be made available, up to the limits of this appropriation, to local departments of social services to reimburse foster care providers for increases to their existing motor vehicle insurance premiums that occur because a foster care youth in their care has been added to their insurance policy. The program may also reimburse foster care providers for additional coverage (i.e. an umbrella policy or the equivalent) that provides liability protection should a foster care youth get into or cause a catastrophic accident. Additionally, funding shall be made available to foster care youth in Virginia's Fostering Futures Program to assist in covering the cost of obtaining motor vehicle insurance. The department shall develop reimbursement policies for foster care providers and foster care youth. The department shall coordinate and administer the driver's licensing program based on best practices from similar programs in other states, to include developing educational or training materials that educate foster parents, private providers, and foster youth about (i) liability issues, insurance laws, and common insurance practices (to				

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<p>include laws about renewal and cancellation, how long an accident can affect premiums, how to establish that a foster youth is no longer living in the residence, and other applicable topics); (ii) Department of Motor Vehicles requirements to obtain a learner's permit and driver's license; (iii) what funding and resources are available to assist in this process, to include, paying school lab fees for "Behind the Wheel" or paying a private driving education company; and (iv) why getting a driver's license on time is important for normalcy and a successful transition to adulthood. The department shall provide information on how many foster care youth were supported by this program and any recommendations to improve the program to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by December 1, 2020.</p> <p>S. The Department of Social Services shall create an emergency approval process for kinship caregivers and develop foster home certification standards for kinship caregivers using as a guide the Model Family Foster Home Licensing Standards developed by the American Bar Association Center on Children and the Law, the Annie E. Casey Foundation, Generations United, and the National Association for Regulatory Administration. The adopted standards should align, as much as reasonably possible, to the Model Family Foster Home Licensing Standards, and should ensure that children in foster care: (i) live in safe and appropriate homes under local department of social services and court oversight; (ii) receive monthly financial assistance and supportive services to help meet their needs; and (iii) can access the permanency options offered by Virginia's Kinship Guardianship Assistance Program.</p> <p>T. The Department of Social Services shall offset \$5,000,000 the first year of the general fund cost of implementing the Family First Prevention Services Act with federal Family First Transition Act funding for approved services and activities.</p> <p>U. The Commissioner shall establish a five-year plan for the Commonwealth to prevent child abuse and neglect. In developing this plan, the Department shall collaborate with the Department for Behavioral Health & Developmental Services, Department of Health, Department of Education, Family and Children's Trust and other relevant state agencies and stakeholders. This plan shall be focused on primary prevention, be trauma informed, include a public health framework on abuse prevention, promote positive youth development, and be asset and strength based. The plan shall reference and coordinate with any other state plans or programs that deal with issues related to child abuse prevention such as, but not limited to, teen pregnancy prevention, youth substance use, school dropout, domestic violence/family violence, and foster care prevention. The Commissioner shall convene a work group to assist with developing this plan. The workgroup shall include, but not be limited to, the following stakeholders: Families Forward Virginia, VOICES for Virginia's Children, and the Virginia Poverty Law Center. The Commissioner shall report the plan to the Governor and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, and the Commission on Youth by July 1, 2021.</p> <p>V. Within 10 days of the enactment of this Act, the Department of Social Services (DSS) shall generate an estimate of the annual impact of enhanced federal Medical Assistance Percentages (FMAP), associated with federal H.R. 6021, the Families First Coronavirus Response Act (FFCRA), on all Title IV-E foster care and adoptions programs as appropriated in this Act. The agency shall report these estimates by fiscal year, fiscal quarter, service area and fund detail, to the Department of Planning and Budget (DPB) and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees within the required timeframe. DPB is authorized to unallot an amount of state funds equal to the general fund savings identified in the DSS report. Upon expiration of the enhanced FMAP, DPB is authorized to re-allot funding for those quarters for which assumed enhanced FMAP is not available.</p>				
355.	Not set out.			
356.	Financial Assistance to Community Human Services Organizations (49200).....		\$59,707,967	\$56,207,967
			\$62,107,967	\$57,957,967
	Community Action Agencies (49201).....	\$21,263,048	\$21,263,048	
	Volunteer Services (49202).....	\$3,866,340	\$3,866,340	

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Other Payments to Human Services Organizations (49203).....	\$34,578,579	\$31,078,579		
	\$36,978,579	\$32,828,579		
Fund Sources: General.....	\$1,174,500	\$674,500		
Federal Trust.....	\$58,533,467	\$55,533,467		
	\$60,933,467	\$57,283,467		

Authority: Title 2.2, Chapter 54; Title 63.2, Code of Virginia; Title VI, Subtitle B, P.L. 97-35, as amended; P.L. 103-252, as amended; P.L. 104-193, as amended, Federal Code.

A.1. All increased state or federal funds distributed to Community Action Agencies shall be distributed as follows: The funds shall be distributed to all local Community Action Agencies according to the Department of Social Services funding formula (75 percent based on low-income population, 20 percent based on number of jurisdictions served, and five percent based on square mileage served), adjusted to ensure that no agency receives less than 1.5 percent of any increase.

2. Out of this appropriation, \$185,725 the first year and \$185,725 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be provided to contract with the Virginia Community Action Partnership to provide outreach, education and tax preparation services via the Virginia Earned Income Tax Coalition and other community non-profit organizations to citizens who may be eligible for the federal Earned Income Tax Credit. The contract shall require the Virginia Community Action Partnership to report on its efforts to expand the number of Virginians who are able to claim the federal EITC, including the number of individuals identified who could benefit from the credit, the number of individuals counseled on the availability of federal EITC, and the number of individuals assisted with tax preparation to claim the federal EITC. The annual report from the Virginia Community Action Partnership shall also detail actual expenditures for the program including the sub-contractors that were utilized. This report shall be provided to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees by December 1 each year.

3. Out of this appropriation, \$7,750,000 the first year and \$7,750,000 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be provided to contract with local Community Action Agencies to provide an array of services designed to meet the needs of low-income individuals and families, including the elderly and migrant workers. Services may include, but are not limited to, child care, community and economic development, education, employment, health and nutrition, housing, and transportation.

4. Out of this appropriation, \$1,125,000 the first year and \$1,125,000 the second year from the Temporary Assistance to Needy Families (TANF) block grant shall be provided for competitive grants to Community Action Agencies for a Two-Generation/Whole Family Pilot Project and for evaluation of the pilot project. Applicants selected for the pilot project shall provide a match of no less than 20 percent of the grant, including in-kind services. The Department of Social Services shall report to the General Assembly annually on the progress of the pilot project and shall complete a final report on the project no later than six years after the commencement of the project.

B. The department shall continue to fund from this Item all organizations recognized by the Commonwealth as community action agencies as defined in §2.2-5400 et seq.

C. Out of this appropriation, \$8,617,679 the first year and \$8,617,679 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be provided to contract with programs that follow the evidence-based Healthy Families America home visiting model that promotes positive parenting, improves child health and development, and reduces child abuse and neglect. The Department of Social Services shall use a portion of the funds from this item to contract with the statewide office of Prevent Child Abuse Virginia for providing the coordination, technical support, quality assurance, training and evaluation of the Virginia Healthy Families programs.

E. Out of this appropriation, \$100,000 the first year and \$100,000 the second year from nongeneral funds shall be provided for the Child Abuse Prevention Play (the play) administered by Virginia Repertory Theatre. The contract shall include production and

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live performances of the play that teach child safety awareness to prevent child abuse.				
F. Out of this appropriation, \$70,000 the first year and \$70,000 the second year from the general fund shall be provided to contract with the Virginia Alzheimer's Association Chapters to provide dementia-specific training to long-term care workers in licensed nursing facilities, assisted living facilities and adult day care centers who deal with Alzheimer's disease and related disorders.				
G. Out of this appropriation, \$1,000,000 \$1,500,000 the first year and \$1,000,000 \$1,500,000 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be provided to contract with Northern Virginia Family Services (NVFS) to provide supportive services that address the basic needs of families in crisis, including the provision of food, financial assistance to prevent homelessness, access to health services, and adult workforce development programs. The contract shall require NVFS to provide an intake process that identifies the needs and appropriate services for those in crisis. Outcomes will be measured utilizing surveys provided to those who receive services and NVFS will report quarterly on survey results.				
H. Out of this appropriation, \$405,500 the first year and \$405,500 the second year from the general fund and \$1,136,500 the first year and \$1,136,500 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be provided to contract with child advocacy centers (CAC) to provide a comprehensive, multidisciplinary team response to allegations of child abuse in a dedicated, child-friendly setting. The contracts shall require CACs to provide forensic interviews, victim support and advocacy services, medical evaluations, and mental health services to victims of child abuse and neglect with the expected outcome of reducing child abuse and neglect. The department shall allocate four percent to Children's Advocacy Centers of Virginia (CACVA), the recognized chapter of the National Children's Alliance for Virginia's Child Advocacy Centers, for the purpose of assisting and supporting the development, continuation, and sustainability of community-coordinated, child-focused services delivered by children's advocacy centers (CACs). Of the remaining 96 percent, (i) 65 percent shall be distributed to a baseline allocation determined by the accreditation status of the CAC: (a) developing and associate centers 100 percent of base; (b) accredited centers 150 percent of base; and (c) accredited centers with satellite facilities 175 percent of base; and (ii) 35 percent shall be allocated according to established criteria to include: (a) 25 percent determined by the rate of child abuse per 1,000; (b) 25 percent determined by child population; and (c) 50 percent determined by the number of counties and independent cities serviced.				
I.1. Out of this appropriation, \$1,250,000 the first year and \$1,250,000 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be provided to contract with the Virginia Early Childhood Foundation (VECF) to support the health and school readiness of Virginia's young children prior to school entry. These funds shall be matched with local public and private resources with a goal of leveraging a dollar for each state dollar provided.				
2. Of the amounts in paragraph I.1. above, \$1,250,000 the first year and \$1,250,000 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be used to provide information and assistance to parents and families and to facilitate partnerships with both public and private providers of early childhood services. VECF will track and report statewide and local progress on a biennial basis. The Foundation shall account for the expenditure of these funds by providing the Governor, Secretary of Health and Human Resources, and the Chairmen of the House Appropriations and Senate Finance Committees with a certified audit and full report on Foundation initiatives and results not later than October 1 of each year for the preceding fiscal year ending June 30.				
3. On or before October 1 of each year, the foundation shall submit to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees a report on the actual amount, by fiscal year, of private and local government funds received by the foundation.				
J. Out of this appropriation \$2,000,000 the first year and \$2,000,000 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be provided to the Virginia Alliance of Boys and Girls Clubs to expand community-based prevention and mentoring programs.				

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<p>K.1. Out of this appropriation, \$7,500,000 the first year and \$7,500,000 the second year from the Temporary Assistance for Needy Families (TANF) block grant the shall be provided for competitive grants for community employment and training programs designed to move low-income individuals out of poverty through programs designed to assist TANF recipients in obtaining and retaining competitive employment with the prospect of a career path and wage growth and other supportive services designed to break the cycle of poverty and permanently move individuals out of poverty. Of this amount, \$2,000,000 shall be provided for competitive grants provided through Employment Services Organizations (ESOs).</p>				
<p>2.a. Out of this appropriation, \$3,000,000 the first year and \$3,000,000 the second year from the Temporary Assistance for Needy Families (TANF) block grant the shall be provided for a second round of grants for community employment and training programs designed to move low-income individuals out of poverty by obtaining and retaining competitive employment with the prospect of a career path and wage growth. The local match requirement shall be reduced to 10 percent, including in-kind services, for grant recipients located in Virginia counties or cities with high fiscal stress as defined by the Commission on Local Government fiscal stress index.</p>				
<p>b. Out of the amounts in 2.a., at least \$300,000 the first year and \$300,000 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be provided through a contract with the City of Richmond, Office of Community Wealth for services provided through the Center for Workforce Innovation.</p>				
<p>3. Out of this appropriation, \$1,500,000 the first year and \$1,500,000 the second year from the the Temporary Assistance to Needy Families (TANF) block grant shall be provided for a third round of competitive grants for community employment and training programs. Out of this amount, \$450,000 each year shall be provided for competitive grants through Employment Services Organizations. The department may encourage applicants to consider developing programs that align or coordinate with the Medicaid Referral program to be developed pursuant to language in Item 313 of this act.</p>				
<p>4. The Department of Social Services shall award grants to qualifying programs through a memorandum of understanding which articulates performance measures and outcomes including the number of individuals participating in services, number of individuals hired into employment, the number of unique employers hiring individuals through organizational programs and activities, the average starting wage of individuals hired, reductions in the rate of poverty, as well as process measures such as how the program targets improvement in poverty over a three to five year period and fits in with long term community goals for reducing poverty. Grants shall require local matching funds of at least a 25 percent, including in-kind services.</p>				
<p>5. Community employment and training programs and ESOs shall report on annual program performance and outcome measures contained in the memorandum of understanding with the Department of Social Services. The department shall report on the implementation of the programs and any performance and outcome data collected through the memorandum of understanding by June 1 of each year.</p>				
<p>L. Out of this appropriation, \$100,000 the first year and \$100,000 the second year from the general fund shall be provided to contract with Youth for Tomorrow (YFT) to provide comprehensive residential, education and counseling services to at-risk youth of the Commonwealth of Virginia who have been sexually exploited, including victims of sex trafficking. The contract shall require YFT to provide individual assessments/individual service planning; individual and group counseling; room and board; coordination of medical and mental health services and referrals; independent living services for youth transitioning out of foster care; active supervision; education; and family reunification services. Youth for Tomorrow shall submit monthly progress reports on activities conducted and progress achieved on outputs, outcomes and other functions/activities during the reporting period. On October 1 of each year, YFT shall provide an annual report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees that details program services, outputs and outcomes.</p>				
<p>M. Out of this appropriation, \$75,000 the first year and \$75,000 the second year from the federal Temporary Assistance for Needy Families block grant shall be provided to</p>				

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contract with Visions of Truth Community Development Corporation in Portsmouth, Virginia. The funding will support the Students Taking Responsibility in Valuing Education (STRIVE) suspension/dropout prevention program.				
<p>N. Out of this appropriation, \$600,000 the first year and \$600,000 the second year from the the federal Temporary Assistance for Needy Families block grant shall be provided to contract with Early Impact Virginia to continue its work in support of Virginia's voluntary home visiting programs. These funds may be used to hire three full-time staff, including a director and an evaluator, and to continue Early Impact Virginia's training partnerships. Early Impact Virginia shall have the authority and responsibility to determine, systematically track, and report annually on the key activities and outcomes of Virginia's home visiting programs; conduct systematic and statewide needs assessments for Virginia's home visiting programs at least once every three years; and to support continuous quality improvement, training, and coordination across Virginia's home visiting programs on an ongoing basis. Early Impact Virginia shall report on its findings to the Chairmen of the House Appropriations and Senate Finance Committees by July 1, 2019 and annually thereafter.</p>				
<p>O. Out of this appropriation, \$750,000 the first year and \$750,000 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be provided to contract with the Laurel Center in Winchester to provide program services to survivors of domestic abuse and sexual violence in Winchester, Frederick County, Clarke County, and Warren County at the Center's residential facility for survivors.</p>				
<p>P. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the general fund shall be provided for the Department of Social Services to contract with Adoption Share, Inc. for the purpose of a pilot program to operate the Family-Match application, which is an online matching tool for state case workers to use in matching foster care children with the best families.</p>				
<p>Q. Out of this appropriation, \$100,000 the first year and \$100,000 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be provided to FACETS to provide homeless assistance services in Northern Virginia.</p>				
<p>R. Out of this appropriation, \$3,000,000 the first year from the Temporary Assistance for Needy Families block grant shall be provided for one-time funding to contract with the Virginia Federation of Food Banks to provide child nutrition programs.</p>				
<p>S. Out of this appropriation, \$1,000,000 the first year and \$1,000,000 the second year for the Temporary Assistance for Needy Families block grant shall be provided to the Virginia Transit Association to offer competitive grants for public transportation (as defined in Virginia Code §33.2-100) and public transportation demand management service fare passes. The Virginia Transit Association shall report on annual program performance and outcome measures contained in the memorandum of understanding with the Department of Social Services. The department shall report on any performance and outcome data collected through the memorandum of understanding by July 1 of each year. This report shall be provided to the Governor, Director of the Department of Planning and Budget, and the Chaimen of the House Appropriations and Senate Finance committees.</p>				
<p>T. Out of this appropriation, \$700,000 the first year and \$700,000 the second year from the Temporary Assistance for Needy Families block grant shall be provided to United Community to offer wrap-around services for low-income families. United Community shall report on annual program performance and outcome measures contained in the memorandum of understanding with the Department of Social Services. The department shall report on any performance and outcome data collected through the memorandum of understanding by July 1 of each year. This report shall be provided to the Governor, Director of the Department of Planning and Budget, and the Chaimen of the House Appropriations and Senate Finance committees.</p>				
<p>U. Out of this appropriation, \$100,000 the first year and \$100,000 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be provided to the Lighthouse Community Center, a nonprofit organization in Planning District 11, to provide housing assistance, or other eligible services, for individuals transitioning out of the criminal justice system and domestic violence situations contingent on contracting for services eligible under the TANF block grant.</p>				

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<p>V. Out of this appropriation, \$500,000 the first year from the general fund shall be provided to the Laurel Center for expansion of education, outreach, program services, and new career and education support.</p> <p>W. Out of this appropriation, \$650,000 the first year from the federal Temporary Assistance for Needy Families (TANF) grant shall be provided to food banks for the emergency food supply package program for fall 2020 and winter 2021. Funding authorized in this paragraph shall only be expended when no other federal funding source is available for this purpose.</p> <p>X. Out of this appropriation, \$750,000 the first year and \$750,000 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be provided to contract with Cornerstones to provide wrap-around services that solve urgent or on-going requirements for housing, childcare, food or financial assistance that address the needs of families. The contract shall require Cornerstones to report annually on outcomes.</p> <p>Y. Out of this appropriation, \$250,000 the first year and \$250,000 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be provided to contract with Portsmouth Volunteers for the Homeless to provide wrap-around services for homeless individuals.</p> <p>Z. Out of this appropriation, \$125,000 the first year and \$125,000 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be provided to contract with Menchville House to provide supportive services for homeless individuals.</p> <p>AA. Out of this appropriation, \$125,000 the first year and \$125,000 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be provided to contract with Family Restoration Services of Hampton to provide supportive services to families in need.</p>				

357.	Regulation of Public Facilities and Services (56100).....			\$35,317,447	\$15,956,745
	Regulation of Adult and Child Welfare Facilities (56101).....	\$32,251,460	\$12,890,758		
	Background Investigation Services (56106).....	\$3,065,987	\$3,065,987		
	Fund Sources: General.....	\$6,246,227	\$6,588,125		
	Special.....	\$3,143,517	\$3,143,517		
	Federal Trust.....	\$25,927,703	\$6,225,103		

Authority: Title 63.2, Chapters 17 and 18, Code of Virginia.

A. The state nongeneral fund amounts collected and paid into the state treasury pursuant to the provisions of § 63.2-1700, Code of Virginia, shall be used for the development and delivery of training for operators and staff of assisted living facilities, adult day care centers, and child welfare agencies.

B. As a condition of this appropriation, the Department of Social Services shall (i) promptly fill all position vacancies that occur in licensing offices so that positions shall not remain vacant for longer than 120 days and (ii) hire sufficient child care licensing specialists to ensure that all child care facilities receive, at a minimum, the two visits per year mandated by § 63.2-1706, Code of Virginia, and that facilities with compliance problems receive additional inspection visits as necessary to ensure compliance with state laws and regulations.

C. As a condition of this appropriation, the Department of Social Services shall utilize a risk assessment instrument for child and adult care enforcement. This instrument shall include criteria for determining when the following sanctions may be used: (i) the imposition of intermediate sanctions, (ii) the denial of licensure renewal or revocation of license of a licensed facility, (iii) injunctive relief against a child care provider, and (iv) additional inspections and intensive oversight of a facility by the Department of Social Services.

ITEM 357.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
D. Out of this appropriation, the Department of Social Services shall implement training for new assisted living facility owners and managers to focus on health and safety issues, and resident rights as they pertain to adult care residences.				
E. Out of this appropriation, \$8,853,833 and 59 positions the first year from the federal Child Care and Development Fund (CCDF) shall be provided to address the workload associated with licensing, inspecting and monitoring family day homes, pursuant to § 63.2-1704, Code of Virginia. The Department of Social Services shall provide an annual report, not later than October 1 of each year for the preceding state fiscal year ending June 30, on the implementation of this initiative to the Governor, the Chairmen of the House Appropriations and Senate Finance Committees, and the Director, Department of Planning and Budget.				
F. The Department of Social Services shall work with localities that currently inspect child day care centers and family day homes to minimize duplication and overlap of inspections pursuant to § 63.2-1701.1, Code of Virginia.				
G. No child day center, family day home, or family day system licensed in accordance with Chapter 17, Title 63.2; child day center exempt from licensure pursuant to § 63.2-1716; registered family day home; family day home approved by a family day system; or any child day center or family day home that enters into a contract with the Department of Social Services or a local department of social services to provide child care services funded by the Child Care and Development Block Grant shall employ; continue to employ; or permit to serve as a volunteer who will be alone with, in control of, or supervising children any person who has an offense as defined in § 63.2-1719. All employees and volunteers shall undergo the following background check by July 1, 2017 and every 5 years thereafter, as required by the federal Child Care and Development Block Grant Act of 2014 (CCDBG).				
H. 1. A child day program that operates for children of essential personnel <i>or those who have been identified as needing in-person services</i> , who are in need of child care as a result of the COVID-19 pandemic, shall be exempt from licensure. Programs operating under this emergency licensing exemption must file an exemption with the Department and abide by the requirements set forth in § 63.2-1715(C) and (D), Code of Virginia. The Commissioner shall have the authority to inspect these programs only upon receipt of a complaint, except as otherwise provided by law.				
2. An instructional program operating under § 63.2-1715 (A), Code of Virginia solely for children of essential personnel must file with the Commissioner a statement indicating the intent to operate the program and identifying that the program will operate solely for the children of essential personnel <i>or those who have been identified as needing in-person services</i> . All emergency child care programs shall follow Centers for Disease Control and Prevention and Virginia Department of Health guidance on safety measures to prevent the spread of COVID-19.				
I. When a child day program operates in response to the COVID-19 pandemic, a background check for an individual associated with a child day program operating solely for children of essential personnel <i>or those who have been identified as needing in-person services</i> shall not be required for any individual who has completed a background check under the provisions of § 63.2-1720.1 or § 63.2-1721.1, Code of Virginia within the previous two years and who continues to be eligible. The Department shall establish a process regarding background check portability, and child day program providers seeking portability must follow this process.				
J. Any public or accredited private school may operate emergency child care for preschool or school aged children of essential personnel <i>or those who have been identified as needing in-person services</i> during a declared state or local emergency due to COVID-19. Such programs shall be exempt from licensure (§ 63.2-1715, Code of Virginia) and shall be subject to safety and supervisory standards, including background checks, established by the local school division or accredited private school offering the program. All emergency child care programs shall follow Centers for Disease Control and Prevention and Virginia Department of Health guidance on safety measures to prevent the spread of COVID-19.				
358. Not set out.				
359. Administrative and Support Services (49900).....			\$119,439,453 \$119,617,496	\$113,236,291

ITEM 359.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
General Management and Direction (49901).....	\$5,172,009	\$5,172,009		
Information Technology Services (49902).....	\$86,563,405 \$86,741,448	\$80,360,243		
Accounting and Budgeting Services (49903).....	\$10,584,962	\$10,584,962		
Human Resources Services (49914).....	\$5,714,069	\$5,714,069		
Planning and Evaluation Services (49916).....	\$4,114,012	\$4,114,012		
Procurement and Distribution Services (49918).....	\$3,900,031	\$3,900,031		
Public Information Services (49919).....	\$3,004,654	\$3,004,654		
Financial and Operational Audits (49929).....	\$386,311	\$386,311		
Fund Sources: General.....	\$45,867,828	\$45,582,828		
Special.....	\$175,000	\$175,000		
Federal Trust.....	\$73,396,625 \$73,574,668	\$67,478,463		

Authority: Title 63.2, Chapter 1; § 2.2-4000 et seq., Code of Virginia; P.L. 98-502, P.L. 104-156, P.L. 104-193, P.L. 104-327, P.L. 105-33, as amended, P.L. 105-89, Federal Code; Titles IV-A, IV-B, IV-D, IV-E, XIX, XX, XXI of the federal Social Security Act, as amended.

A. The Department of Social Services shall require localities to report all expenditures on designated social services, regardless of reimbursement from state and federal sources. The Department of Social Services is authorized to include eligible costs in its claim for Temporary Assistance for Needy Families Maintenance of Effort requirements.

B. It is the intent of the General Assembly that the Commissioner, Department of Social Services shall work with localities that seek to voluntarily merge and consolidate their respective local departments of social services. No funds appropriated under this act shall be used to require a locality to merge or consolidate local departments of social services.

C.1. Out of this appropriation, \$627,458 the first year and \$627,458 the second year from the general fund and \$969,542 the first year and \$969,542 the second year from nongeneral funds shall be provided to support the statewide 2-1-1 Information and Referral System which provides resource and referral information on many of the specialized health and human resource services available in the Commonwealth, including child day care availability and providers in localities throughout the state, and publish consumer-oriented materials for those interested in learning the location of child day care providers.

2. The Department of Social Services shall request that all state and local child-serving agencies within the Commonwealth be included in the Virginia Statewide Information and Referral System as well as any agency or entity that receives state general fund dollars and provides services to families and youth. The Secretary of Health and Human Resources, the Secretary of Education and Workforce, and the Secretary of Public Safety and Homeland Security shall assist in this effort by requesting all affected agencies within their secretariats to submit information to the statewide Information and Referral System and ensure that such information is accurate and updated annually. Agencies shall also notify the Virginia Information and Referral System of any changes in services that may occur throughout the year.

3. The Department of Social Services shall communicate with child-serving agencies within the Commonwealth about the availability of the statewide Information and Referral System. This information shall also be communicated via the Department of Social Services' broadcast system on their agency-wide Intranet so that all local and regional offices can be better informed about the Statewide Information and Referral System. Information on the Statewide Information and Referral System shall also be included within the department's electronic mailings to all local and regional offices at least biannually.

D.1. Within 30 days of awarding or amending any contract related to the Virginia Case Management System (VaCMS), the Department of Social Services (DSS) shall provide the Chairmen of the House Appropriations and Senate Finance Committees, and Director, Department of Planning and Budget with a copy of the contract, including any fiscal implications.

ITEM 359.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
2. Prior to the award of any contract that will potentially obligate the Commonwealth to future unappropriated spending, the department shall receive prior written concurrence from Director, Department of Planning and Budget. Any approved increases in funding requests shall be reported by DSS to the Chairmen of House Appropriations and Senate Finance Committees within 30 days.				
E. At least 60 days prior to the modification of any public guidance document, handbook, manual, or state plan, the Department of Social Services (DSS) shall provide written notification to the Governor and the Director of the Department of Planning and Budget as to the purpose of such change. This notice shall also assess whether the amendment may require any 1) future state regulatory action; 2) increase in local costs; and/or 3) any state expenditure beyond that which is appropriated in this Act. This notice does not exempt the agency from any requirements set forth within § 4-5.03 of this Act.				
F. The Superintendent of Public Instruction shall convene a work group to develop and establish a plan to transfer the Child Care Development Fund grant from the Virginia Department of Social Services to the Virginia Department of Education no later than July 1, 2021. The work group shall include representatives of (i) the Secretariats of Education and Health and Human Resources; (ii) relevant state agencies, including the Department of Planning and Budget, the Office of the Attorney General, the Department of Education, and the Department of Social Services; (iii) relevant regulatory boards, including the Board of Education; and (iv) the House Committee on Appropriations and the Senate Committee on Finance and Appropriations. The goal of this transfer is to house responsibility of child care and education programs under one agency. The plan shall be submitted to the Governor, the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, and Director of the Department of Planning and Budget no later than August 15, 2020. Such plan shall confirm the funding amounts and positions that need to be transferred between the impacted agencies, and shall identify any savings or additional costs associated with the transfer of these programs. The review shall also assess any potential administrative impacts on the Department of Social Services and the Department of Education.				
G. Out of this appropriation, \$250,000 the first year from the general fund is provided for the agency to contract with a vendor for assistance in evaluating the agency's needs for a new child welfare system, developing detailed cost estimates and a timeline for implementation. The department shall submit a plan for a new child welfare system to the Governor and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by October 1, 2020.				
H. The Department of Social Services shall report a detailed accounting, annually, of the agency's organization and operations. This report shall include an organizational chart that shows all full- and part-time positions (by job title) employed by the agency as well as the current management structure and unit responsibilities. The report shall also provide a summary of organization changes implemented over the previous year. The report shall be made available on the department's website by August 15 of each year. For the report due August 15, 2020, the department shall provide a summary of all organizational changes implemented since January 1, 2018.				
I. Notwithstanding any other provision of law, the Department of Social Services (DSS) shall have temporary authority to make any changes to relevant State Plans, request waivers from applicable Federal agencies, change eligibility criteria for benefits and services, and payment levels for applicable programs in response to the COVID-19 pandemic and new authorities and funding made available by the federal government to effect those policies necessary to ensure that benefits are available to eligible populations in response to COVID-19. Prior to the implementation of any change, DSS must receive written approval from the Governor. Within 15 days of implementing changes in response to COVID-19, DSS shall send a list of such actions to the Director, Department of Planning and Budget and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees. The provisions of this paragraph, as well as any actions implemented under its authority, shall be in accordance with the Governor's emergency declaration for COVID-19 and be in effect for the period specified therein.				
<i>J. Out of this appropriation, \$178,043 the first year from the federal Temporary Assistance for Needy Families (TANF) grant shall be provided to fund payment structure changes to</i>				

ITEM 359.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
	<i>implement one-time food benefit payments to families with children enrolled in Head Start.</i>			
360.	Not set out.			
361.	Not set out.			
361-10	Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.			
		FY 2021		FY 2022
	Create a driver's license program for foster care youth	\$100,000		\$200,000
	Increase TANF benefits and income eligibility	\$1,159,901		\$1,159,901
	Provide prevention services for children and families	\$3,410,050		\$8,410,050
	Adjust local staff minimum salary to stabilize workforce	\$5,592,707		\$5,592,707
	Allocate one-time funding for the Laurel Center	\$500,000		\$0
	Implement emergency approval process for kinship caregivers	\$75,000		\$75,000
	Continue Linking Systems of Care program	\$187,443		\$467,116
	Improve planning and operations of state-run emergency shelters	\$188,945		\$152,117
	Fund 2-1-1 VIRGINIA contract costs	\$153,614		\$153,614
	Fund adult licensing and child welfare unit licensing	\$0		\$2,130,394
	Fund an evaluation team for evidence-based practices	\$801,328		\$765,187
	Implement Family First evidence-based services	\$1,074,500		\$1,074,500
	Fund the child welfare forecast	\$722,339		\$722,339
	Fund local departments of social services prevention services	\$12,455,329		\$17,437,461
	Fund foster care and adoptions cost of living adjustments	\$2,262,173		\$2,262,173
	Fund emergency shelter management software and application	\$492,800		\$154,000
	Fund child welfare systems improvements	\$250,000		\$0
	Fund the replacement of the agency licensing system	\$2,220,134		\$431,638
	Agency Total	\$31,646,263		\$41,188,197

ITEM 361.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Total for Department of Social Services.....			\$2,259,041,962	\$2,073,260,415
			\$2,281,992,116	\$2,075,010,415
General Fund Positions.....	653.00	661.00		
Nongeneral Fund Positions.....	1,224.50	1,074.50		
Position Level.....	1,877.50	1,735.50		
Fund Sources: General.....	\$469,712,196	\$477,257,300		
	\$480,548,384			
Special.....	\$697,516,427	\$697,516,427		
Dedicated Special Revenue.....	\$9,244,920	\$9,244,920		
Federal Trust.....	\$1,082,568,419	\$889,241,768		
	\$1,094,682,385	\$890,991,768		

362. Not set out.

363. Not set out.

§ 1-65. DEPARTMENT FOR THE BLIND AND VISION IMPAIRED (702)

364. Not set out.

365. Not set out.

366. Not set out.

367. Not set out.

368. Not set out.

369. Not set out.

369.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted:

	FY 2021	FY 2022
Maintain independent living teachers for blind; vision impaired; or DeafBlind individuals	\$397,842	\$397,842
Increase workforce services for vision impaired individuals	\$1,583,020	\$1,583,020
Agency Total	\$1,980,862	\$1,980,862
Total for Department for the Blind and Vision Impaired.....		
		\$77,242,746
General Fund Positions.....	62.60	62.60
Nongeneral Fund Positions.....	92.40	92.40
Position Level.....	155.00	155.00

ITEM 369.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Fund Sources: General.....	\$9,270,198	\$9,270,198		
Special.....	\$1,964,409	\$1,964,409		
Enterprise.....	\$52,868,817	\$54,368,817		
Trust and Agency.....	\$278,109	\$278,109		
Federal Trust.....	\$12,861,213	\$12,861,213		
370. Not set out.				
371. Not set out.				
Grand Total for Department for the Blind and Vision Impaired.....			\$80,315,474	\$81,815,474
General Fund Positions.....	62.60	62.60		
Nongeneral Fund Positions.....	118.40	118.40		
Position Level.....	181.00	181.00		
Fund Sources: General.....	\$9,624,306	\$9,624,306		
Special.....	\$2,008,409	\$2,008,409		
Enterprise.....	\$52,918,817	\$54,418,817		
Trust and Agency.....	\$298,109	\$298,109		
Federal Trust.....	\$15,465,833	\$15,465,833		
TOTAL FOR OFFICE OF HEALTH AND HUMAN RESOURCES.....			\$21,933,306,865	\$22,894,276,509
			\$22,181,866,939	\$22,738,646,368
General Fund Positions.....	8,293.65	8,398.65		
	8,294.65	8,399.65		
Nongeneral Fund Positions.....	6,404.12	6,257.12		
Position Level.....	14,697.77	14,655.77		
	14,698.77	14,656.77		
Fund Sources: General.....	\$7,468,723,560	\$7,882,977,228		
	\$7,185,672,182	\$7,804,586,478		
Special.....	\$1,041,223,626	\$1,021,778,339		
Enterprise.....	\$52,918,817	\$54,418,817		
Trust and Agency.....	\$1,724,096	\$1,724,096		
Dedicated Special Revenue.....	\$1,525,759,093	\$1,584,024,629		
	\$1,512,712,990	\$1,588,484,629		
Federal Trust.....	\$11,842,957,673	\$12,349,353,400		
	\$12,387,615,228	\$12,267,654,009		

ITEM 372.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

OFFICE OF NATURAL RESOURCES

§ 1-66. SECRETARY OF NATURAL RESOURCES (183)

372.	Administrative and Support Services (79900).....			\$748,431	\$748,431
	General Management and Direction (79901).....	\$748,431	\$748,431		
	Fund Sources: General.....	\$640,939	\$640,939		
	Federal Trust.....	\$107,492	\$107,492		

Authority: Title 2.2, Chapter 2, Article 7; and § 2.2-201, Code of Virginia.

A. The Secretary of Natural Resources shall report to the Chairmen of the Senate Committees on Finance and Agriculture, Conservation, and Natural Resources, and the House Committees on Appropriations and Conservation and Natural Resources, by November 4 of each year on implementation of the Chesapeake Bay nutrient reduction strategies. The report shall include and address the progress and costs of point source and nonpoint source pollution strategies. The report shall include, but not be limited to, information on levels of dissolved oxygen, acres of submerged aquatic vegetation, computer modeling, variety and numbers of living resources, and other relevant measures for the General Assembly to evaluate the progress and effectiveness of the tributary strategies. In addition, the Secretary shall include information on the status of all of Virginia's commitments to the Chesapeake Bay Agreements.

B. It is the intent of the General Assembly that a reserve be created within the Virginia Water Quality Improvement Fund to support the purposes delineated within the Virginia Water Quality Improvement Act of 1997 (WQIA 1997) when year-end general fund surpluses are unavailable. Consequently, 15 percent of any amounts appropriated to the Virginia Water Quality Improvement Fund due to annual general fund revenue collections in excess of the official estimates contained in the general appropriation act shall be withheld from appropriation, unless otherwise specified. When annual general fund revenue collections do not exceed the official revenue estimates contained in the general appropriation act, the reserve fund may be used for WQIA 1997 purposes as directed by the General Assembly within the general appropriation act.

C. The Secretary of Natural Resources, with the assistance of the Directors of the Department of Conservation and Recreation, the Department of Environmental Quality, the Department of Game and Inland Fisheries, and the Department of Historic Resources, shall provide an annual report to the Chairmen of the House Appropriations and Senate Finance Committees of all projects undertaken pursuant to a settlement or mitigation agreement upon which the Secretary of Natural Resources is an authorized signatory on behalf of the Governor by November 15 each year until all terms of the settlement or mitigation agreement are satisfied. In addition, whenever a settlement or mitigation agreement is finalized, the Secretary shall provide a copy of, and explanation of, the terms of such settlement to the Chairmen of the House Appropriations and Senate Finance Committees within 15 days.

D.1. There is hereby established the Interagency Environmental Justice Working Group, to be comprised of 10 environmental justice coordinators representing each of the Governor's Secretaries. The Secretary of Natural Resources shall designate a chairman and vice chairman from among the membership of the Working Group.

2. The Working Group shall conduct an assessment of the processes and resources required of state agencies to develop agency-specific environmental justice policies. In conducting its assessment, the Working Group shall provide that agency policies at a minimum: (i) ensure environmental justice is meaningfully considered in the administration of agency regulations; (ii) consistently identify environmental justice communities and fenceline communities; (iii) identify how such communities are affected by agencies' regulatory activities; (iv) consider the economic development and infrastructure needs of environmental justice communities and fenceline communities in agency decision-making processes; and (v) contain robust public participation plans for residents of environmental justice communities and fenceline communities potentially affected by agency actions.

3. The Working Group shall provide the findings of its assessment, and associated recommendations, to the Chairs of the House Appropriations and Senate Finance and

ITEM 372.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Appropriations Committees by December 1, 2020.				
Total for Secretary of Natural Resources.....			\$748,431	\$748,431
General Fund Positions.....	5.00	5.00		
Position Level.....	5.00	5.00		
Fund Sources: General.....	\$640,939	\$640,939		
Federal Trust.....	\$107,492	\$107,492		

§ 1-67. DEPARTMENT OF CONSERVATION AND RECREATION (199)

373.	Land and Resource Management (50300).....			\$105,847,453	\$65,391,756 \$95,741,756
	Soil and Water Conservation (50301).....	\$64,707,113	\$39,251,416 \$69,601,416		
	Dam Inventory, Evaluation and Classification and Flood Plain Management (50314).....	\$18,788,552	\$3,788,552		
	Natural Heritage Preservation and Management (50317).....	\$4,660,697	\$4,660,697		
	Financial Assistance to Soil and Water Conservation Districts (50320).....	\$7,691,091	\$7,691,091		
	Technical Assistance to Soil and Water Conservation Districts (50322).....	\$1,200,000	\$1,200,000		
	Agricultural Best Management Practices Cost Share Assistance (50323).....	\$8,800,000	\$8,800,000		
	Fund Sources: General.....	\$84,681,496	\$44,225,799 \$74,575,799		
	Special.....	\$995,861	\$995,861		
	Dedicated Special Revenue.....	\$12,251,202	\$12,251,202		
	Federal Trust.....	\$7,918,894	\$7,918,894		

Authority: Title 10.1, Chapters 1, 2, 5, 6, 7, and 21.1; Title 62.1, Chapter 3.1, Code of Virginia.

A.1. Out of the amounts appropriated for Financial Assistance to Virginia Soil and Water Conservation Districts, \$12,141,091 the first year and \$12,141,091 the second year from the general fund shall be provided to soil and water conservation districts for administrative and operational support as well as base funding for technical assistance. These funds shall be distributed upon approval by the Virginia Soil and Water Conservation Board to the districts in accordance with the Board's established financial allocation policy. These amounts shall be in addition to any other funding provided to the districts for technical assistance pursuant to subsections B. and C. of this Item for appropriations in excess of \$35,000,000. Of this amount, \$6,209,091 the first year and \$6,209,091 the second year from the general fund shall be distributed to the districts for core administrative and operational expenses (personnel, training, travel, rent, utilities, office support, and equipment) based on identified budget projections and in accordance with the Board's financial allocation policy; \$4,550,000 the first year and \$4,550,000 the second year for base technical assistance support; \$312,000 the first year and \$312,000 the second year from the general fund shall be distributed at a rate of \$3,000 per dam for maintenance; \$500,000 the first year and \$500,000 the second year from the general fund for small dam repairs of known or suspected deficiencies; \$400,000 the first year and \$400,000 the second year from the general fund for the purchase and installation of remote monitoring equipment for District-owned high and significant hazard dams; and \$170,000 the first year and \$170,000 the second year to the department to provide district support in accordance with Board policy, including, but not limited to, services related to auditing, bonding, contracts, and training. The amount appropriated for small dam repairs of known or suspected deficiencies and the purchase and installation of remote monitoring equipment is authorized for transfer to the Soil and Water Conservation District Dam Maintenance, Repair, and Rehabilitation Fund.

2. The department shall provide a semi-annual report on or before February 15 and August 15 of each year to the Chairmen of the House Appropriations and Senate Finance

ITEM 373.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

Committees on each Virginia soil and water conservation district's budget, revised budget, previous year's balance budget, and expenditure for the following: (i) the federal Conservation Reserve Enhancement Program, (ii) the use of Agricultural Best Management Cost-Share Program funds within the Chesapeake Bay watershed, (iii) the use of Agricultural Best Management Cost-Share Program funds within the Southern Rivers area, and (iv) the amount of Technical Assistance funding. The August 15 report shall reflect cumulative amounts.

3. As part of the semi-annual report, the department shall assess the impact of settlement agreements with the Commonwealth entered into between July 1, 2017, and June 30, 2022, on achieving an effective level of Soil and Water Conservation District technical assistance funding and the implementation of agricultural best management practices pursuant to § 10.1-546.1., Code of Virginia. The department shall include in its report any amounts from the settlements including: 1) estimation of the timeline and amount for each fiscal year to implement agricultural best management practices; and 2) estimation of the timeline and amount for each fiscal year of additional technical assistance provided as a result of the additional funding from the settlements.

B.1. Notwithstanding § 10.1-2129A., Code of Virginia, \$46,315,697 the first year from the general fund shall be deposited to the Virginia Water Quality Improvement Fund established under the Water Quality Improvement Act of 1997. Of this amount in the first year, \$2,250,000 shall be appropriated to the Department for the following specified statewide uses: \$500,000 shall be used for the Commonwealth's match for participation in the Federal Conservation Reserve Enhancement Program (CREP); \$500,000 shall be transferred to the Virginia Association of Soil and Water Conservation Districts to be used for the Virginia Conservation Assistance Program (VCAP); \$750,000 shall be allocated for special nonpoint source reduction projects to include, but not be limited to, poultry litter transport and grants related to the development and certification of Resource Management Plans developed pursuant to § 10.1-104.7; \$250,000 shall be transferred to the Department of Forestry for water quality grants; and \$250,000 to the Department for the development and continued maintenance of the Conservation Application Suite including costs related to servers and necessary software licenses. The Department of Forestry shall submit a report by August 15, 2020, to the Department of Conservation and Recreation specifying uses of funds received. Pursuant to paragraph B of Item 372, \$4,857,829 is designated for deposit to the reserve within the Virginia Water Quality Improvement Fund.

2. Of the remaining amount in the first year, \$39,207,868 is authorized for transfer to the Virginia Natural Resources Commitment Fund, a sub fund of the Water Quality Improvement Fund. Notwithstanding any other provision of law, the funds transferred to the Virginia Natural Resources Commitment Fund shall be distributed by the Department upon approval of the Virginia Soil and Water Conservation Board in accordance with the board's developed policies, as follows: \$27,062,591 shall be used for matching grants for Agricultural Best Management Practices on lands in the Commonwealth exclusively or partly within the Chesapeake Bay watershed, \$11,598,254 shall be used for matching grants for Agricultural Best Management Practices on lands in the Commonwealth exclusively outside the Chesapeake Bay watershed, and an additional \$547,023 in addition to the base funding provided in A.1. shall be appropriated for Technical Assistance for Virginia Soil and Water Conservation Districts.

3. This appropriation meets the mandatory deposit requirements associated with the FY 2019 excess general fund revenue collections and discretionary year-end general fund balances.

C.1. Out of the appropriation in this Item, \$20,860,000 the second year from the general fund shall be deposited to the Virginia Water Quality Improvement Fund established under the Water Quality Improvement Act of 1997. Of this amount in the second year, \$2,250,000 shall be appropriated to the department for the following specified statewide uses: \$500,000 shall be used for the Commonwealth's match for participation in the Federal Conservation Reserve Enhancement Program (CREP); \$500,000 shall be transferred to the Virginia Association of Soil and Water Conservation Districts to be used for the Virginia Conservation Assistance Program (VCAP); \$750,000 shall be allocated for special nonpoint source reduction projects to include but not be limited to poultry litter transport and grants related to the development and certification of Resource Management Plans developed pursuant to § 10.1-104.7; \$250,000 shall be transferred to the Department of Forestry for water quality grants; and \$250,000 to the Department for the development and continued maintenance of the

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	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>Conservation Application Suite including costs related to servers and necessary software licenses. The Department of Forestry shall submit a report by August 15, 2021, to the Department of Conservation and Recreation specifying uses of funds received.</p>				
<p>2. Of the remaining amount in the second year, \$18,610,000 is authorized for transfer to the Virginia Natural Resources Commitment Fund, a sub fund of the Water Quality Improvement Fund. Notwithstanding any other provision of law, the funds transferred to the Virginia Natural Resources Commitment Fund shall be distributed by the department upon approval of the Virginia Soil and Water Conservation Board in accordance with the board's developed policies, as follows: \$13,027,000 shall be used for matching grants for Agricultural Best Management Practices on lands in the Commonwealth exclusively or partly within the Chesapeake Bay watershed, \$5,583,000 shall be used for matching grants for Agricultural Best Management Practices on lands in the Commonwealth exclusively outside the Chesapeake Bay watershed.</p>				
<p>D. It is the intent of the General Assembly, that notwithstanding the provisions of § 10.1-2132, Code of Virginia, the department is authorized to make Water Quality Improvement Grants to state agencies.</p>				
<p>E.1 Out of the appropriation in this Item, \$10,000,000 the first year and \$10,000,000 the second year from the Virginia Natural Resources Commitment Fund, a subfund of the Virginia Water Quality Improvement Fund, is hereby appropriated. The funds shall be dispersed by the department pursuant to § 10.1-2128.1, Code of Virginia.</p>				
<p>2. The source of an amount estimated at \$10,000,000 the first year and \$10,000,000 the second year to support the nongeneral fund appropriation to the Virginia Natural Resources Commitment Fund shall be the recordation tax fee established in Part 3 of this act.</p>				
<p>3. Out of this amount, a total of thirteen percent, or \$1,300,000, whichever is greater, shall be appropriated to Virginia Soil and Water Conservation Districts for technical assistance to farmers implementing agricultural best management practices, and \$8,700,000 for Agricultural Best Management Practices Cost-Share Assistance. Of the amount deposited for Cost-Share Assistance, seventy percent shall be used for matching grants for agricultural best management practices on lands in the Commonwealth exclusively or partly within the Chesapeake Bay watershed, and thirty percent shall be used for matching grants for agricultural best management practices on lands in the Commonwealth exclusively outside of the Chesapeake Bay watershed.</p>				
<p>F.1. Out of the appropriation in this Item, \$2,583,531 in the first year and \$2,583,531 in the second year from the funds designated in Item 3-1.01.C. of this act are hereby appropriated to the Virginia Water Quality Improvement Fund and designated for deposit to the reserve fund established pursuant to paragraph B of Item 372. It is the intent of the General Assembly that all interest earnings of the Water Quality Improvement Fund shall be spent only upon appropriation by the General Assembly, after the recommendation of the Secretary of Natural Resources, pursuant to § 10.1-2129, Code of Virginia.</p>				
<p>2. Notwithstanding the provisions of §§ 10.1-2128, 10.1-2129 and 10.1-2128.1, Code of Virginia, it is the intent of the General Assembly that the department use interest earnings from the Water Quality Improvement Fund and the Virginia Natural Resources Commitment Fund to support one position to administer grants from the fund.</p>				
<p>G. Out of the appropriation in this Item, \$15,000 the first year and \$15,000 the second year from the general fund is provided to support the Rappahannock River Basin Commission. The funds shall be matched by the participating localities and planning district commissions.</p>				
<p>H. Notwithstanding § 10.1-552, Code of Virginia, Soil and Water Conservation Districts are hereby authorized to recover a portion of the direct costs of services rendered to landowners within the district and to recover a portion of the cost for use of district-owned conservation equipment. Such recoveries shall not exceed the amounts expended by a district on these services and equipment.</p>				
<p>I. Unless specified otherwise in this Item, it is the intent of the General Assembly that balances in Soil and Water Conservation be used first, and then balances from</p>				

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<p>Agricultural Best Management Practices Cost Share Assistance be used for the Commonwealth's statewide match for participation in the federal Conservation Reserve Enhancement Program (CREP).</p> <p>J. The Water Quality Agreement Program shall be continued in order to protect the waters of the Commonwealth through voluntary cooperation with lawn care operators across the state. The department shall encourage lawn care operators to voluntarily establish nutrient management plans and annual reporting of fertilizer application. If appropriate, then the program may be transferred to another state agency.</p> <p>K. Out of the appropriation in this Item, \$250,000 the first year and \$250,000 the second year from the general fund is provided to the department to make available competitive grants to provide Chesapeake Bay meaningful watershed educational experiences. The department may enter into two-year contracts contingent on funding being available in the second year of the biennium.</p> <p>L. Out of the appropriation in this Item, \$200,000 the first year and \$200,000 the second year from the general fund is provided to the department for technical assistance to support Shoreline Erosion Advisory Services as established in § 10.1-702, Code of Virginia.</p> <p>M. Out of the appropriation in this Item, \$500,000 the first year and \$500,000 the second year from the general fund shall be provided to the Natural Heritage Program in support of active preserve management activities across Virginia's 63 Natural Area Preserves as identified by the Board of Conservation and Recreation.</p> <p>N. Notwithstanding § 54.1, Chapter 4, the U.S. Department of Agriculture's Natural Resources Conservation Service and Department of Conservation and Recreation Central Office staff may provide engineering services to the Department of Conservation and Recreation and the local Soil and Water Conservation Districts for design and construction of agriculture best management practices.</p> <p>O.1. Out of the amounts appropriated for Dam Inventory, Evaluation, and Classification and Flood Plain Management, \$15,732,147 the first year and \$732,147 the second year from the general fund shall be deposited to the Dam Safety, Flood Prevention and Protection Assistance Fund, established pursuant § 10.1-603.17, Code of Virginia.</p> <p>2. Out of the amounts deposited to the Dam Safety, Flood Prevention and Protection Assistance Fund, \$15,000,000 the first year from the general fund shall be authorized for the major modification, upgrade, or rehabilitation of dams owned or maintained by the Department of Conservation and Recreation and the Virginia Soil and Water Conservation Districts to bring impounding structures into compliance with the Dam Safety Act requirements promulgated by the Virginia Soil and Water Conservation Board pursuant to § 10.1-605, Code of Virginia.</p> <p>3. Unobligated balances in the Dam Safety, Flood Prevention and Protection Assistance Fund may be utilized in an amount not to exceed \$60,000 to perform activities necessary to update the flood protection plan for the Commonwealth and to make the plan accessible online. Once these activities are complete, the department will maintain and update the plan as needed within existing resources.</p> <p><i>P.1. Notwithstanding any other provision of law, this appropriation includes \$30,350,000 the second year from the general fund which shall be deposited to the Virginia Water Quality Improvement Fund established pursuant to the Water Quality Improvement Act of 1997. The Secretary of Natural Resources shall develop and submit a plan for the allocation of these funds no later than November 1, 2020.</i></p> <p><i>2. This appropriation meets the mandatory deposit requirements associated with the FY 2020 discretionary year-end general fund balances.</i></p>				
374.	Leisure and Recreation Services (50400).....		\$74,050,589	\$73,177,420
	Preservation of Open Space Lands (50401).....	\$16,650,193		
	Design and Construction of Outdoor Recreational Facilities (50403).....	\$894,593		
	State Park Management and Operations (50404).....	\$50,006,739		

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Natural Outdoor Recreational and Open Space Resource Research, Planning, and Technical Assistance (50406).....	\$6,499,064	\$5,759,064		
Fund Sources: General.....	\$37,572,732	\$36,699,563		
Special.....	\$27,511,003	\$27,511,003		
Dedicated Special Revenue.....	\$3,717,124	\$3,717,124		
Federal Trust.....	\$5,249,730	\$5,249,730		

Authority: Title 10.1, Chapters 1, 2, 3, 4, 4.1, and 17; Title 18.2, Chapters 1 and 5; Title 19.2, Chapters 1, 5, and 7, Code of Virginia.

A.1. Included in the amounts for Preservation of Open Space Lands is \$10,000,000 the first year and \$10,000,000 the second year from the general fund to be deposited into the Virginia Land Conservation Fund, § 10.1-1020, Code of Virginia. No less than 50 percent of the appropriations remaining after the transfer to the Virginia Outdoors Foundation's Open-Space Lands Preservation Trust fund has been satisfied are to be used for grants for fee simple acquisitions with public access or acquisitions of easements with public access. This appropriation shall be deemed sufficient to meet the provisions of § 2.2-1509.4, Code of Virginia.

2. Included in the amounts for Preservation of Open Space Lands is \$1,500,000 the first year and \$1,500,000 the second year from nongeneral funds to be deposited into the Virginia Land Conservation Fund to be distributed by the Virginia Land Conservation Foundation pursuant to the provisions of § 58.1-513, Code of Virginia.

3. The Department of Conservation and Recreation and the Virginia Outdoors Foundation shall review the Hayfields Farm property, consisting of approximately 1,034.7 acres more or less in Highlands County, Virginia, Tax Parcel #68A17 and #68A18A, located at 524 Hayfields Lane in McDowell, and make recommendations to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by October, 1 2020 on its suitability as a recreational area pursuant to §10.1-200 et. seq., Code of Virginia, for development as a state or regional park. In its review, the agencies shall consider (i) management of the area or park by a combination of public and private entities; (ii) potential user activities at the area or park including but not limited to camping, fishing, hiking, bird watching, equestrian activities, and biking; and (iii) operation of the area or park with only those improvements minimally necessary for activities listed herein and consistent with the preservation and protection of the property's conservation values and natural resources.

B. Included in the amounts for Preservation of Open-Space Lands is \$1,752,750 the first year and \$1,752,750 the second year from the general fund and \$1,900,000 the first year and \$1,900,000 the second year from nongeneral funds for the operating expenses of the Virginia Outdoors Foundation (Title 10.1, Chapter 18, Code of Virginia).

C.1. Out of the amounts appropriated for State Parks Management and Operations, up to \$275,000 the first year and \$275,000 the second year from the general fund shall be paid for the operation and maintenance of Breaks Interstate Park.

2. The Breaks Interstate Park Commission shall submit an annual audit of a fiscal and compliance nature of its accounts and transactions to the Auditor of Public Accounts, the Director, Department of Conservation and Recreation, and the Director, Department of Planning and Budget.

3. The Breaks Interstate Park Commission shall, following the modernization of the Breaks Interstate Park electrical system, enter into negotiations to transfer control of the electrical system serving the park to a local regional electric utility.

D. Notwithstanding the provisions of § 10.1-202, Code of Virginia, amounts deposited to the State Park Conservation Resources Fund may be used for a program of in-state travel advertising. Such travel advertising shall feature Virginia State Parks and the localities or regions in which the parks are located. To the extent possible the department shall enter into cooperative advertising agreements with the Virginia Tourism Authority and local entities to maximize the effectiveness of expenditures for advertising. The department is further authorized to enter into a cooperative advertising agreement with the Virginia

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Association of Broadcasters.				
<p>E. Upon completion of the construction of the Daniel Boone Wilderness Trail Interpretative Center, the Division of State Parks may accept transfer of the facility, 153 acres of land, and \$450,000 for maintenance of the completed facility for operation as a satellite facility to Natural Tunnel State Park. It is the intent of the General Assembly that at such time as the facility, property, and cash are transferred to the Division of State Parks that positions and ongoing funding for the operation of the satellite facility shall be provided.</p>				
<p>F. The department is hereby authorized to enter into an agreement with the non-profit organization that currently owns Natural Bridge to open and operate the facility as a Virginia State Park. Included in the amount for this item is \$376,364 the first year and \$376,364 and five positions from the general fund to increase the operational capacity of Natural Bridge State Park including additional visitor experience, retail, and maintenance functions.</p>				
<p>G. Notwithstanding any other provision of the Code of Virginia, as a condition of the expenditure of all amounts included in this Item, the department shall not initiate or accept by gift, transfer or purchase with nongeneral funds any new lands for use as a State Park or Natural Area Preserve without a specific appropriation for such purpose by the General Assembly. However, the department is authorized to acquire land as expressly set out in Items C-27 and C-27.10 of Chapter 854, 2019 Acts of Assembly, as well as in-holdings or lands contiguous to an existing State Park or Natural Area Preserve as expressly set out in Items C-40 and C-41 of this act and as provided for in Section 4-2.01 a.1. of this act provided further that acquisitions authorized in Items C-40 and C-41 will not cause the department to incur additional operating expenses. It is not the intent of these provisions to prohibit any acquisitions resulting from mitigation settlements or to prohibit any additional operating expenses resulting from such acquisitions.</p>				
<p>H.1. Included in the amounts for State Park Management and Operations is \$590,944 the first year and \$590,944 the second year and six positions from the general fund for the initial start-up and ongoing operational costs for Phase I of Widewater State Park in Stafford County. It is the intent of the General Assembly that, as soon as practicable upon completion of Phase 1A, that the Department shall provide public access and proceed to regular revenue generating operations at the Park.</p>				
<p>2. The Department of Conservation and Recreation shall collaborate with Stafford County Public Schools, the Friends of Widewater State Park and other interested stakeholders regarding the Science and Environmental Center at Widewater State Park planned to be constructed as part of Phase III in order to ensure the facility is adequate to meet the needs of the community, curriculum collaboration opportunities with local schools, and other needs; determine whether any design changes would further community environmental education goals; determine the availability of any grant, charitable or co-funding opportunities with Stafford County and/or Virginia higher educational institutions; determine the feasibility and costs of any design changes or the necessity of any Master Plan changes; and produce recommendations, if any, relating to such objectives.</p>				
<p>I. Included in the amount for this Item is \$198,752 the first year and \$198,752 the second year and two positions from the general fund to support the limited operation of Seven Bends State Park.</p>				
<p>J. Included in the amount for this Item is \$150,000 the first year and \$150,000 the second year from the nongeneral fund amounts appropriated in Item 451 A. for recreational access which shall be used to fabricate and install Supplemental Guide Signs for Virginia State Parks.</p>				
<p>K. The department is hereby authorized to enter into an agreement with the United States Forest Service that owns the Longdale Day Use Area to operate the facility as the Green Pastures Unit of Douthat State Park, an extension of Douthat State Park.</p>				
<p>L. The Department of Conservation and Recreation shall review the Brandy Station and Cedar Mountain properties and make recommendations to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by October 1, 2020 on their suitability as a historical and recreational area pursuant to §10.1-200 et. seq., Code of Virginia, or development as a state or regional park. In its review, the Department shall consider (i) management of the area or park by a combination of public and private entities; (ii) potential</p>				

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user activities at the area or park including heritage tourism, primitive camping, fishing, bow hunting, boating, equestrian activities, biking and historical and military education; and (iii) operation of the area or park with only those improvements minimally necessary for activities listed herein and consistent with the preservation and protection of existing historic, cultural, archaeological, and natural resources.

M. Included in the amounts for this item is \$160,800 the first year and \$160,800 the second year and two positions from the general fund to support staffing and operations at Mason Neck State Park.

N. The Director, Department of Conservation and Recreation, shall assess the feasibility of costs of (i) connecting Mason Neck State Park to a public water supply, and (ii) replacing equipment and providing necessary upgrades to the Park's current well water system. The Director shall report the findings and recommendations of the assessment to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees no later than October 15, 2020.

O. Included in the amount for this item, \$740,000 the first year from the general fund is provided to the City of Danville to develop Riverfront Park. This amount shall be matched by a local appropriation of at least \$740,000 prior to any disbursement from this Item.

P. The Department of Conservation and Recreation shall, no later than November 1, 2021, provide to the Chairs of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations an assessment of the feasibility for development of a linear park along the Shenandoah Valley rail corridor from Front Royal to Broadway, Virginia. The assessment shall include the potential timeline for abandonment of existing Norfolk Southern rail sections B51.0 to B84.0 and CW84.0 to CW99.5, anticipated annual user revenues, and all start-up and ongoing costs of operation as a satellite facility of Seven Bends and Shenandoah State Parks. The Departments of Transportation and Rail and Public Transportation shall provide any technical assistance as may be required in developing the cost assessment.

375. Not set out.

375.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Increase dam safety floodplain management positions	\$229,637	\$229,637
Environmental Literacy Program	\$170,000	\$170,000
Increase funding for the Virginia Land Conservation Fund	\$5,500,000	\$5,500,000
Riverfront Park Danville	\$740,000	\$0
Natural Bridge State Park Operations	\$376,364	\$376,364
Establish a dam safety lead engineer position	\$170,758	\$170,758
Mason Neck State Park Staffing	\$160,800	\$160,800
Support state park operations	\$556,000	\$556,000
Pocahontas State Park New Cabin O&M	\$152,273	\$152,273

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	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Provide funding for management of Green Pastures Recreation Area		\$342,678		\$209,509
Provide for preventative maintenance needs at state parks		\$500,000		\$500,000
Provide a supplemental deposit to the Water Quality Improvement Fund		\$0		\$25,410,000
Supplemental Water Quality Improvement Fund amount		\$3,840,000		\$0
Increase funding for dam rehabilitation projects		\$15,000,000		\$0
Agency Total		\$27,738,510		\$33,435,341
Total for Department of Conservation and Recreation.....			\$190,581,067	\$149,252,201 \$179,602,201
General Fund Positions.....	435.50	435.50		
Nongeneral Fund Positions.....	46.50	46.50		
Position Level.....	482.00	482.00		
Fund Sources: General.....	\$132,722,253	\$91,393,387 \$121,743,387		
Special.....	\$28,721,864	\$28,721,864		
Dedicated Special Revenue.....	\$15,968,326	\$15,968,326		
Federal Trust.....	\$13,168,624	\$13,168,624		

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376.	Not set out.			
377.	Water Protection (51200).....		\$47,728,146	\$52,894,920
	Water Protection Permitting (51225).....	\$8,954,437		\$11,054,476
	Water Protection Compliance and Enforcement (51226).....	\$8,247,453		\$8,599,703
	Water Protection Outreach (51227).....	\$2,938,270		\$2,938,270
	Water Protection Planning and Policy (51228).....	\$8,451,889		\$8,569,623
	Water Protection Monitoring and Assessment (51229).....	\$11,525,815		\$14,122,566
	Water Protection Stormwater Management (51230)....	\$7,610,282		\$7,610,282
	Fund Sources: General.....	\$25,228,739		\$30,395,513
	Special.....	\$1,919,279		\$1,919,279
	Trust and Agency.....	\$25,500		\$25,500
	Dedicated Special Revenue.....	\$12,084,183		\$12,084,183
	Federal Trust.....	\$8,470,445		\$8,470,445

Authority: Title 10.1, Chapter 11.1; and Title 62.1, Chapters 2, 3.1, 3.2, 3.6, 5, 6, 20, 22, 24, and 25, Code of Virginia.

A. Out of this appropriation, \$51,500 the first year and \$51,500 the second year from the general fund is designated for annual membership dues for the Ohio River Valley Water Sanitation Commission.

B.1. The permit fee regulations adopted by the State Water Control Board pursuant to paragraphs B.1. and B.2. of § 62.1-44.15:6, Code of Virginia, shall be set at an amount representing not more than 50 percent of the direct costs for the administration, compliance and enforcement of Virginia Pollutant Discharge Elimination System permits and Virginia Pollution Abatement permits.

2. The regulations adopted by the State Water Control Board to initially implement the provisions of this Item shall be exempt from Article 2 (§ 2.2-4006, et seq.) of Chapter 40 of Title 2.2, Code of Virginia, and shall become effective no later than July 1, 2010. Thereafter,

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<p>any amendments to the fee schedule described by these acts shall not be exempted from Article 2 (§ 2.2-4006, et seq.) of Chapter 40 of Title 2.2, Code of Virginia.</p>				
<p>C. Out of the appropriation for this item, \$151,500 the first year and \$151,500 the second year from the general fund is designated for the annual membership dues for the Interstate Commission on the Potomac River Basin.</p>				
<p>D.1. Notwithstanding § 62.1-44.15:56, Code of Virginia, public institutions of higher education, including community colleges, colleges, and universities, shall be subject to project review and compliance for state erosion and sediment control requirements by the local program authority of the locality within which the land disturbing activity is located, unless such institution submits annual specifications to the Department of Environmental Quality, in accordance with § 62.1-44.15:56 A (i), Code of Virginia.</p>				
<p>2. The State Water Control Board is authorized to amend the Erosion and Sediment Control Regulations (9 VAC 25-840 et seq.) to conform such regulations with this project review requirement and to clarify the process. These amendments shall be exempt from Article 2 (§2.2-4006 et seq.) of the Administrative Process Act.</p>				
<p>E. Beginning October 1, 2015, there shall be a \$3.75 fee imposed on each dry ton of exceptional quality biosolids cake sewage sludge that is land applied pursuant to § 62.1-44.19:3P, Code of Virginia, until such fee is altered, amended or rescinded by the State Water Control Board.</p>				
<p>F.1. The Department shall work in conjunction with the Virginia Economic Development Partnership to facilitate the development of long-term offsetting methods within the Virginia Nutrient Credit Exchange as set out in Item 130 of this act.</p>				
<p>2. The Department shall work with permittees operating under the Chesapeake Bay Watershed Nutrient General Permit and interested stakeholders through a workgroup including local government representatives, the Chesapeake Bay Foundation and the James River Association to review the assumptions used in estimating the effluent nutrient concentrations and trends of wastewater facilities and to identify cost-effective options to achieve wastewater nutrient load levels with reasonable assurance consistent with the needs of the Chesapeake Bay TMDL Phase III Watershed Implementation Plan. The review shall be completed and provided to the Chairs of the House Appropriations Committee, the Senate Finance and Appropriations Committee, the House Committee on Agriculture, Chesapeake and Natural Resources, the Senate Committee on Agriculture, Conservation, and Natural Resources and the Virginia delegation of the Chesapeake Bay Commission by December 1, 2020. The Department shall continue issuing Water Quality Improvement Fund grants for additional nutrient removal projects in accordance with the appropriations under Items 379 and C-70 of this act and §§ 10.1-1186.01 and 10.1-2117 of the Code of Virginia.</p>				
<p>G. Notwithstanding any other provision of law, any Virginia Stormwater Management Program authority is authorized to charge a voluntary fee of \$30,000 for review of sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 100 acres for an expedited stormwater management program plan review. Any individual or firm electing to pay the voluntary fee shall be guaranteed the total government review time shall not exceed 45 days excluding any applicant's time in responding to questions. Any amounts paid to DEQ above the \$9,600 fee shall be used by DEQ to increase the staffing level of the reviewers of these applications.</p>				
<p>H. Out of the amounts in this Item, \$2,730,601 the first year and \$2,730,601 the second year from the general fund is included for the purchase of laboratory and field equipment through the Commonwealth's Master Equipment Leasing Program.</p>				
<p>I. The Department shall assess current provisions of the Virginia Erosion and Sediment Control Act, Storm Water Management Act, and the Chesapeake Bay Preservation Act and identify any areas of inconsistency, conflict, and duplication within and among the existing administrative regulations across the three regulatory programs and analyze the impact on locally administered programs for MS4 permit localities under the Virginia Stormwater Management Act. A final report of the assessment, and all associated recommendations for increasing the efficiency and improving the integration of the</p>				

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current regulatory framework, shall be submitted to the Governor and the General Assembly no later than April 1, 2021.				
J. Out of the amounts appropriated for this item, \$231,000 the first year and \$231,000 the second year is provided for regional water resource planning activities.				
K. The Department shall assess alternative reimbursement models and reimbursement amounts for nutrient removal grants provided to projects serving a locality or localities with: (i) high fiscal stress as defined by the Composite Fiscal Stress Index; (ii) median household incomes below the Commonwealth's average; and (iii) the capacity of ratepayers to absorb the additional costs of financing nutrient removal projects. The Department shall provide a report detailing its findings and recommendations to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees no later than December 15, 2020.				
<i>L. The Department shall convene a workgroup of affected stakeholders, including representatives from the regulated industry, local governments and members of the public, to produce recommendations for the Governor and General Assembly to improve the long-term sustainability of the Virginia Stormwater Management Fund established by § 62.1-44.15:29 and Department oversight of nutrient credit use in the Commonwealth. Such recommendations shall be provided to the Governor and General Assembly by November 1, 2020.</i>				
<i>2. The provisions of 9VAC25-900, Virginia Administrative Code, shall be considered to have satisfied the conditions of § 62.1-44.15:35, Code of Virginia, for the establishment of an application fee schedule in accordance with § 62.1-44.19:20, Code of Virginia.</i>				
378.	Air Protection (51300).....		\$21,472,948	\$22,064,948
	Air Protection Permitting (51325).....	\$5,415,049		\$5,877,049
	Air Protection Compliance and Enforcement (51326)			
		\$6,189,758		\$6,189,758
	Air Protection Outreach (51327).....	\$1,262,360		\$1,262,360
	Air Protection Planning and Policy (51328).....	\$4,040,995		\$4,040,995
	Air Protection Monitoring and Assessment (51329)....	\$4,564,786		\$4,694,786
	Fund Sources: General.....	\$2,530,380		\$3,122,380
	Enterprise.....	\$9,766,599		\$9,766,599
	Dedicated Special Revenue.....	\$5,195,992		\$5,195,992
	Federal Trust.....	\$3,979,977		\$3,979,977

Authority: Title 10.1, Chapters 11.1 and 13; and Title 46.2, Chapter 10, Code of Virginia.

A. The Department of Environmental Quality is authorized to use up to \$300,000 the first year and \$300,000 the second year from the Vehicle Emissions Inspection Program Fund to implement the provisions of Chapter 710, Acts of Assembly of 2002, which authorizes the department to operate a program to subsidize repairs of vehicles that fail to meet emissions standards established by the Air Pollution Control Board when the owner of the vehicle is financially unable to have the vehicle repaired.

B.1. All of the permit program emissions fees collected by the State Air Pollution Control Board pursuant to § 10.1-1322, Code of Virginia, shall be assessed and collected on an annual basis notwithstanding the provisions of that section. The State Air Pollution Control Board shall adopt regulations adjusting permit program emissions fees collected pursuant to § 10.1-1322, Code of Virginia, and establish permit application processing fees and permit maintenance fees sufficient to ensure that the revenues collected from fees cover the total direct and indirect costs of the program consistent with the requirements of Title V of the Clean Air Act, except that the initial adjustment to permit program emissions fees shall not be increased by more than 30 percent over current rates. Notwithstanding the provisions of § 10.1-1322, Code of Virginia, the permit application fees collected pursuant to this paragraph shall not be credited towards the amount of annual fees owed pursuant to § 10.1-1322, Code of Virginia. All of the fees adopted pursuant to this section shall be adjusted annually by the Consumer Price Index.

2. The State Air Pollution Control Board shall adopt regulations to prohibit the sale, lease, rent, installation or entry into commerce in Virginia of any products or equipment that use or

ITEM 378.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>will use hydrofluorocarbons for the applications and end uses restricted by Appendix U and Appendix V of Subpart G of 40 C.F.R. Part 82, as those read on January 3, 2017. <i>Notwithstanding the foregoing, such regulations shall not prohibit the use of hydrofluorocarbons in the manufacturing process by extruded polystyrene boardstock and billet manufacturers located in Virginia to produce products for sale and distribution outside of the Commonwealth, until the Board has solicited input from such manufacturers in order to determine and set by regulation a feasible date by which such manufacturers must be required to comply. In developing regulations, the Board shall solicit input from a workgroup of relevant stakeholders assembled by the Department.</i></p> <p>3. The regulations adopted by the State Air Pollution Control Board to initially implement the provisions of this item shall be exempt from Chapter 40 of Title 2.2, Code of Virginia, and shall become effective no later than July 1, 2021. Thereafter, any amendments to the fee schedule described by these acts shall not be exempted from Chapter 40 of Title 2.2, Code of Virginia.</p> <p>C. Out of the amounts in this Item, \$84,451 the first year and \$84,451 the second year from the general fund is included for the purchase of laboratory and field equipment through the Commonwealth's Master Equipment Leasing Program.</p>				

379. Not set out.

380. Not set out.

~~380-10~~ Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted:

	FY 2021	FY 2022
Air Protection	\$1,386,451	\$1,978,451
Land Protection	\$1,659,834	\$1,659,834
Water Protection	\$3,142,973	\$8,309,747
Agency Total	\$6,189,258	\$11,948,032
Total for Department of Environmental Quality.....		\$190,909,048 \$196,667,822
General Fund Positions.....	413.50	413.50
Nongeneral Fund Positions.....	564.50	564.50
Position Level.....	978.00	978.00
Fund Sources: General.....	\$49,052,749	\$54,811,523
Special.....	\$9,578,011	\$9,578,011
Enterprise.....	\$13,091,877	\$13,091,877
Trust and Agency.....	\$38,274,531	\$38,274,531
Dedicated Special Revenue.....	\$51,586,558	\$51,586,558
Federal Trust.....	\$29,325,322	\$29,325,322

§ 1-69. DEPARTMENT OF GAME AND INLAND FISHERIES (403)

381. Not set out.

ITEM 382.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
382.	Not set out.				
383.	Administrative and Support Services (59900).....			\$10,332,931	\$10,332,931
	General Management and Direction (59901).....	\$6,983,303	\$6,983,303		
	Information Technology Services (59902).....	\$3,349,628	\$3,349,628		
	Fund Sources: Dedicated Special Revenue.....	\$8,829,996	\$8,829,996		
	Federal Trust.....	\$1,502,935	\$1,502,935		

Authority: Title 29.1, Chapter 1, Code of Virginia.

A. The department shall recover the cost of reproduction, plus a reasonable fee per record, from persons or organizations requesting copies of computerized lists of licenses issued by the department.

B. The department shall not further consolidate its regional offices, field offices, or close any of these offices in presently-served localities or enter into any lease for any new regional office without notification of the Chairman of the House Committee on Agriculture, Chesapeake, and Natural Resources and the Chairman of the Senate Committee on Agriculture, Conservation, and Natural Resources. The department shall not undertake any future reorganization of any division, reporting structures, regional or field offices, or any function it may perform without notifying the Chairmen of the House Committee on Agriculture, Chesapeake, and Natural Resources, the House Committee on Appropriations, the Senate Committee on Agriculture, Conservation, and Natural Resources, and the Senate Committee on Finance.

C. Funds previously appropriated to the Lake Anna Advisory Committee for hydrilla control and removal may be used at the discretion of the Lake Anna Advisory Committee upon issues related to maintaining the health, safety, and welfare of Lake Anna.

D.1. Subject to review and approval by the Secretary of Natural Resources, the Director of the Department of Game and Inland Fisheries may issue to the Department of Transportation an interim permit to relocate the nest and eggs of any state listed threatened bird species from critical areas of the Hampton Roads Bridge Tunnel Expansion Project's South Island associated with the ingress and egress to the island; the delivery, assembly, and immediate operations of the tunnel boring machine; or other project critical locations as mutually agreed to by the Commissioner of Highways and the Director, which, if not relocated, would effectively require all substantial construction activities to cease.

2. Prior to the issuance of an interim permit as described in section 1, (i) the Director must determine that the Department of Transportation and its design-build contractor have taken all reasonable steps to prevent birds from nesting on the South Island, in accordance with the Colonial Nesting Bird Management Plan dated March 27, 2020, (ii) the Commissioner of Highways must determine that substantial construction activities will have to cease if the nest and eggs are not relocated, and (iii) the Director shall require as a condition of the interim permit that the nest and any eggs will be relocated under the supervision of the Department of Game and Inland Fisheries to a location acceptable to the Director that is as close as possible to the original nesting location while allowing construction activities to continue.

3. Within 30 days of the adoption by the Board of Game and Inland Fisheries of any regulation governing the take of migratory birds or threatened and endangered species, the Department of Transportation shall apply for a permit covering such take for the Hampton Roads Bridge-Tunnel expansion project.

4. Any agency that exercises the authority granted in paragraph D-1, or that issues any permit that has an adverse impact on fish and wildlife or their habitat, may require compensatory mitigation for such adverse impact as a condition of issuing the permit.

a. For the purposes of this section, "compensatory mitigation" means addressing the direct and indirect adverse impacts to fish and wildlife and their habitats that may be caused by a construction project by avoiding and minimizing impacts to the extent practicable and then compensating for the remaining impacts:

b. Proposed compensatory mitigation agreements between an agency and a permittee shall be subject to the approval of the Secretary of Natural Resources, and may include environmental

ITEM 383.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
restoration projects; purchase of mitigation bank credits; or in-lieu payments to existing state funds related to conservation of fish and wildlife and their habitat.				
384. Not set out.				
Total for Department of Game and Inland Fisheries			\$67,952,102	\$66,841,461
Nongeneral Fund Positions.....	496.00	496.00		
Position Level.....	496.00	496.00		
Fund Sources: Dedicated Special Revenue.....	\$51,794,539	\$50,683,898		
Federal Trust.....	\$16,157,563	\$16,157,563		

§ 1-70. DEPARTMENT OF HISTORIC RESOURCES (423)

- 385. Not set out.
- 386. Not set out.

386.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Provide funding for the Center for African-American History and Culture at Virginia Union University	\$1,000,000	\$0
Provide additional funding to support staff salaries	\$123,360	\$123,360
Provide additional funding to support the Historical Highway Marker program	\$200,000	\$0
Provide funding to digitize highway markers for the Virginia African American History Trail	\$100,000	\$0
Provide funding to increase the Director's salary	\$15,968	\$15,968
Provide funding to support a cemetery preservationist position	\$108,337	\$108,337
Provide additional funding for Montpelier	\$1,000,000	\$0
Provide funding to the County of Brunswick	\$50,000	\$0
Provide funding to County of Fairfax for NOVA Parks	\$250,000	\$0
Provide additional funding for the Battlefield Preservation Fund	\$250,000	\$250,000
Provide funding to County of Arlington	\$75,000	\$0
Provide additional funding and positions	\$159,479	\$159,479

ITEM 386.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
for underwater archaeology program				
Provides funding to the City of Richmond for cultural initiatives	\$1,000,000			\$0
Provides funding to the City of Charlottesville for cultural initiatives	\$500,000			\$0
Provides funding to the City of Alexandria to support cultural initiatives	\$2,443,000			\$0
Provide funding and add language for the County of Gloucester	\$100,000			\$0
Provides funding to the City of Staunton for the Woodrow Wilson Presidential Library	\$250,000			\$0
Agency Total	\$7,625,144			\$657,144
Total for Department of Historic Resources.....			\$16,131,072	\$9,143,072
General Fund Positions.....	29.50	29.50		
Nongeneral Fund Positions.....	19.00	19.00		
Position Level.....	48.50	48.50		
Fund Sources: General.....	\$12,887,248	\$5,899,248		
Special.....	\$934,668	\$934,668		
Commonwealth Transportation.....	\$115,642	\$115,642		
Dedicated Special Revenue.....	\$97,799	\$97,799		
Federal Trust.....	\$2,095,715	\$2,095,715		

§ 1-71. MARINE RESOURCES COMMISSION (402)

- 387. Not set out.
- 388. Not set out.
- 389. Not set out.
- 390. Not set out.

390.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted:

	FY 2021	FY 2022
Provide funding for a coastal resiliency manager position	\$78,250	\$78,150
Provide funding for the removal of a derelict barge in Belmont Bay	\$250,000	\$0
Provide funding for outboard motors	\$96,436	\$0
Provide funding for a position in the fisheries observer program	\$81,795	\$57,695

ITEM 390.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Provide funding for unmanned aerial vehicles		\$18,672		\$0
Virginia Aquarium and Marine Science Foundation		\$50,000		\$0
Agency Total		\$575,153		\$135,845
Total for Marine Resources Commission.....			\$29,805,830	\$29,250,622
General Fund Positions.....	138.50	138.50		
Nongeneral Fund Positions.....	31.00	31.00		
Position Level.....	169.50	169.50		
Fund Sources: General.....	\$16,645,466	\$16,205,558		
Special.....	\$7,895,835	\$7,780,535		
Commonwealth Transportation.....	\$313,768	\$313,768		
Dedicated Special Revenue.....	\$1,519,961	\$1,519,961		
Federal Trust.....	\$3,430,800	\$3,430,800		
TOTAL FOR OFFICE OF NATURAL RESOURCES.....			\$496,127,550	\$451,903,609 \$482,253,609
General Fund Positions.....	1,022.00	1,022.00		
Nongeneral Fund Positions.....	1,157.00	1,157.00		
Position Level.....	2,179.00	2,179.00		
Fund Sources: General.....	\$211,948,655	\$168,950,655 \$199,300,655		
Special.....	\$47,130,378	\$47,015,078		
Commonwealth Transportation.....	\$429,410	\$429,410		
Enterprise.....	\$13,091,877	\$13,091,877		
Trust and Agency.....	\$38,274,531	\$38,274,531		
Dedicated Special Revenue.....	\$120,967,183	\$119,856,542		
Federal Trust.....	\$64,285,516	\$64,285,516		

ITEM 391.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

OFFICE OF PUBLIC SAFETY AND HOMELAND SECURITY

§ 1-72. SECRETARY OF PUBLIC SAFETY AND HOMELAND SECURITY (187)

391.	Administrative and Support Services (79900).....			\$1,230,902	\$1,230,902
	General Management and Direction (79901).....	\$1,230,902	\$1,230,902		
	Fund Sources: General.....	\$1,230,902	\$1,230,902		

Authority: Title 2.2, Chapter 2, Article 8, and § 2.2-201, Code of Virginia.

A. The Secretary of Public Safety and Homeland Security shall present revised six-year state and local juvenile and state and local responsibility adult offender population forecasts to the Governor, the Chairmen of the House Appropriations and Senate Finance Committees, and the Chairmen of the House and Senate Courts of Justice Committees by October 15 of each year. The secretary shall ensure that the revised forecast for state-responsible adult offenders shall include an estimate of the number of probation violators included each year within the overall population forecast who may be appropriate for alternative sanctions.

B. The secretary shall continue to work with other secretaries to (i) develop services intended to improve the re-entry of offenders from prisons and jails to general society and (ii) enhance the coordination of service delivery to those offenders by all state agencies. The secretary shall provide a status report on actions taken to improve offender transitional and reentry services, as provided in § 2.2-221.1, Code of Virginia, including improvements to the preparation and provision for employment, treatment, and housing opportunities for those being released from incarceration. The report shall be provided to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than November 15 of each year.

C. Included in the appropriation for this item is \$500,000 the first year and \$500,000 the second year from the general fund for the Commonwealth's nonfederal cost match requirement to accomplish the United States Corps of Engineers Regional Reconnaissance Flood Control Study for both the Hampton Roads and Northern Neck regions as authorized by the U.S. Congress. Any balances not needed to complete these studies may be used to conduct a comparable study in the Northern Virginia region.

D. The Secretary shall report on the requirements of Item 381 H. of Chapter 854, 2019 Acts of Assembly, by November 15, 2020.

E.1. The Secretary of Public Safety and Homeland Security shall continue the expanded work group established in Item 381 of Chapter 854, 2019 Acts of Assembly. The expanded work group shall examine the workload impact, as well as other fiscal and policy impacts, on the Commonwealth's public safety and judicial agencies as a whole. The Executive Secretary of the Supreme Court shall submit the recommendations of the working group to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by November 15, 2020. All state agencies and local subdivisions shall provide assistance as requested by the working group.

2. The expanded workgroup shall include representatives of the Supreme Court, the State Compensation Board, staff of the House Appropriations and Senate Finance and Appropriations Committees, Department of Criminal Justice Services, Commonwealth's Attorneys, local governments, and other stakeholders deemed appropriate by the Secretary.

3. Prior to the preparation of the November 15, 2020 report, each Commonwealth's Attorney's office in a locality that employs body worn cameras, in conjunction with the law enforcement agency using body worn cameras, shall report to the Compensation Board and the workgroup the following information on a quarterly basis, in a format prescribed by the Board:

a. The number of hours of body worn camera video footage received from their law enforcement agencies. The number of hours should additionally be broken down into corresponding categories of felonies, misdemeanors and traffic offenses. Any recorded event that results in charges for two or more of the above categories shall be reported in the most serious category;

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b. The number of hours spent in the course of redacting videos; and				
c. Any other data determined relevant and necessary by the workgroup for this analysis.				
<i>F. The Secretary of Public Safety and Homeland Security shall establish an E-911 Border Response Workgroup. The Workgroup shall assess the deficiencies related to the timely routing of Emergency 911 (E911) calls to the appropriate public-safety answering point (PSAP) across either state or county borders. At a minimum, the workgroup should work with stakeholders to collect information on problems with the current system and processes; review mitigation solutions already implemented by localities and citizen groups; determine best practices; and provide inputs and recommendations to the General Assembly on technology, training, and compensation that would be necessary to address the identified deficiencies. The Secretary shall provide the recommendations of the Workgroup to the Governor and General Assembly no later than April 1, 2021.</i>				
392. Not set out.				
Total for Secretary of Public Safety and Homeland Security.....			\$1,813,799	\$1,813,799
General Fund Positions.....	6.00	6.00		
Nongeneral Fund Positions.....	3.00	3.00		
Position Level.....	9.00	9.00		
Fund Sources: General.....	\$1,230,902	\$1,230,902		
Federal Trust.....	\$582,897	\$582,897		

- 393. Not set out.
- 394. Not set out.
- 395. Not set out.

§ 1-73. DEPARTMENT OF CORRECTIONS (799)

396. Not set out.				
397. Not set out.				
398. Not set out.				
399. Not set out.				
400. Not set out.				
401. Not set out.				
402. Administrative and Support Services (39900).....			\$180,872,172	\$185,414,528
			\$182,326,925	\$189,901,083
General Management and Direction (39901).....	\$29,590,256	\$29,590,256		
Information Technology Services (39902).....	\$76,272,749	\$82,208,398		
	\$77,577,502	\$86,694,953		
Accounting and Budgeting Services (39903).....	\$6,167,913	\$6,167,913		
Architectural and Engineering Services (39904).....	\$18,341,254	\$17,391,254		
	\$18,491,254			
Jail Regulation, Inspections, and Investigations (39905).....	\$777,916	\$834,623		
Human Resources Services (39914).....	\$10,958,078	\$10,958,078		
Planning and Evaluation Services (39916).....	\$2,192,152	\$1,692,152		
Procurement and Distribution Services (39918).....	\$16,665,022	\$16,665,022		
Training Academy (39929).....	\$10,801,318	\$10,801,318		

ITEM 402.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Offender Classification and Time Computation Services (39930).....	\$9,105,514	\$9,105,514		
Fund Sources: General.....	\$170,537,188	\$178,079,544		
	\$171,991,941	\$182,566,099		
Special.....	\$10,184,984	\$7,184,984		
Dedicated Special Revenue.....	\$150,000	\$150,000		

Authority: §§ 53.1-1 and 53.1-10, Code of Virginia.

A.1. Any plan to modernize and integrate the automated systems of the Department of Corrections shall be based on developing the integrated system in phases, or modules. Furthermore, any such integrated system shall be designed to provide the department the data needed to evaluate its programs, including that data needed to measure recidivism.

2. The appropriation in this Item includes \$600,000 the first year and \$600,000 the second year from the Contract Prisoners Special Revenue Fund to defray a portion of the costs of maintaining and enhancing the offender management system.

B. Included in this appropriation is \$550,000 the first year and \$550,000 the second year from nongeneral funds to be used for installation and operating expenses of the telemedicine program operated by the Department of Corrections. The source of the funds is revenue from inmate fees collected for medical services.

C. Included in this appropriation is \$1,100,000 the first year and \$1,100,000 the second year from nongeneral funds to be used by the Department of Corrections for the operations of its Corrections Construction Unit. The State Comptroller shall continue the Corrections Construction Unit Special Operating Fund on the Commonwealth Accounting and Reporting System to reflect the activities of contracts between the Corrections Construction Unit and (i) institutions within the Department of Corrections for work not related to a capital project and (ii) agencies without the Department of Corrections for work performed for those agencies.

D. Notwithstanding the provisions of § 53.1-20 A. and B., Code of Virginia, the Director, Department of Corrections, shall receive offenders into the state correctional system from local and regional jails at such time as he determines that sufficient, secure and appropriate housing is available, placing a priority on receiving inmates diagnosed and being treated for HIV, mental illnesses requiring medication, or Hepatitis C. The director shall maximize, consistent with inmate and staff safety, the use of bed space in the state correctional system. The director shall report monthly to the Secretary of Public Safety and Homeland Security and the Department of Planning and Budget on the number of inmates housed in the state correctional system, the number of inmate beds available, and the number of offenders housed in local and regional jails that meet the criteria set out in § 53.1-20 A. and B.

E. Notwithstanding any requirement to the contrary, any building, fixture, or structure to be placed, erected or constructed on, or removed or demolished from the property of the Commonwealth of Virginia under the control of the Department of Corrections shall not be subject to review and approval by the Art and Architectural Review Board as contemplated by § 2.2-2402, Code of Virginia. However, if the Department of Corrections seeks to construct a facility that is not a secure correctional facility or a structure located on the property of a secure correctional facility, then the Department of Corrections shall submit that structure to the Art and Architectural Review Board for review and approval by that board. Such other structures could include probation and parole district offices or regional offices.

F. The Commonwealth of Virginia shall convey 45 acres (more or less) of property, being a portion of Culpeper County Tax Map No. 75, parcel 32, lying in the Cedar Mountain Magisterial District of Culpeper County, Virginia, in consideration of the County's construction of water capacity and service line(s) adequate to serve the needs of the Department of Corrections' Coffeewood Facility and the Department of Juvenile Justice's Culpeper Juvenile Correctional Facility (hereinafter "the facilities"). The cost of the water improvements necessary to serve the facilities, including an eight-inch water service line, and including engineering and land/easement acquisition costs, shall be paid by the Commonwealth, less and except (i) the value of the property for the jail conveyed by the Commonwealth to the County (\$150,382, based on valuation by the Culpeper County Assessor), and (ii) the cost of increasing the size of the water service line from eight inches to twelve inches, in order to accommodate planned county needs.

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	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

G. Notwithstanding the provisions of § 58.1-3403, Code of Virginia, the Department of Corrections shall be exempt from the payment of service charges levied in lieu of taxes by any county, city, or town.

H. The Department of Corrections shall serve as the Federal Bonding Coordinator and shall work with the Virginia Community College System and its workforce development programs and services to provide fidelity bonds to those offenders released from jails or state correctional centers who are required to provide fidelity bonds as a condition of employment. The department is authorized to use funds from the Contract Prisoners Special Revenue Fund to pay the costs of this activity.

I. In the event the Department of Corrections closes a correctional facility for which it has entered into an agreement with any locality to pay a proportionate share of the debt service for the establishment of utilities to serve the facility, the department shall continue to pay its agreed upon share of the debt service, subject to the schedule previously agreed upon.

J. Included in the appropriation for this Item is \$1,000,000 the first year and \$1,000,000 the second year from the general fund for the costs of security technology and hardware for the inmate telephone system.

K. From the appropriation in this Item, \$500,000 the first year and \$500,000 the second year from the general fund shall be used to present seminars on overcoming obstacles to re-entry and to promote family integration in the correctional centers designated for intensive re-entry programs. The department shall submit a report by October 15 of each year to the chairmen of the House Appropriations and Senate Finance Committees, the Secretary of Public Safety and Homeland Security, and the Department of Planning and Budget on the use of this funding.

L. Included in the appropriation for this Item is \$370,125 the first year and \$426,832 the second year from the general fund and four positions to assist the Board of Corrections in carrying out its duties under the authority of § 53.1-69.1, Code of Virginia, to review deaths of inmates in local correctional facilities.

M.1. Consistent with the provisions of Chapter 198 of the 2017 Session of the General Assembly, the Director, Department of Corrections, shall implement the recommendations relating to the Department of Corrections made by the Department of Medical Assistance Services in its November 30, 2017 report on streamlining the Medicaid application and enrollment process for incarcerated individuals.

2. For the purpose of implementing these recommendations, included in the appropriation for this item are \$37,400 the first year and \$37,400 the second year from the general fund, and \$420,993 the first year and \$112,200 the second year from nongeneral funds and two positions.

N. By September 1 of each year, the Department of Corrections shall remit data to the Director of the Department of Planning and Budget and the Chairmen of the House Appropriations and Senate Finance Committees regarding medical treatment provided to offenders at each facility. The data shall include, as a proportion of average daily population at each facility, the levels of inmates who received care, including: the specific proportions of inmates from each facility who were treated as inpatients, the specific proportion of inmates from each facility who were treated as outpatients, data on prescription drug administration, and the proportion of inmates from each facility who received other discrete services. When negotiating contracts with healthcare vendors, the Department of Corrections shall include the reporting of data required under this paragraph as a requirement within the contract.

O. The Department of Corrections is authorized to purchase from the Town of Craigsville approximately 122 acres, more or less, located adjacent to the Augusta Correctional Center. In consideration for this acreage, the Department will provide wastewater treatment services to the Town at no cost for a period adequate to equal the value of the property conveyed. The value of the property shall be established by averaging the value of one appraisal provided by the Department of Corrections and one by the Town of Craigsville.

ITEM 402.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
P. The Commonwealth of Virginia shall convey 65 acres of property consisting of Clarke County Tax Map No. 27, new parcel A, situated in the Greenway Magisterial District of Clarke County, Virginia, to the Virginia Port Authority (VPA), on behalf of the Virginia Inland Port (VIP). The VPA, on behalf of the VIP, shall collaborate with representatives of Clarke County to promote the use of the land for economic development purposes. The VIP shall enter into a memorandum-of-understanding with Clarke County on the development and execution of mutually advantageous economic development proposals.				
Q. Included within the appropriation for this item is \$10,807,975 the first year and \$16,217,315 the second year from the general fund and \$7,592,004 the first year and \$1,000,000 the second year from the Contract Prisoners Special Revenue Fund for implementation of an electronic health records system in all facilities.				
R. The Department of Corrections shall evaluate and determine the costs for assuming state management of Lawrenceville Correctional Center at the end of the current contract and report on its findings to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by October 15, 2020. The report shall include an implementation timeline for transitioning from private management to state agency management and propose a structure and cost estimate for the delivery of healthcare services to offenders housed in the facility.				
S. Out of this appropriation, \$370,125 the first year and \$426,832 the second year from the general fund is provided for four full-time jail death investigators for the Board of Corrections.				
T. Out of this appropriation, \$500,000 the first year from the general fund is provided to contract with third parties for an evaluation of the Department of Corrections' medical services delivery model that may include best practices in correctional healthcare, quality management, and other innovative strategies in creating a more efficient system of providing cost effective and quality healthcare. The department shall provide an update with any findings or recommendations to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by December 1, 2020.				
U. The Department of Corrections shall evaluate options to increase programs that increase hours of exposure to mental health or behavioral health counseling, spiritual counseling, and or recreation, for persons in restrictive housing and report its findings to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by January 1, 2021.				
V. Included in the appropriation for this Item is \$950,000 \$1,100,000 the first year from the general fund for the estimated net increase in the operating cost of adult correctional facilities resulting from the enactment of sentencing legislation as listed below. This amount shall be paid into the Corrections Special Reserve Fund, established pursuant to § 30-19.1:4, Code of Virginia.				
1. House Bill 2 and Senate Bill 70 -- \$50,000				
2. House Bill 4 and Senate Bill 36 -- \$50,000				
3. House Bill 123 and Senate Bill 838 -- \$50,000				
4. House Bill 253 -- \$50,000				
5. House Bill 298 and Senate Bill 724 -- \$50,000				
6. House Bill 557 -- \$50,000				
7. House Bill 618 -- \$50,000				
8. House Bill 623 -- \$50,000				
9. House Bill 666 -- \$50,000				
10. House Bill 674 and Senate Bill 240 -- \$50,000				
11. House Bill 1004 and Senate Bill 479 -- \$50,000				

ITEM 402.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
12. House Bill 1211 -- \$50,000				
13. House Bill 1414 and Senate Bill 890 -- \$50,000				
14. House Bill 1524 -- \$50,000				
15. House Bill 1553 -- \$50,000				
16. Senate Bill 14 -- \$50,000				
17. Senate Bill 42 -- \$50,000				
18. Senate Bill 64 -- \$50,000				
19. Senate Bill 439 -- \$50,000				
20. <i>House Bill 5045 and Senate Bill 5030 -- \$50,000</i>				
21. <i>House Bill 5049 -- \$50,000</i>				
22. <i>House Bill 5098 -- \$50,000</i>				

W.1. Notwithstanding any other provision of law, upon the declaration by the Governor of a state of emergency pursuant to § 44-146.17 of the Code of Virginia in response to a communicable disease of public health threat as defined in § 44-146.16 of the Code of Virginia, the Director shall, during the duration of the declared emergency, have the authority to (i) discharge from incarceration or (ii) place into a lower level of supervision, including probation supervision, home electronic incarceration, or other forms of community corrections, any prisoner committed to the Department who has less than one year of his sentence remaining to be served prior to his scheduled release if the Director determines that (a) any such discharge or placement during the declared emergency will assist in maintaining the health, safety, and welfare of any prisoner discharged or placed or the prisoners remaining in state correctional facilities and (b) any such discharge or placement is compatible with the interests of society and public safety.

2. The provisions of this section shall not apply to a prisoner convicted of a Class 1 felony or a sexually violent offense as defined in § 37.2-900 of the Code of Virginia.

3. The Director shall develop procedures for implementing the provisions of this section which shall include provisions addressing reentry planning in accordance with § 53.1-32.2 of the Code of Virginia. To the extent practicable, the Director shall comply with all provisions of the Virginia Code relating to providing notice of a prisoner's discharge; however, any failure to comply with such notice provisions shall not affect the Director's authority to discharge a prisoner pursuant to this section.

4. The provisions of this section shall expire on July 1, 2021.

X. Included in the appropriation for this item is \$1,304,753 in the first year and \$4,486,555 in the second year and twelve positions from the general fund for the Department to implement the time computation provisions of House Bill 5148 and Senate Bill 5034 of the 2020 Special Session I.

402.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

ITEM 402.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
		FY 2021		FY 2022
Implement an electronic healthcare records system in all state correctional facilities		\$0		\$8,935,649
Fund pilot programs between the Department of Corrections and university health systems to provide offender medical care	\$3,646,925			\$5,935,253
Adjust salaries for correctional officers	\$6,831,121			\$7,864,561
Provide funding to study offender medical service delivery in state correctional facilities	\$500,000			\$0
Provide additional operating funds for Lawrenceville Correctional Center	\$994,331			\$994,331
Transfer funding for the Department of Corrections' electronic health records system	\$3,000,000			\$3,000,000
Provide funding and two positions to support Board of Corrections jail investigations	\$170,125			\$226,832
Agency Total		\$15,142,502		\$26,956,626
Total for Department of Corrections.....			\$1,391,608,214	\$1,403,539,116
			\$1,393,062,967	\$1,408,025,671
General Fund Positions.....	12,331.00	12,331.00		
	<i>12,343.00</i>	<i>12,343.00</i>		
Nongeneral Fund Positions.....	233.50	233.50		
Position Level.....	12,564.50	12,564.50		
	<i>12,576.50</i>	<i>12,576.50</i>		
Fund Sources: General.....	\$1,321,178,538	\$1,336,109,440		
	<i>\$1,322,633,291</i>	<i>\$1,340,595,995</i>		
Special.....	\$65,859,284	\$62,859,284		
Dedicated Special Revenue.....	\$2,739,074	\$2,739,074		
Federal Trust.....	\$1,831,318	\$1,831,318		

§ 1-74. DEPARTMENT OF CRIMINAL JUSTICE SERVICES (140)

403.	Criminal Justice Training and Standards (30300).....			\$4,544,348	\$4,544,348
				\$6,205,778	\$5,817,209
	Criminal Justice Training Services (30303).....	\$2,942,994	\$2,942,994		
	Standards and Training (30304).....	\$1,059,769	\$1,059,769		
		<i>\$2,412,673</i>	<i>\$1,473,254</i>		
	Criminal Justice Academy Inspections and Audit Services (30307).....	\$541,585	\$541,585		
		<i>\$850,111</i>	<i>\$1,400,961</i>		
	Fund Sources: General.....	\$4,292,613	\$4,292,613		
		<i>\$5,954,043</i>	<i>\$5,565,474</i>		
	Special.....	\$251,735	\$251,735		

Authority: Title 9.1, Chapter 1, Code of Virginia.

A. The Director of the Department of Criminal Justice Services (the Director) and the Board of Criminal Justice Services (the Board) shall, in conjunction with the relevant stakeholders, review all of the compulsory minimum training standards which are applicable to law-enforcement officers and update them as needed. The Director and the Board shall ensure that the training standards appropriately educate law-enforcement officers in the areas of mental health, community policing, and serving individuals who are disabled. The updated compulsory minimum training standards shall, where appropriate, include consideration of, but not be limited to, the recommendations of the President's Task Force on 21st Century Policing. The Director shall identify current resources available to officers in dealing with

ITEM 403.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>situations related to mental health and identify what resources are needed. Any updates to the compulsory minimum training standards shall be completed by June 30, 2022, and shall be reported to the Chairmen of the House Committees on Militia, Police, and Public Safety, Courts of Justice, and Appropriations, and to the Chairmen of the Senate Committees for Courts of Justice and Finance.</p> <p>B. Included in the amounts appropriated for this item is \$280,000 the first year and \$280,000 the second year from the general fund for the Department to provide annual trainings on active shooter scenarios to school and community personnel.</p> <p>C. Included in the amounts appropriated for this item is \$427,630 the first year and \$427,630 the second year from the general fund for oversight and management of the school resource officer and school security officer certification and training programs, the provision of basic training courses for school resource officers and school personnel, and development and update Virginia-specific training resources for school resource officers and school security officers.</p> <p>D.1. Included in the amounts appropriated for this item is \$595,630 the first year and \$595,630 the second year from the general fund for the purpose of expanding training provided to members of threat assessment teams.</p> <p>2. Included in the amounts appropriated for this item is \$125,000 the first year and \$125,000 the second year from the general fund for the development of a case management tool for use by threat assessment teams, consistent with the provisions of House Bill 1734 of the 2019 Session of the General Assembly.</p> <p>E. Included in the amounts appropriated for this item is \$871,890 the first year and \$871,890 the second year from the general fund to enhance school safety training provided to Virginia school personnel, to include hosting live trainings and conferences, developing online training and curricula, and developing Virginia-specific school safety resources.</p> <p><i>F. Included in the appropriation for this item is \$124,848 the first year and \$249,695 the second year from the general fund and two positions to support proposed legislation in the 2020 Special Session I of the General Assembly related to the decertification of law-enforcement officers.</i></p> <p><i>G. Included in the appropriation for this item is \$56,895 the first year and \$113,790 the second year from the general fund and one position to support proposed legislation in the 2020 Special Session I of the General Assembly related to the expansion of the decertification process of law-enforcement personnel.</i></p> <p><i>H. Included in the appropriation for this item is \$50,000 the first year and \$50,000 the second year from the general fund to support proposed legislation in the 2020 Special Session I of the General Assembly related to the development of a statewide officer database for purposes of sharing information between law-enforcement agencies.</i></p> <p><i>I. Included in the appropriation for this item is \$1,363,561 the first year and \$727,122 the second year from the general fund and six positions to support proposed legislation in the 2020 Special Session I of the General Assembly to establish statewide mandatory minimum training standards for law-enforcement training academies. The funding in the first year under this paragraph includes \$1.0 million for the Department to contract with a third party to develop curriculum and training standards required by the provisions of House Bill 5109 and Senate Bill 5030 of the 2020 Special Session I.</i></p> <p><i>J. Included within the appropriation for this item is \$66,127 in the first year and \$132,254 in the second year from the general fund and one position to support a data analyst to analyze data from the Community Policing Database.</i></p>				
404.	Criminal Justice Research, Planning and Coordination (30500).....		\$868,563 \$929,766	\$868,563 \$990,968
	Criminal Justice Research, Statistics, Evaluation, and Information Services (30504).....	\$868,563 \$929,766	\$868,563 \$990,968	

ITEM 404.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Fund Sources: General.....	\$868,563	\$868,563		
	\$929,766	\$990,968		
Authority: Title 9.1, Chapter 1; Title 19.2, Chapter 23.1, Code of Virginia.				
A. Included in the amounts appropriated for this item is \$400,000 the first year and \$400,000 the second year from the general fund for the ongoing costs of conducting the School Climate Survey.				
B. Included in the appropriation for this item is \$145,000 the first year and \$145,000 the second year from the general fund for the sex trafficking response coordination activities of the Department, pursuant to the provisions of House Bill 2576 and Senate Bill 1669 of the 2019 Session of the General Assembly.				
C. Out of this appropriation, \$149,174 the first year and \$149,174 the second year from the general fund is provided to establish the Virginia sexual assault forensic examiner coordination program, pursuant to House Bill 475 and Senate Bill 373 of the 2020 Session of the General Assembly.				
<i>D. Included in the appropriation for this item is \$61,203 the first year and \$122,405 the second year and one position from the general fund for the Department to hire a program manager for the Mental Health Awareness Response and Community Understanding Services Alert System.</i>				
405.	Not set out.			
406.	Financial Assistance for Administration of Justice Services (39000).....		\$147,575,754	\$148,474,168
			\$154,034,849	\$148,587,958
	Criminal Justice Assistance Grants (39002).....	\$138,620,230	\$139,270,230	
		\$145,022,430		
	Criminal Justice Grants Fiscal Management Services (39003).....	\$628,179	\$628,179	
		\$685,074	\$741,969	
	Criminal Justice Policy and Program Services (39004).....	\$8,327,345	\$8,575,759	
	Fund Sources: General.....	\$53,665,180	\$50,563,594	
		\$60,124,275	\$50,677,384	
	Special.....	\$6,624	\$6,624	
	Trust and Agency.....	\$4,298,130	\$4,298,130	
	Dedicated Special Revenue.....	\$13,605,820	\$13,605,820	
	Federal Trust.....	\$76,000,000	\$80,000,000	

Authority: Title 9.1, Chapter 1, Code of Virginia.

A.1. This appropriation includes an estimated \$4,800,000 the first year and an estimated \$4,800,000 the second year from federal funds pursuant to the Omnibus Crime Control Act of 1968, as amended. Of these amounts, ten percent is available for administration, and the remainder is available for grants to state agencies and local units of government. The remaining federal funds are to be passed through as grants to localities, with a required 25 percent local match. Also included in this appropriation is \$452,128 the first year and \$452,128 the second year from the general fund for the required matching funds for state agencies.

2. The Department of Criminal Justice Services shall provide a summary report on federal anti-crime and related grants which will require state general funds for matching purposes during FY 2013 and beyond. The report shall include a list of each grant and grantee, the purpose of the grant, and the amount of federal and state funds recommended, organized by topical area and fiscal period. The report shall indicate whether each grant represents a new program or a renewal of an existing grant. Copies of this report shall be provided to the Chairmen of the Senate Finance and House Appropriations Committees and the Director, Department of Planning and Budget by January 1 of each year.

B. The Department of Criminal Justice Services is authorized to make grants and provide

ITEM 406.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>technical assistance out of this appropriation to state agencies, local governments, regional, and nonprofit organizations for the establishment and operation of programs for the following purposes and up to the amounts specified:</p>				
<p>1.a. Regional training academies for criminal justice training, \$1,001,074 the first year and \$1,001,074 the second year from the general fund and an estimated \$1,649,315 the first year and an estimated \$1,649,315 the second year from nongeneral funds. The Criminal Justice Services Board shall adopt such rules as may reasonably be required for the distribution of funds and for the establishment, operation and service boundaries of state-supported regional criminal justice training academies.</p>				
<p>b. The Board of Criminal Justice Services, consistent with § 9.1-102, Code of Virginia, and § 6VAC-20-20-61 of the Administrative Code, shall not approve or provide funding for the establishment of any new criminal justice training academy from July 1, 2020, through June 30, 2022.</p>				
<p>c. Notwithstanding subsection B.1.b. of this item, the Board of Criminal Justice Services may approve a new regional criminal justice academy serving the Counties of Clarke, Frederick, and Warren; the City of Winchester; the Towns of Berryville, Front Royal, Middletown, Stephens City and Strasburg; the Northwestern Adult Detention Center; and, the Frederick County Emergency Communications Center, to be established and operated consistent with a written agreement, provided to the Board, between the local governing bodies, chief executive officers, and chief law enforcement officers of the aforementioned localities, and the Rappahannock Regional Criminal Justice Academy. The new academy shall be eligible to receive state funding in a manner consistent with the currently existing regional criminal justice training academies. However, no current existing regional criminal justice training academy other than the Rappahannock Regional Criminal Justice Academy will receive less funding as a result of the creation of the new regional academy.</p>				
<p>2. Virginia Crime Victim-Witness Fund, \$5,692,738 the first year and \$5,692,738 the second year from dedicated special revenue, and \$943,700 the first year and \$943,700 the second year from the general fund. The Department of Criminal Justice Services shall provide a report on the current and projected status of federal, state and local funding for victim-witness programs supported by the Fund. Copies of the report shall be provided annually to the Secretary of Public Safety and Homeland Security, the Department of Planning and Budget, and the Chairmen of the Senate Finance and House Appropriations Committees by October 16 of each year.</p>				
<p>3.a. Court Appointed Special Advocate (CASA) programs, \$1,615,000 the first year and \$1,615,000 the second year from the general fund.</p>				
<p>b. In the event that the federal government reduces or removes support for the CASA programs, the Governor is authorized to provide offsetting funding for those impacted programs out of the unappropriated balances in this Act.</p>				
<p>4. Domestic Violence Fund, \$3,000,000 the first year and \$3,000,000 the second year from the dedicated special revenue fund to provide grants to local programs and prosecutors that provide services to victims of domestic violence.</p>				
<p>5. Pre and Post-Incarceration Services (PAPIS), \$3,286,144 the first year and \$3,286,144 the second year from general fund to support pre and post incarceration professional services and guidance that increase the opportunity for, and the likelihood of, successful reintegration into the community by adult offenders upon release from prisons and jails.</p>				
<p>6. To the Department of Behavioral Health and Developmental Services for the following activities and programs: (i) a partnership program between a local community services board and the district probation and parole office for a jail diversion program; (ii) forensic discharge planners; (iii) advanced training on veterans' issues to local crisis intervention teams; and (iv) cross systems mapping targeting juvenile justice and behavioral health.</p>				
<p>7. To the Department of Corrections for the following activities and programs: (i) community residential re-entry programs for female offenders; (ii) establishment of a pilot day reporting center; and (iii) establishment of a pilot program whereby non-violent state offenders would be housed in a local or regional jail, rather than a prison or other state correctional facility, with rehabilitative services provided by the jail.</p>				

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8. To Drive to Work, \$75,000 the first year and \$75,000 the second year from the general fund and \$75,000 the first year and \$75,000 the second year from such federal funds as may be available to provide assistance to low income and previously incarcerated persons to restore their driving privileges so they can drive to work and keep a job.				
9. For model addiction recovery programs administered in local or regional jails, \$153,600 the first year and \$153,600 the second year from the general fund. The Department of Criminal Justice Services, consistent with the provisions of Chapter 758, 2017 Acts of Assembly, shall award grants not to exceed \$38,400 to four pilot programs selected in consultation with the Department of Behavioral Health and Developmental Services.				
C.1. Out of this appropriation, \$27,690,378 the first year and \$27,690,378 the second year from the general fund is authorized to make discretionary grants and to provide technical assistance to cities, counties or combinations thereof to develop, implement, operate and evaluate programs, services and facilities established pursuant to the Comprehensive Community Corrections Act for Local-Responsible Offenders (§§ 9.1-173 through 9.1-183 Code of Virginia) and the Pretrial Services Act (§§ 19.2-152.2 through 19.2-152.7, Code of Virginia). Out of these amounts, the Director, Department of Criminal Justice Services, is authorized to expend no more than five percent per year for state administration of these programs.				
2. The Department of Criminal Justice Services, in conjunction with the Office of the Executive Secretary of the Supreme Court and the Virginia Criminal Sentencing Commission, shall conduct information and training sessions for judges and other judicial officials on the programs, services and facilities available through the Pretrial Services Act and the Comprehensive Community Corrections Act for Local-Responsible Offenders.				
D.1. Out of this appropriation, \$225,000 the first year and \$225,000 the second year from the general fund is provided for Comprehensive Community Corrections and Pretrial Services Programs for localities that belong to the Central Virginia Regional Jail Authority. These amounts are seventy-five percent of the costs projected in the community-based corrections plan submitted by the Authority. The localities shall provide the remaining twenty-five percent as a condition of receiving these funds.				
2. Out of this appropriation, \$600,000 the first year and \$600,000 the second year from the general fund is provided for Comprehensive Community Corrections and Pretrial Services Programs for localities that belong to the Southwest Virginia Regional Jail Authority. These amounts are seventy-five percent of the costs projected in the community-based corrections plan submitted by the Authority. The localities shall provide the remaining twenty-five percent as a condition of receiving these funds.				
E. In the event the federal government should make available additional funds pursuant to the Violence Against Women Act, the department shall set aside 33 percent of such funds for competitive grants to programs providing services to domestic violence and sexual assault victims.				
F.1. Out of this appropriation, \$4,700,000 the first year and \$4,700,000 the second year from the general fund and \$1,710,000 the first year and \$1,710,000 the second year from such federal funds as are available shall be deposited to the School Resource Officer Incentive Grants Fund established pursuant to § 9.1-110, Code of Virginia.				
2.a. The Director, Department of Criminal Justice Services, is authorized to expend \$410,877 the first year and \$410,877 the second year from the School Resource Officer Incentive Grants Fund to operate the Virginia Center for School Safety, pursuant to § 9.1-110, Code of Virginia.				
b. The Center for School Safety shall provide a grant of \$100,000 in the first year and \$100,000 in the second year to the York County-Poquoson Sheriff's Office for the statewide administration of the Drug Abuse Resistance Education (DARE) program.				
3. Subject to the development of criteria for the distribution of grants from the fund, including procedures for the application process and the determination of the actual amount of any grant issued by the department, the department shall award grants to either local law-enforcement agencies, where such local law-enforcement agencies and local school boards have				

ITEM 406.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>established a collaborative agreement for the employment of school resource officers, as such positions are defined in § 9.1-101, Code of Virginia, for the employment of school resource officers, or to local school divisions for the employment of school security officers, as such positions are defined in § 9.1-101, Code of Virginia, for the employment of school security officers in any public school. The application process shall provide for the selection of either school resource officers, school security officers, or both by localities. The department shall give priority to localities requesting school resource officers, school security officers, or both where no such personnel are currently in place. Localities shall match these funds based on the composite index of local ability-to-pay.</p>				
<p>4. Included in this appropriation is \$202,300 the first year and \$202,300 the second year from the general fund for the implementation of a model critical incident response training program for public school personnel and others providing services to public schools, and the maintenance of a model policy for the establishment of threat assessment teams for each public school, including procedures for the assessment of and intervention with students whose behavior poses a threat to the safety of public school staff or other students.</p>				
<p>5. Included in the amounts appropriated for this item is \$132,254 the first year and \$132,254 the second year from the general fund for the purposes of collection and analysis of data related to school resource officers, pursuant to House Bill 271 of the 2020 Session of the General Assembly.</p>				
<p>G. Included in the amounts appropriated in this Item is \$2,500,000 the first year and \$2,500,000 the second year from the general fund for grants to local sexual assault crisis centers (SACCs) and domestic violence programs to provide core and comprehensive services to victims of sexual and domestic violence, including ensuring such services are available and accessible to victims of sexual assault and dating violence committed against college students on- and off-campus.</p>				
<p>H.1. Out of the amounts appropriated for this Item, \$2,658,420 the first year and \$2,658,420 the second year from nongeneral funds is provided, to be distributed as follows: for the Southern Virginia Internet Crimes Against Children Task Force, \$1,450,000 the first year and \$1,450,000 the second year; and, for the creation of a grant program to law enforcement agencies for the prevention of internet crimes against children, \$1,208,420 the first year and \$1,208,420 the second year.</p>				
<p>2. The Southern Virginia and Northern Virginia Internet Crimes Against Children Task Forces shall each provide an annual report, in a format specified by the Department of Criminal Justice Services, on their actual expenditures and performance results. Copies of these reports shall be provided to the Secretary of Public Safety and Homeland Security, the Chairmen of the Senate Finance and House Appropriations Committees, and Director, Department of Planning and Budget prior to the distribution of these funds each year.</p>				
<p>3. Subject to compliance with the reports and distribution thereof as required in paragraph 2 above, the Governor shall allocate all additional funding, not to exceed actual collections, for the prevention of Internet Crimes Against Children, pursuant to § 17.1-275.12, Code of Virginia.</p>				
<p>I. Out of the amounts appropriated for this item, \$50,000 the first year and \$50,000 the second year from the general fund is provided for training to local law enforcement to aid in their identifying and interacting with individuals suffering from Alzheimer's and/or dementia.</p>				
<p>J.1. Included in the appropriation for this item is \$2,500,000 the first year and \$2,500,000 the second year from the general fund to continue the pilot programs authorized in Item 398, Chapter 836, 2017 Acts of Assembly. The number of pilot sites shall not be expanded beyond those participating in the pilot program the first year.</p>				
<p>2. The funding provided to each pilot site shall supplement, not supplant, existing local spending on these services. Distribution of grant amounts shall be made quarterly pursuant to the conditions of paragraph J.3. of this item.</p>				
<p>3. The Department shall collect on a quarterly basis qualitative and quantitative data of pilot site performance, to include: (i) mental health screenings and assessments provided</p>				

ITEM 406.	Item Details(\$)		Appropriations(\$)	
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to inmates, (ii) mental health treatment plans and services provided to inmates, (iii) jail safety incidents involving inmates and jail staff, (iv) the provision of appropriate services after release, (v) the number of inmates re-arrested or re-incarcerated within 90 days after release following a positive identification for mental health disorders in jail or the receipt of mental health treatment within the facility. The Department shall provide a report on its findings to the Chairmen of the House Appropriations and Senate Finance Committees no later than October 15th each year.				
4. The department is authorized to expend up to \$125,000 per year out of the amounts allocated in Paragraph J.1. of this item for costs related to the administration of the jail mental health pilot program.				
K. Included in the appropriations for this Item is \$300,000 the first year and \$300,000 the second year from the general fund for the Department of Criminal Justice Services to make competitive grants to nonprofit organizations to support services for law enforcement, including post critical incident seminars and peer-supported critical incident stress management programs to promote officer safety and wellness, under guidelines to be established by the Department. The Department shall evaluate the effectiveness of the program and report on its findings to the Secretary of Public Safety and Homeland Security, the Director of the Department of Planning and Budget, and the Chairmen of the House Appropriations and Senate Finance Committees by July 1, 2022.				
L. Included in the appropriation for this item is \$916,066 in the first year and \$916,066 in the second year from the general fund for the Virginia Beach Correctional Center for the Jail and Re-entry Service Coordination Pathway, which is a joint operation between the Virginia Beach Department of Human Services and the Virginia Beach Sheriff's Office. The program consists of diversion, screening, assessment, treatment, and re-entry services for all incarcerated individuals with an active mental illness or substance use disorder diagnosis.				
M. Included in this appropriation for this item, \$2,645,244 the first year and \$193,658 the second year from the general fund and two positions for the Department of Criminal Justice Services to make competitive grants to five localities to support evidence-based gun violence intervention and prevention initiatives. The Department shall evaluate the implementation and effectiveness of the programs in each locality that received the award, and provide a report that details the amount awarded, its findings and recommendations to the Governor, Secretary of Public Safety and Homeland Security, Director of the Department of Planning and Budget, and the Chairmen of the House Appropriations and the Senate Finance Committees by November 1, 2021. The funding provided to each locality shall supplement, not supplant, existing local spending on these services.				
N. Out of the appropriation in this item, \$1,500,000 the first year and \$1,500,000 the second year from the general fund is allocated for the Department of Criminal Justice Services to make competitive grants to localities to combat hate crimes, including but not limited to target hardening activities, contractual security services, critical technology infrastructure, cybersecurity resilience activities, monitoring, inspection and screening systems; security-related training for employed or volunteer security staff; and terrorism awareness training for employees. The funds appropriated in this item shall be distributed to localities that have established a partnership program with institutions or nonprofit organizations that have been targets of or are at risk of being targeted for hate crimes. The Department shall establish grant guidelines to implement these provisions and shall provide a biennial or annual request for funding from localities, based on the guidelines. For each grant requested, the application shall document the need for the grant, goals, and budget expenditure of these funds and any other sources that may be committed by localities, institutions or nonprofit organizations. Funding provided in this item shall not be used to supplant the funding provided by localities to combat hate crimes.				
O.1. The Department of Criminal Justice Services shall review the feasibility and costs to the Commonwealth and localities for the implementation of a pilot program, operated in partnership with one or more participating localities identified by the department, to assess the operation of a uniform reporting mechanism for appropriate criminal justice agencies, as identified in § 9.1-101, Code of Virginia, to collect data relating to bail determinations made by judicial officers conducting hearings pursuant to § 19.2-80, § 19.2-120, or § 19.2-124 of the Code of Virginia, in order to facilitate the purpose of Article 1 (§ 19.2-119 et seq.) of Chapter 9 of Title 19.2 of the Code of Virginia.				

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2. As part of its review, the department shall identify the methods, feasibility and costs associated with collecting, at minimum, the following information from localities participating in the pilot program: (i) the hearing date of any hearing conducted pursuant to § 19.2-80, § 19.2-120, or § 19.2-124 of the Code of Virginia and the date any individual is admitted to bail; (ii) information about the individual, including the individual's year of birth, race, ethnicity, gender, primary language, and residential zip code; (iii) the determination of the individual's indigency pursuant to § 19.2-159 of the Code of Virginia; (iv) information related to the individual's charges, including the number of charges; the most serious offense the individual is charged with; the code section for such offense; the general description of such offense; whether such offense is a felony, misdemeanor, civil infraction, or other type of offense; and the specific classification of any felony or misdemeanor offense; (v) if the individual is admitted to bail, information related to the conditions of bail and the bond, including whether the bond was secured or unsecured; all monetary amounts set on the bond, including amounts set on both secured and unsecured bonds; any initial nonmonetary conditions of release imposed; any subsequent modifications; and whether the individual utilized the services of a bail bondsman; (vi) if the individual is not admitted to bail, the reason for the denial; (vii) any outstanding arrest warrants or other bars to release from any other jurisdiction; (viii) any revocation of bail due to a violation of such individual's conditions of release, failure to appear for a court hearing, or the commission of a new offense by such individual; (ix) the date the individual is sentenced to an active term of incarceration and the date such individual begins serving such active term; (x) all dates the individual is released or discharged from custody, including release upon satisfaction of the terms of any recognizance, release upon the disposition of any charges, or release upon completion of any active sentence; (xi) the reason for any release or discharge from custody, including whether the individual posted a bond, was released on a recognizance, or was released under terms of supervision, or whether there was a disposition of the charges that resulted in release of the individual. If the reason for release is due to a court order or a disposition of the charges resulting in release, the data collected shall include the specific reason for release, including the nature of the court order or, if there was a conviction, the particular sentence imposed. The data shall also include a list of definitions of any terms used by the locality to indicate reasons for release or discharge; and (xii) the average cost for housing the individual in the local correctional facility, as defined in § 53.1-1, Code of Virginia, for one night. Collected data shall be disaggregated by individual, and for each individual case, an anonymous unique identifier shall be provided.

3. The department shall provide its findings and recommendations to the Chairs of the House Appropriations, House Courts of Justice, Senate Finance and Appropriations, and Senate Judiciary Committees no later than October 15, 2020.

P. Out of this appropriation, \$500,000 the first year from the general fund is provided for the Department of Criminal Justice Services to award grants to localities for training related to enforcement of the removal of firearms based on substantial risk protective orders.

Q. Out of this appropriation, \$250,000 the first year and \$250,000 the second year from the general fund shall be provided for the Department of Criminal Justice Services to contract with Ayuda to provide immigrants legal, social, and language services for low-income victims of crime, including victims of domestic violence, sexual assault, human trafficking and child abuse, abandonment, and neglect. The services provided shall include case management, emergency client assistance, and mental health services in the preferred language of clients.

R. Out of this appropriation, \$150,000 the first year from the general fund is provided for community assessments for youth and gang violence prevention initiatives in Hampton, Newport News, Norfolk, Richmond, Roanoke, and Petersburg.

S.1. Included within the appropriation for this item is \$6,402,200 in the first year from the general fund for the Department to make one-time grants to law enforcement agencies located in the Commonwealth employing law enforcement officers with primary law enforcement duties, including but not limited to state agencies, local agencies, and colleges and universities, for the purpose of purchasing, operating, and maintaining body-worn camera systems. Qualified uses for grant funds shall include one-time costs

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associated with such body-worn camera systems, to include equipment, data storage, and technology costs, and other one-time costs associated with the purchase, operation, and maintenance of body-worn camera systems, as determined to be eligible by the Department.

2. The funding in this paragraph also includes \$56,895 in the first year and \$113,790 in the second year from the general fund for a coordinator position to manage the Body Worn Camera Grant.

3. Any distributions made to a local law enforcement agency under this paragraph shall require a 50 percent match from local fund sources.

4. The Department shall report on the distributions made under the Grant to the Chairs of the House Appropriations and the Senate Finance and Appropriations Committees by September 30, 2021. The report shall include information on distributions made by agency, description and amount of equipment purchased per agency, and any balances remaining from this funding.

407. Not set out.

408.	Financial Assistance to Localities - General (72800)...			\$200,374,655 \$207,858,483	\$200,374,655
	Financial Assistance to Localities Operating Police Departments (72813).....	\$200,374,655 \$207,858,483	\$200,374,655		
	Fund Sources: General.....	\$200,374,655 \$207,858,483	\$200,374,655		

Authority: Title 9.1, Chapter 1, Article 8, Code of Virginia.

A. The funds appropriated in this Item shall be distributed to localities with qualifying police departments, as defined in §§ 9.1-165 through 9.1-172, Code of Virginia (HB 599), except that, in accordance with the requirements of § 15.2-1302, Code of Virginia, such funds shall also be distributed to a city without a qualifying police force that was created by the consolidation of a city and a county subsequent to July 1, 2011, pursuant to the provisions of § 15.2-3500 et seq. of the Code of Virginia. Notwithstanding the provisions of §§ 9.1-165 through 9.1-172, Code of Virginia, the total amount to be distributed to localities shall be \$200,374,655 the first year and \$200,374,655 the second year. The amount to be distributed to such a city created by consolidation shall equal the sum distributed to the city during the year prior to the effective date of the consolidation, net of any additional funds allocated by the Compensation Board to the sheriff of the consolidated city as a result of such consolidation, as adjusted in proportion to the increase or decrease in the total amount distributed to all localities during the applicable year. Notwithstanding the provisions of § 9.1-165, Code of Virginia, the amount to be distributed to each locality in each year shall be proportionate to the amount distributed to that locality in FY 2018.

B. For purposes of receiving funds in accordance with this program, it is the intention of the General Assembly that the Town of Boone's Mill shall be considered to have had a police department in operation since the 1980-82 biennium and is therefore eligible for financial assistance under Title 9.1, Chapter 1, Article 8, Code of Virginia (House Bill 599).

C.1. It is the intent of the General Assembly that state funding provided to localities operating police departments be used to fund local public safety services. Funds provided in this item shall not be used to supplant the funding provided by localities for public safety services.

2. To ensure that state funding provided to localities operating police departments does not supplant local funding for public safety services, all localities shall annually certify to the Department of Criminal Justice Services the amount of funding provided by the locality to support public safety services and that the funding provided in this item was used to supplement that local funding. This certification shall be provided in such manner and on such date as determined by the department. The department shall provide this information to the Chairmen of the House Appropriations and Senate Finance Committees within 30 days following the submission of the local certifications.

D. The Director of the Department of Criminal Justice Services is authorized to withhold

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reimbursements due a locality under Title 9.1, Chapter 1, Article 8, Code of Virginia, upon notification from the Superintendent of State Police that there is reason to believe that crime data reported by the locality to the Department of State Police in accordance with § 52-28, Code of Virginia, is missing, incomplete or incorrect. Upon subsequent notification by the superintendent that the data is accurate, the director shall make reimbursement of withheld funding due the locality when such corrections are made within the same fiscal year that funds have been withheld.

E. The Director of the Department of Criminal Justice Services is authorized to withhold reimbursements due to a locality under Title 9.1, Chapter 1, Article 8, Code of Virginia, upon notification from the Superintendent of State Police that there is reason to believe the police department within a locality is not registering sex offenders as required in § 9.1-903, Code of Virginia. Upon subsequent notification by the Superintendent that the local law enforcement agency is compliant with the requirements of § 9.1-903, Code of Virginia, the Director shall make reimbursement of withheld funding due to the locality in the same fiscal year in which the local law enforcement agency comes into compliance.

F. Included in the appropriation for this item is \$7,483,828 in the first year from the general fund, which shall be distributed by the Department of Criminal Justice Services to local police departments statewide on December 1, 2020. These funds shall be distributed among the localities based on the respective percentage shares of the most recent headcount of sworn law enforcement officers employed by each local police department. These funds shall be used for the purposes of attracting and retaining the most qualified local police department sworn personnel and support the costs associated with criminal justice reform.

409. Not set out.

409.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted:

	FY 2021	FY 2022
Increase funding for pre-release and post-incarceration services	\$1,000,000	\$1,000,000
Provide security grant aid to localities	\$1,500,000	\$1,500,000
Immigration Legal and Social Services Grant Funding	\$250,000	\$250,000
Post Critical Incident Support for Law Enforcement Personnel	\$200,000	\$200,000
State Aid to Localities with Police Departments	\$8,628,574	\$8,628,574
Provide funding to expand pretrial and local probation services	\$2,300,000	\$2,300,000
Agency Total	\$13,878,574	\$13,878,574
Total for Department of Criminal Justice Services...		\$366,567,423 \$382,232,979
General Fund Positions.....	62.50 74.50	62.50 74.50

\$367,465,837
\$368,974,893

ITEM 409.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Nongeneral Fund Positions.....	74.50	74.50		
Position Level.....	137.00 149.00	137.00 149.00		
Fund Sources: General.....	\$262,164,677	\$259,063,091		
	\$277,830,233	\$260,572,147		
Special.....	\$10,498,796	\$10,498,796		
Trust and Agency.....	\$4,298,130	\$4,298,130		
Dedicated Special Revenue.....	\$13,605,820	\$13,605,820		
Federal Trust.....	\$76,000,000	\$80,000,000		

§ 1-75. DEPARTMENT OF EMERGENCY MANAGEMENT (127)

- 410. Not set out.
- 411. Not set out.
- 412. Not set out.
- 413. Not set out.
- 414. Not set out.
- 414.10 Not set out.
- 414.20 Not set out.

414.30 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted:

	FY 2021	FY 2022
Provide funding to migrate software and agency-owned servers to the cloud	\$1,505,760	\$1,043,336
Agency Total	\$1,505,760	\$1,043,336
Total for Department of Emergency Management.....		\$93,662,717 \$90,700,293
General Fund Positions.....	45.85	45.85
Nongeneral Fund Positions.....	133.15	133.15
Position Level.....	179.00	179.00
Fund Sources: General.....	\$11,451,501	\$8,489,077
Special.....	\$3,211,934	\$3,211,934
Commonwealth Transportation.....	\$1,359,475	\$1,359,475
Dedicated Special Revenue.....	\$25,684,099	\$25,684,099
Federal Trust.....	\$51,955,708	\$51,955,708

§ 1-76. DEPARTMENT OF FIRE PROGRAMS (960)

ITEM 415.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
415.	Not set out.			
416.	Not set out.			
417.	Not set out.			
417:10	<p>Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.</p>			

	FY 2021	FY 2022
Provide general fund appropriation to support one position	\$24,886	\$24,886
Agency Total	\$24,886	\$24,886
Total for Department of Fire Programs.....		\$46,925,841
General Fund Positions.....	29.25	29.25
Nongeneral Fund Positions.....	49.75	49.75
Position Level.....	79.00	79.00
Fund Sources: General.....	\$2,558,361	\$2,558,361
Special.....	\$44,117,480	\$46,036,440
Federal Trust.....	\$250,000	\$250,000

§ 1-77. DEPARTMENT OF FORENSIC SCIENCE (778)

418. Not set out.

418:10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Fund information technology analyst positions	\$185,160	\$246,880
Fund laboratory equipment maintenance contracts	\$248,000	\$368,000
Agency Total	\$433,160	\$614,880

ITEM 418.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Total for Department of Forensic Science.....			\$55,453,414	\$55,579,834
General Fund Positions.....	328.00	328.00		
Nongeneral Fund Positions.....	3.00	3.00		
Position Level.....	331.00	331.00		
Fund Sources: General.....	\$53,039,134	\$53,220,854		
Federal Trust.....	\$2,414,280	\$2,358,980		
419. Not set out.				
420. Not set out.				
421. Not set out.				
422. Not set out.				
423. Not set out.				
424. Not set out.				

§ 1-78. DEPARTMENT OF STATE POLICE (156)

425. Not set out.				
426. Not set out.				
427. Administrative and Support Services (39900).....			\$32,070,900	\$32,070,900
			\$32,236,817	\$32,349,876
General Management and Direction (39901).....	\$9,357,522	\$9,357,522		
	\$9,523,439	\$9,636,498		
Accounting and Budgeting Services (39903).....	\$2,192,284	\$2,192,284		
Human Resources Services (39914).....	\$2,346,683	\$2,346,683		
Physical Plant Services (39915).....	\$7,490,400	\$7,490,400		
Procurement and Distribution Services (39918).....	\$2,939,433	\$2,939,433		
Training Academy (39929).....	\$7,037,537	\$7,037,537		
Cafeteria (39931).....	\$707,041	\$707,041		
Fund Sources: General.....	\$31,338,834	\$31,338,834		
	\$31,504,751	\$31,617,810		
Special.....	\$706,310	\$706,310		
Dedicated Special Revenue.....	\$25,756	\$25,756		

Authority: §§ 52-1 and 52-4, Code of Virginia.

A. The Superintendent of State Police shall establish written procedures for the timely and accurate electronic reporting of crime data reported to the Department of State Police in accordance with the provisions of § 52-28, Code of Virginia. The procedures shall require the principal officer of the reporting organization to certify that the information provided is, to his knowledge and belief, a true and accurate report. Should the superintendent have reason to believe that any crime data is missing, incomplete or incorrect after audit of the data, the superintendent shall notify the reporting organization, as well as the Chairman of the Compensation Board and the Director, Department of Criminal Justice Services. Upon receiving and verifying resubmitted data that corrects the report, the superintendent shall notify the Chairman of the Compensation Board and the Director, Department of Criminal Justice Services that the missing, incomplete or incorrect data has been satisfactorily submitted.

B.1. The Department of State Police is authorized to charge other law enforcement agencies a fee for the use of the Virginia State Police Blackstone Training Facility related to training activities. The fee structure and subsequent changes must be reviewed and approved by the Secretary of Public Safety and Homeland Security. The Department shall deposit any moneys

ITEM 427.	Item Details(\$)		Appropriations(\$)	
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received from such fees into the Virginia State Police Blackstone Training Facility Fund.

2. The State Comptroller shall continue the Virginia State Police Blackstone Training Facility Fund on the books of the Commonwealth. Interest earned on the moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of the fiscal year shall not revert to the general fund but shall remain in the Fund. The Department of State Police shall utilize the revenue deposited in the Fund to (1) maintain and repair facilities at the Virginia State Police Blackstone Training Facility, and (2) acquire, maintain, repair or replace equipment at the Virginia State Police Blackstone Training Facility.

C. Included within the appropriation for this item is \$165,917 in the first year and \$278,976 in the second year and three positions from the general fund for the Department to uphold the requirements of Senate Bill 5030 to share information with an attorney for the Commonwealth. Of these amounts, \$100,960 in the first year and \$65,207 in the second year for operational support for the positions, including information technology expenses, furniture, and shipping expenses.

428. Not set out.

428.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted:

	FY 2021	FY 2022		
Fund record sealing reform legislation	\$108,800			\$0
Agency Total	\$108,800			\$0
Total for Department of State Police.....			\$395,685,858	\$391,026,088
			\$395,851,775	\$391,305,064
General Fund Positions.....	2,662.00	2,662.00		
	2,665.00	2,665.00		
Nongeneral Fund Positions.....	397.00	397.00		
Position Level.....	3,059.00	3,059.00		
	3,062.00	3,062.00		
Fund Sources: General.....	\$325,555,453	\$321,154,524		
	\$325,721,370	\$321,433,500		
Special.....	\$38,003,522	\$37,744,681		
Commonwealth Transportation.....	\$9,083,587	\$9,083,587		
Dedicated Special Revenue.....	\$13,907,381	\$13,907,381		
Federal Trust.....	\$9,135,915	\$9,135,915		

§ 1-79. VIRGINIA PAROLE BOARD (766)

429. Probation and Parole Determination (35200).....			\$2,330,525	\$2,330,525
			\$2,350,037	\$2,369,548
Adult Probation and Parole Services (35201).....	\$2,330,525	\$2,330,525		
	\$2,350,037	\$2,369,548		
Fund Sources: General.....	\$2,280,525	\$2,280,525		
	\$2,300,037	\$2,319,548		
Federal Trust.....	\$50,000	\$50,000		

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Authority: Title 53.1, Chapter 4, Code of Virginia.

Notwithstanding the provisions of § 53.1-40.01, Code of Virginia, the Parole Board shall annually consider for conditional release those inmates who meet the criteria for conditional geriatric release set out in § 53.1-40.01, Code of Virginia, except that upon any such review the Board may schedule the next review as many as three years thereafter. If any such inmate is also eligible for discretionary parole under the provisions of § 53.1-151 et seq., Code of Virginia, the board shall not be required to consider that inmate for conditional geriatric release unless the inmate petitions the board for conditional geriatric release.

429-10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted:

	FY 2021	FY 2022		FY 2021	FY 2022
Provide funding for part-time investigators	\$406,392			\$406,392	
Provide funding for a part-time release planning coordinator position	\$42,319			\$42,319	
Agency Total	\$448,711			\$448,711	
Total for Virginia Parole Board.....				\$2,330,525	\$2,330,525
				\$2,350,037	\$2,369,548
General Fund Positions.....	12.00	12.00			
Position Level.....	12.00	12.00			
Fund Sources: General.....	\$2,280,525	\$2,280,525			
	\$2,300,037	\$2,319,548			
Federal Trust.....	\$50,000	\$50,000			
TOTAL FOR OFFICE OF PUBLIC SAFETY AND HOMELAND SECURITY.....				\$3,426,573,100	\$3,480,696,695
				\$3,443,878,838	\$3,487,010,305
General Fund Positions.....	17,634.10	17,634.10			
	17,661.10	17,661.10			
Nongeneral Fund Positions.....	2,369.90	2,470.90			
Position Level.....	20,004.00	20,105.00			
	20,031.00	20,132.00			
Fund Sources: General.....	\$2,201,919,384	\$2,206,567,067			
	\$2,219,225,122	\$2,212,880,677			
Special.....	\$166,556,345	\$165,216,464			
Commonwealth Transportation.....	\$10,443,062	\$10,443,062			
Enterprise.....	\$837,266,165	\$884,137,258			
Trust and Agency.....	\$4,298,130	\$4,298,130			
Dedicated Special Revenue.....	\$55,984,374	\$55,984,374			
Federal Trust.....	\$150,105,640	\$154,050,340			

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	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

OFFICE OF TRANSPORTATION

§ 1-80. SECRETARY OF TRANSPORTATION (186)

430.	Administrative and Support Services (79900).....		\$953,895	\$953,895
	General Management and Direction (79901).....	\$953,895	\$953,895	
	Fund Sources: Commonwealth Transportation.....	\$953,895	\$953,895	

Authority: Title 2.2, Chapter 2, Article 10, § 2.2-201, and Titles 33, 46, and 58, Code of Virginia.

A. The transportation policy goals enumerated in this act shall be implemented by the Secretary of Transportation, including the secretary acting as Chairman of the Commonwealth Transportation Board.

1. The maintenance of existing transportation assets to ensure the safety of the public shall be the first priority in budgeting, allocation, and spending. The highway share of the Transportation Trust Fund shall be used for highway maintenance and operation purposes prior to its availability for new development, acquisition, and construction.

2. It is in the interest of the Commonwealth to have an efficient and cost-effective transportation system that promotes economic development and all modes of transportation, intermodal connectivity, environmental quality, accessibility for people and freight, and transportation safety. The planning, development, construction, and operations of Virginia's transportation facilities will reflect this goal.

3. To the greatest extent possible, the appropriation of transportation revenues shall reflect planned spending of such revenues by agency and by program.

B. The maximization of all federal transportation funds available to the Commonwealth shall be paramount in the budgetary, spending, and allocation processes.

1. Notwithstanding any provision of law to the contrary, the secretary and all agencies within the transportation secretariat are hereby authorized to take all actions necessary to ensure that federal transportation funds are allocated and utilized for the maximum benefit of the Commonwealth, whether such actions or funds or both are authorized under P.L. 114-94 of the 114th Congress, or any successor or related federal transportation legislation, or regulation, rule, or guidance issued by the U.S. Department of Transportation or any federal agency. The secretary and agencies within the transportation secretariat shall utilize, to the maximum extent practicable, the flexibility provided in federal law, regulation, rule, or guidance to use federal funds in a manner consistent with the Code of Virginia. However, neither the secretary nor an agency in the transportation secretariat may materially delay a project selected pursuant to § 33.2-214.1, Code of Virginia, under the authority in this paragraph.

2. The secretary shall ensure that the allocation of transportation funds apportioned and for which obligation authority is expected to be available under federal law shall be in accordance with such laws and in support of the transportation policy goals enumerated in section A. of this Item. Furthermore, the secretary is authorized to take all actions necessary to allocate the required match for federal highway funds to ensure their appropriate and timely obligation and expenditure within the fiscal constraints of state transportation revenues and in support of the efforts addressed in B.1. By June 1 of each year, the secretary, as Chairman of the Board, shall report to the Governor and General Assembly on the allocation of such federal transportation funds and the actions taken to provide the required match.

3. The board shall only make allocations providing the required match for federal Regional Surface Transportation Block Grant Program funds to those Metropolitan Planning Organizations in urbanized areas greater than 200,000 that, in consultation with the Office of Intermodal Planning and Investment, have developed regional transportation and land use performance measures pursuant to Chapters 670 and 690 of the 2009 Acts of Assembly and have been approved by the board.

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4. Projects funded, in whole or part, from federal funds referred to as congestion mitigation and air quality improvement, shall be selected as directed by the board. Such funds shall be federally obligated within 12 months of their allocation by the board and expended within 36 months of such obligation. If the requirements included in this paragraph are not met by such agency or recipient, then the board shall use such federal funds for any other project eligible under 23 USC 149.				
5. Funds made available to the Metropolitan Planning Organizations known as the Regional Surface Transportation Block Grant Program for urbanized areas greater than 200,000 shall be federally obligated within 12 months of their allocation by the board and expended within 36 months of such obligation. If the requirements included in this paragraph are not met by the recipient, then the board may rescind the required match for such federal funds.				
6. Notwithstanding paragraph B.2. of this Item, the required matching funds for Transportation Alternatives projects are to be provided by the project sponsor of the federal-aid funding.				
7. Federal transportation funds as well as the required state matching funds may be allocated by the Commonwealth Transportation Board for transit purposes under the same rules and conditions authorized by federal law in a manner consistent with the Code of Virginia. The Commonwealth Transportation Board, in consultation with the appropriate local and regional entities, may allocate state revenues to local and regional public transit operators, for operating and/or capital purposes.				
8. If a regional area (or areas) of the Commonwealth is determined to be not in compliance with Clean Air Act rules regarding conformity and as a result federal and/or state allocations, apportionments or obligations cannot be used to fund or support transportation projects or programs in that area, such funds may be used to finance demand management, conformity, and congestion mitigation projects to the extent allowed by federal law. Any remaining amount of such allocations, apportionments, or obligations shall be set aside to the extent possible under law for use in that regional area.				
9. Appropriations in this act related to federal revenues outlined in this section may be adjusted by the Director, Department of Planning and Budget, upon request from the Secretary of Transportation, as needed to utilize and allocate additional federal funds that may become available.				
10. The secretary shall ensure that any bonds issued pursuant to Article 4, Chapter 15 of Title 33.2 shall be programmed to eligible projects selected and funded through the High Priority Projects Program pursuant to § 33.2-370 or the Construction District Grant Program pursuant to §33.2-371. In any year such bond proceeds are allocated to one or both of the programs, the secretary shall take all necessary action to ensure that each program is provided with the same overall amount of monies though the mix of bond proceeds, state revenues, and federal revenues provided to each program may vary as deemed appropriate by the secretary.				
C. The secretary may ensure that appropriate action is taken to maintain a minimum cash balance and/or cash reserve in the Highway Maintenance and Operating Fund.				
D.1. The Office of Intermodal Planning and Investment shall recommend to the Commonwealth Transportation Board all allocations of funds made available in subsections A. and B. of Item 446. The planning and evaluation may be conducted or managed by the Department of Transportation, Department of Rail and Public Transportation, or another qualified entity selected and/or approved by the Commonwealth Transportation Board.				
2. The office shall be responsible for implementing the statewide prioritization process pursuant to § 33.2-214.1 for the Commonwealth Transportation Board.				
3. The office shall work directly with affected Metropolitan Planning Organizations to develop and implement quantifiable and achievable goals relating to congestion reduction and safety, transit and HOV usage, job/housing ratios, job and housing access to transit and pedestrian facilities, air quality, and/or per-capital vehicle miles traveled pursuant to Chapters 670 and 690 of the 2009 Acts of Assembly.				
4. For allocation of funds under Paragraph 1, the office may give a higher priority for planning grants to (i) regional organizations to analyze various land development scenarios				

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<p>for their long range transportation plans, (ii) local governments to revise their comprehensive plans and other applicable local ordinances to designate urban development areas pursuant to Chapter 896 of the 2007 Acts of Assembly and incorporate the principles included in such act, and (iii) local governments, regional organizations, transit agencies and other appropriate entities to develop plans for transit oriented development and the expansion of transit service. Such analyses, plans, and ordinances shall be shared with the regional planning district commission or metropolitan planning organization and the Commonwealth Transportation Board.</p>				
<p>E.1. The Commonwealth Transportation Board is hereby authorized to apply for, execute, and/or endorse applications submitted by private entities or political subdivision of the Commonwealth to obtain federal credit assistance for one or more qualifying transportation infrastructure projects or facilities to be developed pursuant to the Public-Private Transportation Act of 1995, as amended. Any such application, agreement and/or endorsement shall not financially obligate the Commonwealth or be construed to implicate the credit of the Commonwealth as security for any such federal credit assistance.</p>				
<p>2. The Commonwealth Transportation Board is hereby authorized to pursue or otherwise apply for, and execute, an agreement to obtain financing using a federal credit instrument for project financings otherwise authorized by this Act or other Acts of Assembly.</p>				
<p>F. Revenues generated pursuant to the provisions of § 58.1-3221.3, Code of Virginia, shall only be used to supplement, not supplant, any local funds provided for transportation programs within the localities authorized to impose the fees under the provisions of § 58.1-3221.3, Code of Virginia.</p>				
<p>G. The Director, Department of Planning and Budget, is authorized to adjust the appropriation of transportation agencies in order to utilize proceeds from the sale of Commonwealth of Virginia Transportation Capital Projects Revenue Bonds which were authorized in a prior fiscal year but not issued, pursuant to Section 2 of Enactment Clause 2 of Chapter 896 of the 2007 General Assembly Session.</p>				
<p>H. The Director, Department of Planning and Budget, is authorized to adjust the appropriation of transportation agencies in order to utilize proceeds from the sale of Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes.</p>				
<p>I. In programming funds for the reconstruction and rehabilitation of structurally deficient bridges pursuant to § 33.2-358 C.(i), Code of Virginia, the Commonwealth Transportation Board shall consider both state and locally-owned bridges.</p>				
<p>J. All revenues generated under Chapter 896 of the Acts of Assembly of 2007 (HB 3202) and Chapter 766 of the Acts of Assembly of 2013 (HB 2313) that were dedicated to transportation-related funds have been appropriated in conformity with the requirements of those respective chapters.</p>				
<p>K. Notwithstanding § 33.2-502, Code of Virginia, the high-occupancy requirement for a HOT lane facility that is constructed as a result of the Public-Private Transportation Act (§ 33.2-1800 et. seq.) with an initial construction cost in excess of \$3 billion and whose operation, maintenance, or financing is not a result of the same comprehensive agreement that resulted in the facility's construction shall be not less than two.</p>				
<p>L. The Department of Rail and Public Transit shall establish within the Transit Ridership Incentive Program, established pursuant to House Bill 1414 and Senate Bill 890 of the 2020 General Assembly, a Congestion Mitigation Program that will use at least \$5,000,000 annually for operating cost assistance to reduce congestion in urban areas. The funds from this program will be allocated to transit systems in amounts that collectively achieve maximum congestion mitigation and passenger miles traveled. The Secretary shall provide to the Chairs of House Appropriations, Senate Finance and Appropriations, House Transportation and Senate Transportation Committees the methodology used and the distributions of such funds to transit systems by June 30, 2021.</p>				
<p>M. It is the intent of the General Assembly that the Secretary of Transportation and the Secretary of Natural Resources, in consultation with the Chairs of the House Appropriations, Senate Finance and Appropriations, House Transportation, Senate Transportation, House Agriculture, Chesapeake and Natural Resources, and Senate</p>				

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<p>Agriculture, Conservation and Natural Resources Committees, and counties containing subject outfalls, shall evaluate the scope of drainage outfalls across the Commonwealth originating from Virginia Department of Transportation (VDOT) maintained roads with no assigned maintaining entity, and recommend cost-effective solutions and means by which to fund maintenance of such outfalls. The Secretaries shall provide an interim report detailing their evaluation to the aforementioned committee chairs no later than December 31, 2020 and a final report of their findings, if not included in the December report, by September 30, 2021.</p>				
<p>N. Prior to the execution of any Memorandum of Understanding on behalf of the Commonwealth of Virginia for participation in the construction of any potential improvements to the bridge and related railroad infrastructure located between the Rosslyn (RO) Interlocking near Long Bridge Park in Arlington, Virginia and the L'Enfant (LE) Interlocking near 10th Street SW in Washington, D.C., or prior to the authorization for the issuance of any bonds or the sale of any land by the Virginia Passenger Rail Authority, as may be established by legislation adopted by the 2020 Session of the General Assembly that becomes law, the Secretary of Transportation shall present, for their review, to the MEI Project Approval Commission established pursuant to Chapter 47 (§ 30-309 et seq.) of Title 30, a draft of any Memorandum of Understanding, any proposed bond issuance, or contract related to the sale of land, or the terms of any agreement between or among any political subdivision of the Commonwealth of Virginia, any political subdivision of the United States, federal government agency, the National Passenger Railroad Corporation, a commuter rail service jointly operated by the Northern Virginia Transportation District established pursuant to § 33.2-1904 and the Potomac Rappahannock Transportation District established pursuant to the Transportation District Act (§ 33.2-1900 et seq.), and any Class I private railroad corporation.</p>				
<p>O.1. Notwithstanding § 33.2-214, the Six-Year Improvement Program adopted June 19, 2019, and as amended shall remain in effect through June 30, 2021, or until a new Six-Year Improvement Program is adopted that is based on the official Commonwealth Transportation Fund revenue forecast reflecting the impacts of COVID-19 pandemic.</p>				
<p>2. Notwithstanding any other provisions of law, the assistance provided for fiscal year 2021 under Item 442 A.1.a and A.1.c may be maintained up to the levels allocated in the Six Year Improvement Program approved by the Commonwealth Transportation Board on June 19, 2019 until a Six-Year Improvement Program is adopted pursuant to paragraph O.1. of this item.</p>				
<p><i>P. It is the intent of the General Assembly that the Commonwealth Transportation Board shall take steps necessary to address the reduction in revenues available for the Commonwealth Transportation Fund pursuant to § 33.2-1524, Code of Virginia, in a manner to reduce the impacts on currently programmed projects and to allow for a phased implementation of the additional revenues made available by Chapters 1230 and 1275 of the 2020 Acts of Assembly.</i></p>				
<p><i>1. The Commonwealth Transportation Board may utilize Revenue Sharing Funds allocated to a project in fiscal year 2020 or previous fiscal years that is not currently needed to support the project based on the project's current schedule to increase the funding available to the Commonwealth Transportation Fund (CTF) for distribution to the funds and programs supported by the CTF to help mitigate the impacts of the reduced revenues resulting from COVID-19 and reflected in the August 2020 Official Revenue Forecast. Any project allocations utilized will be replaced in the year or years needed to maintain the project's current schedule, but no later than FY 2024, from funds made available pursuant to § 33.2-357, Code of Virginia.</i></p>				
<p><i>2. The Commonwealth Transportation Board may utilize Revenue Sharing Funds provided in FY 2020 or prior fiscal years that were not allocated to a specific revenue sharing project as of June 30, 2020, to increase the funding available to the Commonwealth Transportation Fund (CTF) for distribution to the funds and programs supported by the CTF to help mitigate the impacts of the reduced revenues resulting from COVID-19 and reflected in the August 2020 Official Revenue Forecast.</i></p>				
<p><i>3. The Commonwealth Transportation Board may utilize amounts allocated to a project through the State of Good Repair, High Priority Projects and District Grant Programs included in the FY2020-2025 Six-Year Improvement Program not needed in the year provided to support the project based on the project's current schedule to increase the funding</i></p>				

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<p><i>available to the Commonwealth Transportation Fund (CTF) for distribution to the funds and programs supported by the CTF to help mitigate the impacts of the reduced revenues resulting from COVID-19 and reflected in the August 2020 Official Revenue Forecast. Any project allocations utilized shall be replaced in the year or years needed to maintain the project's schedule, provided that any funding shall be replaced no later than fiscal year 2025 from funds available in the Commonwealth Transportation Fund.</i></p> <p><i>4. That notwithstanding enactment clauses 11 and 13 of Chapters 1230 and 1275 of the 2020 Acts of Assembly, the Commonwealth Transportation Board (i) shall take actions deemed necessary in fiscal years 2021, 2022 and 2023 to ensure appropriate coverage ratios for any outstanding debt backed by the Transportation Trust Fund and (ii) shall distribute available funds, taking into consideration the impacts of the reduced revenues resulting from COVID-19 and reflected in the August 2020 Official Revenue Forecast, to the modal programs and the highway maintenance and operating fund in such a manner as to protect core programs, services, and existing projects, and to provide funding for the purposes set forth in §§ 33.2-372 and 33.2-373, Code of Virginia.</i></p> <p><i>5. The Commonwealth Transportation Board may for fiscal year 2021 reduce the funding available pursuant to subdivisions D 2, D 4 and D 5 of § 33.2-1526.1, Code of Virginia, to increase the funding available for the purposes of subdivision D 1 and D 3 of § 33.2-1526.1, Code of Virginia.</i></p> <p><i>6. The Secretary shall report to the Governor and Chairs of the House Appropriations and Senate Finance and Appropriations Committees on the funding actions planned to be taken under the authority provided by P.1. through 5. of this item, as well as any actions taken pursuant to language included in Item 444.B of this act, within five [5] business days following the presentation of such proposed actions to the Commonwealth Transportation Board. The reporting shall include a listing of the programs and projects impacted, identifying the amount and timing of the use and subsequent replacement of project allocations as required to maintain project schedules. Furthermore, within five [5] business days of a subsequent meeting of the Commonwealth Transportation Board in which official action related to the proposed funding actions is taken, the Secretary shall report to the Governor and Chairs of the House Appropriations and Senate Finance and Appropriations Committees the funding actions approved by the Commonwealth Transportation Board, denoting any changes from the previously reported proposed funding actions. Furthermore, in order to ensure the General Assembly has the opportunity to express its disapproval of any proposed funding shifts, no changes to project allocations shall be made at the same meeting at which they are proposed, but shall be delayed until the subsequent meeting of the Commonwealth Transportation Board.</i></p>				
			\$953,895	\$953,895
	Nongeneral Fund Positions.....	6.00	6.00	
	Position Level.....	6.00	6.00	
	Fund Sources: Commonwealth Transportation.....	\$953,895	\$953,895	
431.	Not set out.			
432.	Not set out.			
433.	Not set out.			
434.	Not set out.			
435.	Not set out.			

§ 1-81. DEPARTMENT OF MOTOR VEHICLES (154)

436.	Ground Transportation Regulation (60100).....			\$216,673,180	\$216,673,180
	Customer Service Centers Operations (60101).....	\$156,643,065	\$156,643,065		

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	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Ground Transportation Regulation and Enforcement (60103).....	\$45,505,878	\$45,505,878		
Motor Carrier Regulation Services (60105).....	\$14,524,237	\$14,524,237		
Fund Sources: Commonwealth Transportation.....	\$209,226,580	\$209,226,580		
Trust and Agency.....	\$5,446,600	\$5,446,600		
Federal Trust.....	\$2,000,000	\$2,000,000		

Authority: Title 46.2, Chapters 1, 2, 3, 6, 8, 10, 12, 15, 16, and 17; §§ 18.2-266 through 18.2-272; Title 58.1, Chapters 21 and 24, Code of Virginia. Title 33, Chapter 4, United States Code.

A. The Commissioner, Department of Motor Vehicles, is authorized to establish, where feasible and cost efficient, contracts with private/public partnerships with commercial operations, to provide for simplification and streamlining of service to citizens through electronic means. Provided, however, that such commercial operations shall not be entitled to compensation as established under § 46.2-205, Code of Virginia, but rather at rates limited to those established by the commissioner.

B. The Department of Motor Vehicles shall work to increase the use of alternative service delivery methods, which may include offering discounts on certain transactions conducted online, as determined by the department. As part of its effort to shift customers to internet usage where applicable, the department shall not charge its customers for the use of credit cards for internet or other types of transactions; however, this restriction shall not apply with respect to any credit or debit card transactions the department conducts on behalf of another agency, provided (i) the other agency is authorized to charge customers for the use of credit or debit cards and (ii) the merchant's fees and other transaction costs imposed by the card issuer are charged to the department.

C. In order to provide citizens of the Commonwealth greater access to the Department of Motor Vehicles, the agency is authorized to enter into an agreement with any local constitutional officer or combination of officers to act as a license agent for the department, with the consent of the chief administrative officer of the constitutional officer's county or city, and to negotiate a separate compensation schedule for such office other than the schedule set out in § 46.2-205, Code of Virginia. Notwithstanding any other provision of law, any compensation due to a constitutional officer serving as a license agent shall be remitted by the department to the officer's county or city on a monthly basis, and not less than 80 percent of the sums so remitted shall be appropriated by such county or city to the office of the constitutional officer to compensate such officer for the additional work involved with processing transactions for the department. Funds appropriated to the constitutional office for such work shall not be used to supplant existing local funding for such office, nor to reduce the local share of the Compensation Board-approved budget for such office below the level established pursuant to general law.

D. The base compensation for DMV Select Agents shall be set at 4.5 percent of gross collections for the first \$500,000 and 5.0 percent of all gross collections in excess of \$500,000 made by the entity during each fiscal year on such state taxes and fees in place as a matter of law. The commissioner shall supply the agents with all necessary agency forms to provide services to the public, and shall cause to be paid all freight and postage, but shall not be responsible for any extra clerk hire or other business-related expenses or business equipment expenses occasioned by their duties.

E. Out of the amounts identified in this Item, an amount estimated at \$372,006 the first year and \$372,006 the second year from the Commonwealth Transportation Fund shall be paid to the Washington Metropolitan Area Transit Commission.

F.1. Notwithstanding any other provision of law, the department shall assess a minimum fee of \$15 for all titles. The revenue generated from this fee shall be set aside to meet the expenses of the department.

2. Notwithstanding any other provision of law, the department shall assess a \$10 late fee on all registration renewal transactions that occur after the expiration date. The late fee shall not apply to those exceptions granted under § 46.2-221.4, Code of Virginia. In assessing the late renewal fee the department shall provide a ten day grace period for transactions conducted by

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mail to allow for administrative processing. This grace period shall not apply to registration renewals for vehicles registered under the International Registration Plan. The revenue generated from this fee shall be set aside to meet the expenses of the department.

3. Notwithstanding any other provision of law, the department shall establish a \$20 minimum fee for original driver's licenses and replacements. The revenue generated from this fee shall be set aside to meet the expenses of the department.

G. The Department of Motor Vehicles is hereby granted approval to renew or extend existing capital leases due to expire during the current biennium for existing customer service centers.

H. The Department of Motor Vehicles is hereby appropriated revenues from the additional sales tax on fuel in certain transportation districts to recover the direct cost of administration incurred by the department in implementing and collecting this tax as provided by § 58.1-2295, Code of Virginia.

I. The Commissioner of the Department of Motor Vehicles, in consultation with the Commissioner of Highways, shall take such steps as may be necessary to expand access to the E-ZPass program through its customer service channels using such locations and methods as are practicable.

J. The Department of Motor Vehicles is hereby granted approval to distribute the transactional charges of the Cardinal accounting system to state agencies, when the transactions involve funds passed through the department to the benefiting agency. This paragraph shall not pertain to Direct Aid to Public Education.

K. The Department of Motor Vehicles is hereby granted approval to distribute a portion of its indirect cost allocation charge to another state agency when the charge is related to revenue collected and transferred by the department to the state agency. Such transfers shall be based on the agency's proportionate share of the department's total transactions in the immediately preceding fiscal year. The Department shall annually submit to the Department of Planning and Budget a summary of the transfer amounts and the transaction volumes used to allocate the internal cost amounts.

L. Notwithstanding § 46.2-688, Code of Virginia, the Department of Motor Vehicles shall not be required to refund a proration of the total cost of a motor vehicle registration when less than six months remain in the registration period. Any resulting savings shall be retained and used to meet the expenses of the Department.

M. Notwithstanding § 46.2-342, Code of Virginia, the Department of Motor Vehicles shall not be required to include organ donation brochures with every driver's license renewal notice or application mailed to licensed drivers.

N. The Commissioner shall only refuse to issue or renew any vehicle registration pursuant to subsection L of § 46.2-819.3:1 of an operator or owner of a vehicle who has no prior resolution, whether that resolution is by settlement or conviction, for offenses under § 46.2-819.3:1 if, in addition to the conditions set forth in subsection L of § 46.2-819.3:1 for such refusal, the toll operator has offered the individual a settlement of no more than \$2,200.

O. The Department is authorized to impose a \$10 surcharge on all first issuances of REAL ID compliant credentials that are acceptable for federal purposes.

P. Notwithstanding any other provision of law, for the duration of a declared state of emergency as defined in § 44-146.16, Code of Virginia, and for up to 90 days after the declaration of a state of emergency has been rescinded or expires, the Commissioner may extend the validity or delay the cancellation of driver's licenses, special identification cards, and vehicle registrations, the time frame during which a driver improvement clinic or payment plan must be completed, the maximum number of days of residency permitted before a new resident must be licensed in Virginia pursuant to § 46.2-308, Code of Virginia, to operate a motor vehicle in the Commonwealth, and the time frame during which a new resident may operate a motor vehicle in the Commonwealth which has been duly registered in another jurisdiction before registering the vehicle in the Commonwealth.

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<p><i>Q. Notwithstanding any other provision of law, for the duration of a declared Commonwealth-wide state of emergency as defined in § 44-146.16, Code of Virginia, and for up to 90 days after the declaration of a state of emergency has been rescinded or expires, the Commissioner shall ensure that individuals age 65 and older, or with an immunocompromised or other underlying medical conditions, who are not required to register pursuant to Chapter 9 of Title 9.1 and appear in person for each renewal or the requirement to obtain a photograph in accordance with § 46.2-330 F(2), are able to complete any necessary transactions for existing credentials online or through the mail, so long as such individuals are otherwise eligible to complete such transactions and federal law does not require the transactions to be completed in person.</i></p>				
<p><i>R. Notwithstanding any other provision of law, for the duration of a declared state of emergency and for up to 90 days after a declaration of a state of emergency has been rescinded or expires, the Commissioner may permit (1) Class B driver training schools and (2) computer-based driver education providers, as defined in § 46.2-1700, to administer the end-of-course driver's education test online subject to the requirements prescribed by the Commissioner. Notwithstanding any other provision of law, for the duration of a declared state of emergency and for up to 90 days after a declaration of a state of emergency has been rescinded or expires, the Commissioner may permit Class B driver training schools with a valid Virginia license to administer their in-class curriculum on an online platform subject to the requirements prescribed by the Commissioner. Notwithstanding the provisions of § 22.1-205, for the duration of a declared state of emergency and for up to 90 days after a declaration of a state of emergency has been rescinded or expires, the Commissioner may permit the parent/student driver education component of the driver's education course to be administered online subject to the requirements prescribed by the Commissioner.</i></p>				
<p><i>S. Notwithstanding the provisions of subsection E. of § 18.2-271.1 of the Code of Virginia, if a person's license to operate a motor vehicle, engine, or train in the Commonwealth has been suspended or revoked pursuant to former § 18.2-259.1 or 46.2-390.1, a court may, in its discretion and for good cause shown, issue a restricted permit to operate a motor vehicle for any purpose set forth in subsection E. of § 18.2-271.1. No restricted license issued pursuant to this paragraph shall permit any person to operate a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.). The court shall forward to the Commissioner of the Department of Motor Vehicles a copy of its order entered pursuant to this paragraph, which shall specifically enumerate the restrictions imposed and contain such information regarding the person to whom such a permit is issued as is reasonably necessary to identify such person. The court shall also provide a copy of its order to the person so convicted who may operate a motor vehicle on the order until receipt from the Commissioner of the Department of Motor Vehicles of a restricted license, if the order provides for a restricted license for that time period. A copy of such order and, after receipt thereof, the restricted license shall be carried at all times by such person while operating a motor vehicle. Any person who operates a motor vehicle in violation of any restrictions imposed pursuant to this paragraph is guilty of a violation of § 46.2-301.</i></p>				
437.	Not set out.			
438.	Not set out.			
	Total for Department of Motor Vehicles.....		\$315,532,483	\$319,532,483
	Nongeneral Fund Positions.....	2,222.00	2,162.00	
	Position Level.....	2,222.00	2,162.00	
	Fund Sources: Commonwealth Transportation.....	\$304,116,559	\$308,116,559	
	Trust and Agency.....	\$5,446,600	\$5,446,600	
	Federal Trust.....	\$5,969,324	\$5,969,324	
439.	Not set out.			
440.	Not set out.			
	Grand Total for Department of Motor Vehicles.....		\$548,472,121	\$556,784,829

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	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Nongeneral Fund Positions.....	2,222.00	2,162.00		
Position Level.....	2,222.00	2,162.00		
Fund Sources: Commonwealth Transportation.....	\$351,601,168	\$359,913,876		
Trust and Agency.....	\$10,946,600	\$10,946,600		
Dedicated Special Revenue.....	\$153,700,000	\$153,700,000		
Federal Trust.....	\$32,224,353	\$32,224,353		

§ 1-82. DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (505)

441.	Not set out.			
442.	Not set out.			
443.	Financial Assistance for Rail Programs (61000).....		\$137,107,434	\$197,112,195
	Rail Industrial Access (61001).....	\$3,000,000	\$3,000,000	
	Rail Preservation Programs (61002).....	\$14,523,370	\$14,523,370	
	Passenger and Freight Rail Financial Assistance Programs (61003).....	\$119,584,064	\$179,588,825	
	Fund Sources: Special.....	\$1,000,000	\$1,000,000	
	Commonwealth Transportation.....	\$136,107,434	\$196,112,195	

Authority: Title 33.2, Code of Virginia.

A. Except as provided in Item 444, the Commonwealth Transportation Board shall operate the Shortline Railway Preservation and Development program in accordance with § 33.2-1602, Code of Virginia. As determined by the board, funds apportioned pursuant to § 33.2-1526, Code of Virginia, shall be appropriated to the Shortline Railway Preservation and Development Program. Total funding appropriated to the Shortline Railway Preservation and Development Program from this source shall not exceed \$4,000,000 the first year and \$4,000,000 the second year.

B. The Commonwealth Transportation Board shall operate the Rail Industrial Access Program in accordance with § 33.2-1600, Code of Virginia. The board may allocate funds pursuant to § 33.2-358, Code of Virginia, to the fund for construction of industrial access railroad tracks.

C. Of the funds appropriated pursuant to Chapters 1019 and 1044 of the 2000 Acts of Assembly for passenger rail capacity improvements in the I-95 passenger rail corridor between Richmond and the District of Columbia, the Director of the Department of Rail and Public Transportation is authorized to utilize any remaining funds along the described corridor for the development of intercity passenger rail enhancements to include rail improvements and passenger station facilities.

D. Notwithstanding the provisions of § 33.2-1526.2 C, the distribution of funds in the Commonwealth Rail Fund shall be:

1. Remaining balances as of June 30, 2020 in the Rail Enhancement Fund pursuant to § 33.2- 1601 and the Intercity Rail Operating and Capital Fund pursuant to § 33.2-1603 shall be transferred to the Commonwealth Rail Fund.

2. In order to facilitate the financing activities of the Virginia Passenger Rail Authority, all cash balances as of July 1, 2020 shall be transferred to the Authority from the Commonwealth Rail Fund. This transfer shall not be transacted until after an agreement has been fully executed between the Department and the Authority that requires funds to be transferred from the Authority to the Department for the prompt payment of any expenditures on the projects administered by the Department.

3. During the interim period between July 1, 2020, and the formal establishment of the Virginia Passenger Rail Authority (Authority), the Department shall be responsible for conducting all necessary business functions assigned to the Authority. Formal establishment shall include appointments to the Authority's board of directors, a formal meeting of the board, the hiring of an executive director, and the execution of the

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<i>agreement required in subparagraph D.2.</i>				
<p>E. Because of the overwhelming need for the delivery of services provided by the investment in a balanced transportation system in the Commonwealth, and in an effort to deliver intercity passenger trains utilizing the Commonwealth's investments and to increase passenger train frequencies to Norfolk and Roanoke, notwithstanding the provisions of § 33.2-1601 and § 33.2-1603, Code of Virginia, the Commonwealth Transportation Board may only make further investments in intercity passenger rail capacity to serve new markets in North Carolina, provided the Six-Year Improvement Plan adopted pursuant to § 33.2-214, Code of Virginia includes sufficient funding to complete projects underway to deliver train capacity improvements and provides the funding for service for additional passenger rail frequency to Norfolk and an extension of passenger rail to Roanoke.</p>				
<p>F. The Department of Rail and Public Transit shall evaluate the operating and capital costs associated with an extension of the Virginia Railway Express commuter rail service from Manassas to Gainesville. The Director of the Department of Rail and Public Transportation shall submit an evaluation of these costs to the Governor, the Chairs of the House Appropriations Committee and the Senate Finance and Appropriations Committee by June 30, 2021.</p>				
<p>G. Out of the amounts in this item for Passenger and Freight Rail Assistance Programs, such funding as may be necessary is allocated to study the feasibility of an east-west Commonwealth Corridor passenger rail service connecting Hampton Roads, Richmond, and the New River Valley consistent with the provisions of Senate Joint Resolution 50 of the 2020 General Assembly.</p>				
444.	Administrative and Support Services (69900).....		\$21,949,965	\$21,949,965
	General Management and Direction (69901).....	\$21,949,965	\$21,949,965	
	Fund Sources: Commonwealth Transportation.....	\$21,949,965	\$21,949,965	
<p>Authority: Titles 33.2 and 58.1, Code of Virginia.</p>				
<p>A. The Director, Department of Planning and Budget, is authorized to adjust appropriations and allotments for the Department of Rail and Public Transportation to reflect changes in the official revenue estimates for commonwealth transportation funds.</p>				
<p>B. The Commonwealth Transportation Board may allocate up to 5 percent of the revenues available each year in the funds established pursuant to §§ 33.2-1602, 33.2-1526 and revenues allocated to the Department pursuant to 33.2-1526.24 to support costs of project development, project administration and project compliance incurred by the Department of Rail and Public Transportation in implementing rail, public transportation, and congestion management programs and grants. <i>Due to the negative impact on transportation revenues from the COVID-19 national crisis, the Commonwealth Transportation Board may allocate an amount at least equal to the Department of Rail and Public Transportation's FY2020 allocation to support costs identified in this item for each year.</i></p>				
Total for Department of Rail and Public Transportation.....			\$862,250,555	\$935,455,316
	Nongeneral Fund Positions.....	72.00	72.00	
	Position Level.....	72.00	72.00	
	Fund Sources: Special.....	\$2,139,844	\$2,139,844	
	Commonwealth Transportation.....	\$698,910,711	\$773,915,472	
	Dedicated Special Revenue.....	\$161,200,000	\$159,400,000	
445.	Not set out.			
446.	Not set out.			
447.	Not set out.			
448.	Not set out.			

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449.	Not set out.			
450.	Not set out.			
451.	Not set out.			
452.	Not set out.			
453.	Not set out.			
454.	Not set out.			
455.	Not set out.			
456.	Not set out.			
457.	Not set out.			
458.	Not set out.			
459.	Not set out.			
460.	Not set out.			
TOTAL FOR OFFICE OF TRANSPORTATION...			\$9,728,996,031	\$9,484,245,803
Nongeneral Fund Positions.....	10,357.00	10,297.00		
Position Level.....	10,357.00	10,297.00		
Fund Sources: General.....	\$30,246	\$30,246		
Special.....	\$191,360,549	\$196,315,165		
Commonwealth Transportation.....	\$7,774,219,765	\$7,350,038,700		
Trust and Agency.....	\$584,690,486	\$727,790,089		
Dedicated Special Revenue.....	\$1,125,804,673	\$1,157,452,525		
Federal Trust.....	\$52,890,312	\$52,619,078		

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OFFICE OF VETERANS AND DEFENSE AFFAIRS

- 461. Not set out.
- 462. Not set out.

§ 1-83. DEPARTMENT OF VETERANS SERVICES (912)

- 463. Not set out.
- 464. Not set out.
- 465. Not set out.
- 466. Not set out.

466.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted:

	FY 2021	FY 2022
Virginia Women Veterans Program	\$106,139	\$106,139
Support mental health and benefits positions and fund maintenance and information technology needs	\$1,045,040	\$1,276,753
Provide funding for the National Museum of the United States Army	\$3,000,000	\$0
Agency Total	\$4,151,179	\$1,382,892
Total for Department of Veterans Services.....		\$114,427,473 \$123,664,186
General Fund Positions.....	236.00	236.00
Nongeneral Fund Positions.....	890.00	1,110.00
Position Level.....	1,126.00	1,346.00
Fund Sources: General.....	\$26,824,257	\$24,055,970
Special.....	\$46,268,538	\$46,268,538
Dedicated Special Revenue.....	\$796,500	\$796,500
Federal Trust.....	\$40,538,178	\$52,543,178

- 467. Not set out.
- 468. Not set out.

§ 1-84. DEPARTMENT OF MILITARY AFFAIRS (123)

- 469. Not set out.

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470.	Not set out.			
471.	Not set out.			
472.	Not set out.			
473.	Not set out.			
473.10	<p>Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.</p>			
		FY 2021		FY 2022
	Increase funding for state tuition assistance	\$250,000		\$250,000
	Agency Total	\$250,000		\$250,000
	Total for Department of Military Affairs.....		\$76,911,494	\$76,911,494
	General Fund Positions.....	54.47		54.47
	Nongeneral Fund Positions.....	307.03		307.03
	Position Level.....	361.50		361.50
	Fund Sources: General.....	\$11,771,448		\$11,771,448
	Special.....	\$1,784,927		\$1,784,927
	Dedicated Special Revenue.....	\$4,216,050		\$4,216,050
	Federal Trust.....	\$59,139,069		\$59,139,069
	TOTAL FOR OFFICE OF VETERANS AND DEFENSE AFFAIRS.....		\$196,830,760	\$206,067,473
	General Fund Positions.....	296.47		296.47
	Nongeneral Fund Positions.....	1,199.03		1,419.03
	Position Level.....	1,495.50		1,715.50
	Fund Sources: General.....	\$40,414,105		\$37,645,818
	Special.....	\$48,053,465		\$48,053,465
	Trust and Agency.....	\$2,500,000		\$2,500,000
	Dedicated Special Revenue.....	\$5,809,050		\$5,809,050
	Federal Trust.....	\$100,054,140		\$112,059,140

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CENTRAL APPROPRIATIONS

§ 1-85. CENTRAL APPROPRIATIONS (995)

474.	Not set out.			
475.	Not set out.			
476.	Not set out.			
477.	Compensation and Benefit Adjustments (75700).....		\$139,552,150 \$104,390,067	\$213,830,664 \$193,216,843
	Adjustments to Employee Compensation (75701).....	\$119,985,353 \$130,934,435	\$151,893,587	
	Adjustments to Employee Benefits (75702).....	\$19,566,797 (\$26,544,368)	\$61,937,077 \$41,323,256	
	Fund Sources: General.....	\$139,552,150 \$104,390,067	\$213,830,664 \$193,216,843	

Authority: Discretionary Inclusion.

A. Transfers to or from this Item may be made to decrease or supplement general fund appropriations to state agencies for:

1. Adjustments to base rates of pay;
2. Adjustments to rates of pay for budgeted overtime of salaried employees;
3. Salary changes for positions with salaries listed elsewhere in this act;
4. Salary changes for locally elected constitutional officers and their employees;
5. Employer costs of employee benefit programs when required by salary-based pay adjustments;
6. Salary changes for local employees supported by the Commonwealth, other than those funded through appropriations to the Department of Education; and
7. Adjustments to the cost of employee benefits to include but not be limited to health insurance premiums and retirement and related contribution rates.

B. Transfers from this Item may be made when appropriations to the state agencies concerned are insufficient for the purposes stated in paragraph A of this Item, as determined by the Department of Planning and Budget, and subject to guidelines prescribed by the department. Further, the Department of Planning and Budget may transfer appropriations within this Item from the second year of the biennium to the first year, when necessary to accomplish the purposes stated in paragraph A of this Item.

C. Except as provided for elsewhere in this Item, agencies supported in whole or in part by nongeneral fund sources, shall pay the proportionate share of changes in salaries and benefits as required by this Item, subject to the rules and regulations prescribed by the appointing or governing authority of such agencies. Nongeneral fund revenues and balances required for this purpose are hereby appropriated.

D. Any supplemental salary payment to a state employee or class of state employees by a local governing body shall be governed by a written agreement between the agency head of the employee or class of employees receiving the supplement and the chief executive officer of the local governing body. Such agreement shall also be reviewed and approved by the Director of the State Department of Human Resource Management. At a minimum, the agreement shall specify the percent of state salary or fixed amount of the supplement, the resultant total salary of the employee or class of employees, the frequency and method of payment to the agency of the supplement, and whether or not such supplement shall be included in the employee's state benefit calculations. A copy of the agreement shall be made

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available annually to all employees receiving the supplement. The receipt of a local salary supplement shall not subject employees to any personnel or payroll rules and practices other than those promulgated by the State Department of Human Resource Management.

E. The Governor is hereby authorized to transfer funds from agency appropriations to the accounts of participating state employees in such amounts as may be necessary to match the contributions of the qualified participating employees, consistent with the requirements of the Code of Virginia governing the deferred compensation cash match program. Such transfers shall be made consistent with the following:

1. The maximum cash match provided to eligible employees shall not be less than \$20.00 per pay period, or \$40.00 per month, in each year of the biennium. The Governor may direct the agencies of the Commonwealth to utilize funds contained within their existing appropriations to meet these requirements.
2. The Governor may direct agencies supported in whole or in part with nongeneral funds to utilize existing agency appropriations to meet these requirements. Such nongeneral revenues and balances are hereby appropriated for this purpose, subject to the provisions of § 4-2.01 b of this act. The use of such nongeneral funds shall be consistent with any existing conditions and restrictions otherwise placed upon such nongeneral funds.
3. The procurement of services related to the implementation of this program shall be governed by standards set forth in § 51.1-124.30 C, Code of Virginia, and shall not be subject to the provisions of Chapter 7 (§ 11-35 et seq.), Title 11, Code of Virginia.

F. The Secretary of Administration, in conjunction with the Secretary of Finance, may establish a program that allows for the sharing of cost savings from improved productivity, efficiency, and performance with agencies and employees. Such gain sharing programs require a management philosophy of open communication encouraging employee participation; a system which seeks, evaluates and implements employee input on increasing productivity; and a formula for measuring productivity gains and sharing these gains between employees and the agency. The Department of Human Resource Management, in conjunction with the Department of Planning and Budget, shall develop specific gain sharing program guidelines for use by agencies. The Department of Human Resource Management shall provide to the Governor, the Chairmen of the House Appropriations and Senate Finance Committees an annual report no later than October 1 of each year detailing identified savings and their usage.

G.1. Out of the appropriation for this Item, an amount estimated at ~~\$41,227,641~~ \$20,613,820 the second year from the general fund shall be transferred to state agencies and institutions of higher education to support the general fund portion of costs associated with changes in the employer's share of premiums paid for the Commonwealth's health benefit plans.

2. Notwithstanding any contrary provision of law, the health benefit plans for state employees resulting from the additional funding in this Item shall allow for a portion of employee medical premiums to be charged to employees.
3. The Department of Human Resource Management shall explore options within the health insurance plan for state employees to promote value-based health choices aimed at creating greater employee satisfaction with lower overall health care costs. It is the General Assembly's intent that any savings associated with this employee health care initiative be retained and used towards funding state employee salary or fringe benefit cost increases.
4. Notwithstanding any other provision of law, it shall be the sole responsibility and authority of the Department of Human Resource Management to establish and enforce employer contribution rates for any health insurance plan established pursuant to §2.2-2818, Code of Virginia.
5. The Department of Human Resource Management is prohibited from establishing a retail maintenance network for maintenance drugs that includes penalties for non-use of the retail maintenance network.
6. The Department of Human Resource Management shall not increase the annual out-of-

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pocket maximum included in the plans above the limits in effect for the plan year which began on July 1, 2014.

7. The Department of Human Resource Management shall include language in all contracts, signed on or after July 1, 2018, with third party administrators of the state employee health plan requiring the third party administrators to: 1) maintain policies and procedures for transparency in their pharmacy benefit administration programs; 2) transparently provide information to state employees through an explanation of benefits regarding the cost of drug reimbursement; dispensing fees; copayments; coinsurance; the amount paid to the dispensing pharmacy for the claim; the amount charged to the third party administrator for the claim by the third party administrator's pharmacy benefit manager; and the amount charged by the third party administrator to the Commonwealth; and 3) provide a report to the Department of Human Resource Management of the aggregate difference in amounts between reimbursements made to pharmacies for claims covered by the state employee insurance plan, the amount charged to the third party administrator for the claim by the third party administrator's pharmacy benefit manager, and the amount charged by the third party administrator to the Commonwealth as well as an explanation for any difference.

8. Notwithstanding the provisions of § 38.2-3418.17 and any other provision of law, effective October 1, 2018, the Department of Human Resource Management shall provide coverage under the state employee health insurance program for the treatment of autism spectrum disorder through the age of eighteen.

H.1. Contribution rates paid to the Virginia Retirement System for the retirement benefits of public school teachers, state employees, state police officers, state judges, and state law enforcement officers eligible for the Virginia Law Officers Retirement System shall be based on a valuation of retirement assets and liabilities that are consistent with the provisions of Chapters 701 and 823, Acts of Assembly of 2012.

2. Retirement contribution rates, excluding the five percent employee portion, shall be as set out below and include both the regular contribution rate and for the public school teacher plan the rate calculated by the Virginia Retirement System actuary for the 10-year payback of the retirement contribution payments deferred for the 2010-12 biennium:

	FY 2021	FY 2022
Public school teachers	16.62%	16.62%
State employees	14.46%	14.46%
State Police Officers' Retirement System	26.33%	26.33%
Virginia Law Officers' Retirement System	21.90%	21.90%
Judicial Retirement System	29.84%	29.84%

3. Payments of all required contributions and insurance premiums to the Virginia Retirement System and its third-party administrators, as applicable, shall be made no later than the tenth day following the close of each month of the fiscal year.

4. Out of the appropriation for this Item, amounts estimated at \$15,893,697 the first year and \$16,578,460 the second year, from the general fund shall be transferred to state agencies and institutions of higher education, to support the general fund portion of costs associated with changes in employer contributions for state employee retirement as provided for in this paragraph.

5. The funding necessary to support the cost of reimbursements to Constitutional Officers for retirement contributions are appropriated elsewhere in this act under the Compensation Board.

6. The funding necessary to support the cost of the employer retirement contribution rate for public school teachers is appropriated elsewhere in this act under Direct Aid to Public Education.

I. Rates paid to the Virginia Retirement System on behalf of employees of participating (i) counties, (ii) cities, (iii) towns, (iv) local public school divisions (only to the extent that the employer contribution rate is not otherwise specified in this act), and (v) other political subdivisions shall be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to § 51.1-145(I), Code of Virginia.

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J. The Virginia Retirement System Board of Trustees shall account for the employer retirement contribution payments for the public school teacher plan deferred for the 2010-2012 biennium based on limiting employer retirement contributions to the Virginia Retirement System to the actuarial normal cost. In setting the employer retirement contribution rates for the public school teacher plan for subsequent biennia, the board shall calculate a separate, supplemental employer contribution rate that will amortize such deferred payments over a period of ten years using the board's assumed long-term rate of return. The Governor shall include funds to support payment of the approved state portion of such board-approved, supplemental employer contribution rates for the public school teacher plan in the budget submitted to the General Assembly.

K.1. Contribution rates paid to the Virginia Retirement System for other employee benefits to include the public employee group life insurance program, the Virginia Sickness and Disability Program, the state employee retiree health insurance credit, and the public school teacher retiree health insurance credit, shall be based on a valuation of assets and liabilities that assume an investment return of seven percent and an amortization period of 30 years, except beginning in fiscal year 2021 the state employee retiree health credit amortization period shall be reduced by 5 years.

2. Contribution rates paid on behalf of public employees for other programs administered by the Virginia Retirement System shall be:

	FY 2021	FY 2022
State employee retiree health insurance credit	1.25%	1.25%
Public school teacher retiree health insurance credit	1.21%	1.21%
State employee group life insurance program	1.34%	1.34%
Employer share of the public school teacher group life insurance program	0.54%	0.54%
Virginia Sickness and Disability Program	0.61%	0.61%

3. Funding for the Virginia Sickness and Disability Program is calculated on a rate of 0.56 percent of total payroll.

4. Out of the appropriation for this Item, amounts estimated at \$3,980,010 the first year and \$4,153,072 the second year, from the general fund shall be transferred to state agencies and institutions of higher education, to support the general fund portion of costs associated with changes in employer contributions for state employee benefits as provided for in this paragraph.

5. The funding necessary to support the cost of reimbursements to Constitutional Officers for public employee group life insurance contributions is appropriated elsewhere in this act under the Compensation Board.

6. The funding necessary to support the cost of the employer public school teacher group life insurance and retiree health insurance credit rates is appropriated elsewhere in this act under Direct Aid to Public Education.

L.1. The retiree health insurance credit contribution rates for the following groups of state supported local public employees shall be: 0.36 percent for constitutional officers and employees of constitutional officers 0.38 percent for employees of local social services boards, and 0.39 percent for General Registrars and employees of General Registrars.

2. The Director, Department of Planning and Budget, shall withhold and transfer to this Item amounts estimated at \$55,805 the first year and \$55,805 the second year to reflect the general fund portion of the net savings resulting from changes in the retiree health insurance credit contribution rates for state supported local public employees through the Compensation Board, the Department of Social Services, and the Department of Elections pursuant to § 51.1-1403, Code of Virginia.

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M.1. Notwithstanding the provisions of § 2.2-3205(A), Code of Virginia, the terminating agency shall not be required to pay the Virginia Retirement System the costs of enhanced retirement benefits provided for in § 2.2-3204(A), Code of Virginia for employees who are involuntarily separated from employment with the Commonwealth if the Director of the Department of Planning and Budget certifies that such action results from 1. budget reductions enacted in the Appropriation Act, 2. budget reductions executed in response to the withholding of appropriations by the Governor pursuant to §4-1.02 of the Act, 3. reorganization or reform actions taken by state agencies to increase efficiency of operations or improve service delivery provided such actions have been previously approved by the Governor, or 4. downsizing actions taken by state agencies as the result of the loss of federal or other grants, private donations, or other nongeneral fund revenue, and if the Director of the Department of Human Resource Management certifies that the action comports with personnel policy. Under these conditions, the entire cost of such benefits for involuntarily separated employees shall be factored into the employer contribution rates paid to the Virginia Retirement System.

2. Notwithstanding the provisions of § 2.2-3205(A), Code of Virginia, the terminating agency shall not be required to pay the Virginia Retirement System the costs of enhanced retirement benefits provided for in § 2.2-3204(A), Code of Virginia, for employees who are involuntarily separated from employment with the Commonwealth if the Speaker of the House of Delegates and the Chairman of the Senate Committee on Rules have certified on or after July 1, 2016, that such action results from 1. budget reductions enacted in the Appropriation Act pertaining to the Legislative Department; 2. reorganization or reform actions taken by agencies in the legislative branch of state government to increase efficiency of operations or improve service delivery provided such actions have been approved by the Speaker of the House of Delegates and the Chairman of the Senate Committee on Rules; or 3. downsizing actions taken by agencies in the legislative branch of state government as the result of the loss of federal or other grants, private donations, or other nongeneral fund revenue and if the applicable agency certifies that the actions comport with the provisions of and related policies associated with the Workforce Transition Act. Under these conditions, the entire cost of such benefits for involuntarily separated employees shall be factored into the employer contribution rates paid to the Virginia Retirement System.

N. The purpose of this paragraph is to provide a transitional severance benefit, under the conditions specified, to eligible city, county, school division or other political subdivision employees who are involuntarily separated from employment with their employer.

1.a. "Involuntary separation" includes, but is not limited to, terminations and layoffs from employment with the employer, or being placed on leave without pay-layoff or equivalent status, due to budget reductions, employer reorganizations, workforce downsizings, or other causes not related to the job performance or misconduct of the employee, but shall not include voluntary resignations. As used in this paragraph, a "terminated employee" shall mean an employee who is involuntarily separated from employment with his employer.

b. The governing authority of a city, county, school division or other political subdivision electing to cover its employees under the provisions of this paragraph shall adopt a resolution, as prescribed by the Board of Trustees of the Virginia Retirement System, to that effect. An election by a school division shall be evidenced by a resolution approved by the Board of such school division and its local governing authority.

2.a. Any (i) "eligible employee" as defined in § 51.1-132, (ii) "teacher" as defined in § 51.1-124.3, and (iii) any "local officer" as defined in § 51.1.124.3 except for the treasurer, commissioner of the revenue, attorney for the Commonwealth, clerk of a circuit court, or sheriff of any county or city, and (a) for whom reemployment with his employer is not possible because there is no available position for which the employee is qualified or the position offered to the employee requires relocation or a reduction in salary and (b) whose involuntary separation was due to causes other than job performance or misconduct, shall be eligible, under the conditions specified, for the transitional severance benefit conferred by this paragraph. The date of involuntary separation shall mean the date an employee was terminated from employment or placed on leave without pay-layoff or equivalent status.

b. Eligibility shall commence on the date of involuntary separation.

3.a. On his date of involuntary separation, an eligible employee with (i) two years' service or

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less to the employer shall be entitled to receive a transitional severance benefit equivalent to four weeks of salary; (ii) three years through and including nine years of consecutive service to the employer shall be entitled to receive a transitional severance benefit equivalent to four weeks of salary plus one additional week of salary for every year of service over two years; (iii) ten years through and including fourteen years of consecutive service to the employer shall be entitled to receive a transitional severance benefit equivalent to twelve weeks of salary plus two additional weeks of salary for every year of service over nine years; or (iv) fifteen years or more of consecutive service to the employer shall be entitled to receive a transitional severance benefit equivalent to two weeks of salary for every year of service, not to exceed thirty-six weeks of salary.

b. Transitional severance benefits shall be computed by the terminating employer's payroll department. Partial years of service shall be rounded up to the next highest year of service.

c. Transitional severance benefits shall be paid by the employer in the same manner as normal salary. In accordance with § 60.2-229, transitional severance benefits shall be allocated to the date of involuntary separation. The right of any employee who receives a transitional severance benefit to also receive unemployment compensation pursuant to § 60.2-100 et seq. shall not be denied, abridged, or modified in any way due to receipt of the transitional severance benefit; however, any employee who is entitled to unemployment compensation shall have his transitional severance benefit reduced by the amount of such unemployment compensation. Any offset to a terminated employee's transitional severance benefit due to reductions for unemployment compensation shall be paid in one lump sum at the time the last transitional severance benefit payment is made.

d. For twelve months after the employee's date of involuntary separation, the employee shall continue to be covered under the (i) health insurance plan administered by the employer for its employees, if he participated in such plan prior to his date of involuntary separation, and (ii) group life insurance plan administered by the Virginia Retirement System pursuant to Chapter 5 (§ 51.1-500 et seq.) of Title 51.1, or such other group life insurance plan as may be administered by the employer. During such twelve months, the terminating employer shall continue to pay its share of the terminated employee's premiums. Upon expiration of such twelve month period, the terminated employee shall be eligible to purchase continuing health insurance coverage under COBRA.

e. Transitional severance benefit payments shall cease if a terminated employee is reemployed or hired in an individual capacity as an independent contractor or consultant by the employer during the time he is receiving such payments.

f. All transitional severance benefits payable pursuant to this section shall be subject to applicable federal laws and regulations.

4.a. In lieu of the transitional severance benefit provided in subparagraph 3 of this paragraph, any otherwise eligible employee who, on the date of involuntary separation, is also (i) a vested member of a defined benefit plan within the Virginia Retirement System, including the hybrid retirement program described in § 51.1-169, and including a member eligible for the benefits described in subsection B of § 51.1-138, and (ii) at least fifty years of age, may elect to have the employer purchase on his behalf years to be credited to either his age or creditable service or a combination of age and creditable service, except that any years of credit purchased on behalf of a member of the Virginia Retirement System, including a member eligible for the benefits described in subsection B of § 51.1-138, who is eligible for unreduced retirement shall be added to his creditable service and not his age. The cost of each year of age or creditable service purchased by the employer shall be equal to fifteen percent of the employee's present annual compensation. The number of years of age or creditable service to be purchased by the employer shall be equal to the quotient obtained by dividing (i) the cash value of the benefits to which the employee would be entitled under subparagraphs 3.a. and 3.d. of this paragraph by (ii) the cost of each year of age or creditable service. Partial years shall be rounded up to the next highest year. Deferred retirement under the provisions of subsection C of §§ 51.1-153 and disability retirement under the provisions of § 51.1-156 et seq., shall not be available under this paragraph.

b. In lieu of the (i) transitional severance benefit provided in subparagraph 3 of this paragraph and (ii) the retirement program provided in this subsection, any employee who

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is otherwise eligible may take immediate retirement pursuant to §§ 51.1-155.1 or 51.1-155.2.				
c. The retirement allowance for any employee electing to retire under this paragraph who, by adding years to his age, is between ages fifty-five and sixty-five, shall be reduced on the actuarial basis provided in subdivision A. 2. of § 51.1-155.				
d. The retirement program provided in this subparagraph shall be otherwise governed by policies and procedures developed by the Virginia Retirement System.				
e. Costs associated with the provisions of this subparagraph shall be factored into the employer contribution rates paid to the Virginia Retirement System.				
f. Notwithstanding the foregoing, the provisions of this paragraph N shall apply to an otherwise eligible employee who is a person who becomes a member on or after July 1, 2010, a person who does not have 60 months of creditable service as of January 1, 2013, or a person who is enrolled in the hybrid retirement program described in § 51.1-169, mutatis mutandis.				
O.1. a. In order to address the potential for stranded liability in the Virginia Retirement System, notwithstanding any other contrary provisions of the Appropriation Act or of § 51.1-145, institutions of higher education that have established their own optional retirement plan under § 51.1-126(B) shall pay, effective July 1, 2019, contributions to the employer's retirement allowance account in an amount equal to that portion of the state employer contribution rate designated to pay down the total unfunded accrued liability, for any positions existing as of December 31, 2011 that are subsequently converted from non-Optional Retirement Plan for Higher Education (ORPHE) eligible positions to ORPHE-eligible positions on or after January 1, 2012 and that are filled by an employee who elects to participate in the ORPHE. In meeting this obligation, each institution shall provide to the Virginia Retirement System by April 1 of each year a list of all positions converted from non-ORPHE eligible positions to ORPHE-eligible positions since January 1, 2012, and whether current employees in such positions have elected ORPHE participation.				
b. Such contributions shall not be required for any new position established by the institution after January 1, 2012, that may be eligible for participation in the Optional Retirement Plan for Higher Education.				
2. Furthermore, the Department of Accounts, the Virginia Retirement System, and the universities of higher education shall work to develop a methodology to identify and report separately personnel services expenditures for university personnel in positions that use to be classified positions but have been transitioned to university staff positions.				
P. 1. Notwithstanding the provisions of § 17.1-327, Code of Virginia, any justice, judge, member of the State Corporation Commission, or member of the Virginia Workers' Compensation Commission who is retired under the Judicial Retirement System and who is temporarily recalled to service shall be reimbursed for actual expenses incurred during such service and shall be paid a per diem of \$250 for each day the person actually sits, exclusive of travel time.				
2. Out of the general fund appropriation for this Item, \$500,000 in the first year and \$500,000 in the second year is provided to support the costs resulting from the changes in the per diem amounts provided for in paragraph P.1. The Director, Department of Planning and Budget, shall disburse funding from this Item to all affected judicial and independent agencies upon request.				
Q.1. Notwithstanding § 9.1-400, Code of Virginia, or any contrary provision of law, "eligible dependent" for purposes of continued health insurance pursuant to § 9.1-401, Code of Virginia, shall also include the natural or adopted child or children of a "deceased person", as defined in § 9.1-400, Code of Virginia, or "disabled person", as defined in § 9.1-400, Code of Virginia, born as the result of a pregnancy or adoption that occurred after the time of the employee's death or disability and prior to July 1, 2017. Eligibility will continue until the end of the year in which the eligible dependent reaches age 26 or when the eligible dependent ceases to be eligible based on the Virginia Administrative Code or administrative guidance as determined by the Department of Human Resource Management.				
2. Notwithstanding § 9.1-400.1 D, Code of Virginia, the annual contribution for each participating employer shall be based on a premium of \$717.31 per eligible full-time				

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equivalent employee.

3. The Director, Department of Planning and Budget, shall transfer from this Item general fund amounts estimated at \$202,639 the first year and \$202,639 the second year to state agencies and institutions of higher education to support the general fund portion of costs of Line of Duty Act premiums based on the latest enrollment update from the Virginia Retirement System and the premium authorized in this paragraph.

R. The Director, Department of Planning and Budget, shall withhold and transfer to this Item, general fund amounts estimated at \$457,852 the first year and \$173,038 the second year from state agencies and institutions of higher education to recognize the general fund portion of savings associated with the latest workers' compensation premiums provided by the Department of Human Resource Management.

S. The following agency heads, at their discretion, may utilize agency funds to implement the provisions of new or existing performance-based pay plans:

1. The heads of agencies in the Legislative and Judicial Departments;
2. The Commissioners of the State Corporation Commission and the Virginia Workers' Compensation Commission;
3. The Attorney General;
4. The Director of the Virginia Retirement System;
5. The Executive Director of the Virginia Lottery;
6. The Director of the University of Virginia Medical Center;
7. The Chief Executive Officer of the Virginia College Savings Plan;
8. The Executive Director of the Virginia Port Authority; and
9. The Chief Executive Officer of the Virginia Alcoholic Beverage Control Authority.

T. Out of the amounts included in this item, amounts estimated at \$1,398,067 the first year and \$4,627,062 the second year from the general fund is available for transfer to state agencies and institutions of higher education to effectuate the provisions of House Bill 395 and Senate Bill 7 which increases the minimum wage beginning January 1, 2021.

U.1. The Governor is hereby authorized to allocate a sum of up to \$118,087,286 the first year and up to \$146,766,525 the second year from this appropriation, to the extent necessary to offset any downward revisions of the general fund revenue estimate prepared for fiscal years 2021 and 2022, after the enactment by the General Assembly of the 2020 Appropriation Act. If within five days of the preliminary close of the fiscal year ending on June 30, 2020, the Comptroller's analysis does not determine that a revenue re-forecast is required pursuant to § 2.2-1503.3, Code of Virginia, then such appropriation shall be used only for employee compensation purposes as stated in paragraphs V. ,W., X., Y., Z., AA. and BB. below.

2. Furthermore, the \$95,205,619 the first year and \$194,971,850 the second year from the general fund allocated to support the state share of a two percent salary adjustment the first year and an additional two percent salary adjustment the second year for SOQ funded positions authorized in Item 145 of this act shall be unallotted, if the provisions of paragraph U.1. are not met and the actions authorized in paragraphs V. , W., X., Y., Z., AA., and BB. of this item are not effectuated.

V.1. Contingent on the provisions of paragraph U.1. above, \$89,883,598 from the general fund the first year is available to provide all classified employees of the Executive Branch and other full-time employees of the Commonwealth, except elected officials and employees receiving a salary adjustment pursuant to paragraph Z. below, who were employed on April 1, 2020, and remain employed until at least November 24, 2020, a one-time bonus payment equal to three percent of their base pay on December 1, 2020.

2. Employees in the Executive Department subject to the Virginia Personnel Act shall

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	receive the bonus payment authorized in this paragraph only if they have attained an equivalent rating of at least "Contributor" on their performance evaluation and have no active written notices under the Standards of Conduct within the preceding twelve-month period.			
	3. The governing authorities of the state institutions of higher education may provide the bonus for faculty and university staff based on performance and other employment-related factors, as long as the bonuses do not exceed what the average would have been based on the general methodology authorized in this paragraph.			
	W. Contingent on the provisions of paragraph U.1, out of amounts appropriated for Employee Compensation in this item, \$20,725,124 from the general fund the first year is provided for a one-time bonus, equal to two percent of their base salary on December 1, 2020 provided that the governing authority of such employees use such funds to support the provision of a bonus for the following listed employees:			
	a. Locally-elected constitutional officers;			
	b. General Registrars and members of local electoral boards;			
	c. Full-time employees of locally-elected constitutional officers and,			
	d. Full-time employees of Community Services Boards, Centers for Independent Living, secure detention centers supported by Juvenile Block Grants, juvenile delinquency prevention and local court service units, local social services boards, local pretrial services act and comprehensive community corrections act employees, and local health departments where a memorandum of understanding exists with the Virginia Department of Health.			
	X.1. Contingent on the provisions of paragraph U.1. above, \$109,353,218 from the general fund the second year is provided to increase the base salary of the following employees by three percent on June 10, 2021:			
	a. Full-time and other classified employees of the Executive Department subject to the Virginia Personnel Act;			
	b. Full-time employees of the Executive Department not subject to the Virginia Personnel Act, except officials elected by popular vote;			
	c. Any official whose salary is listed in § 4-6.01 of this act, subject to the ranges specified in the agency head salary levels in § 4-6.01 c;			
	d. Full-time staff of the Governor's Office, the Lieutenant Governor's Office, the Attorney General's Office, Cabinet Secretaries' Offices, including the Deputy Secretaries, the Virginia Liaison Office, and the Secretary of the Commonwealth's Office;			
	e. Heads of agencies in the Legislative Department;			
	f. Full-time employees in the Legislative Department, other than officials elected by popular vote;			
	g. Legislative Assistants as provided for in Item 1 of this act;			
	h. Judges and Justices in the Judicial Department;			
	i. Heads of agencies in the Judicial Department;			
	j. Full-time employees in the Judicial Department;			
	k. Commissioners of the State Corporation Commission and the Virginia Workers' Compensation Commission, the Chief Executive Officer of the Virginia College Savings Plan, and the Directors of the Virginia Lottery, and the Virginia Retirement System; and			
	l. Full-time employees of the State Corporation Commission, the Virginia College Savings Plan, the Virginia Lottery, Virginia Workers' Compensation Commission, and the Virginia Retirement System.			
	2.a. Employees in the Executive Department subject to the Virginia Personnel Act shall receive the salary increases authorized in this paragraph only if they attained at least a rating			

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of "Contributor" on their latest performance evaluation.

b. Salary increases authorized in this paragraph for employees in the Judicial and Legislative Departments, employees of Independent agencies, and employees of the Executive Department not subject to the Virginia Personnel Act shall be consistent with the provisions of this paragraph, as determined by the appointing or governing authority. However, notwithstanding anything herein to the contrary, the governing authorities of those state institutions of higher education with employees not subject to the Virginia Personnel Act may implement salary increases for such employees that may vary based on performance and other employment-related factors. The appointing or governing authority shall certify to the Department of Human Resource Management that employees receiving the awards are performing at levels at least comparable to the eligible employees as set out in subparagraph 2.a. of this paragraph.

3. The Department of Human Resource Management shall increase the minimum and maximum salary for each band within the Commonwealth's Classified Compensation Plan by three percent on June 10, 2021. No salary increase shall be granted to any employee as a result of this action. The department shall develop policies and procedures to be used in instances when employees fall below the entry level for a job classification due to poor performance. Movement through the revised pay band shall be based on employee performance.

4. The following agency heads, at their discretion, may utilize agency funds or the funds provided pursuant to this paragraph to implement the provisions of new or existing performance-based pay plans:

- a. The heads of agencies in the Legislative and Judicial Departments;
- b. The Commissioners of the State Corporation Commission and the Virginia Workers' Compensation Commission;
- c. The Attorney General;
- d. The Director of the Virginia Retirement System;
- e. The Director of the Virginia Lottery;
- f. The Director of the University of Virginia Medical Center;
- g. The Chief Executive Officer of the Virginia College Savings Plan; and
- h. The Executive Director of the Virginia Port Authority.

5. The base rates of pay, and related employee benefits, for wage employees may be increased by up to three percent no earlier than June 10, 2021. The cost of such increases for wage employees shall be borne by existing funds appropriated to each agency.

6. The governing authorities of those state institutions of higher education with employees may provide a salary adjustment based on performance and other employment-related factors, as long as the increases do not exceed the three percent increase on average.

Y.1. Contingent on the provisions of paragraph U.1. above, the appropriations in this item include funds to increase the base salary of the following employees by three percent on July 1, 2021, provided that the governing authority of such employees use such funds to support salary increases for the following listed employees.

- a. Locally-elected constitutional officers;
- b. General Registrars and members of local electoral boards;
- c. Full-time employees of locally-elected constitutional officers and,
- d. Full-time employees of Community Services Boards, Centers for Independent Living, secure detention centers supported by Juvenile Block Grants, juvenile delinquency prevention and local court service units, local social services boards, local pretrial services act and Comprehensive Community Corrections Act employees, and local health

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departments where a memorandum of understanding exists with the Virginia Department of Health.				
2. Out of the appropriation for Supplements to Employee Compensation is included \$28,897,190 the second year from the general fund to support the costs associated with the salary increase provided in this paragraph.				
Z. Contingent on the provisions of paragraph U.1. above, \$5,187,764 the first year and \$6,225,317 the second year from the general fund, is available for salary adjustments for sworn officers of the Department of State Police as follows:				
a. Sworn employees of the Department of State Police, who have three or more years of continuous state service shall receive \$110 for each full year of service up to thirty years, effective August 10, 2020.				
b. Prior to effectuating the salary adjustment authorized in this paragraph, the base salary of all sworn officers of the State Police shall be increased by two percent, effective August 10, 2020.				
c. The Department of Human Resource Management shall adjust the minimum and maximum salary for each band within the Commonwealth's Classified Compensation Plan as needed to effectuate the pay action in this paragraph.				
AA. Contingent on the provisions of paragraph U.1. above, included in the appropriation for this item is \$2,290,800 the first year from the general fund to provide a three percent bonus on December 1, 2020 year for adjunct faculty at Virginia two-year and four-year public colleges and higher education institutions.				
BB. Contingent on the provisions of paragraph U.1. above, included in the appropriation for this item is \$2,290,800 the second year from the general fund to provide a three percent increase in base pay for adjunct faculty at Virginia two-year and four-year public colleges and higher education institutions, effective June 10, 2021.				
<i>CC. The Director of the Department of Planning and Budget shall withhold from general fund appropriations of state agencies and institutions of higher education, and transfer to this item, the amount of \$46,111,165 the first year representing the savings that will be realized from providing a premium holiday for members in the state employee health benefits program, including retirees and COBRA beneficiaries included in the state employee funding pool, for the two pay periods in December 2020.</i>				
<i>DD. Included in the appropriation for this item is \$1,031,287 from the general fund in the first year, which shall be made available to provide sworn officers of the Department of State Police, who were employed as of November 24, 2020, a one-time bonus payment of \$500 on December 1, 2020.</i>				
<i>EE. Included in the appropriation for this item is \$44,675 from the general fund in the first year, which shall be made available to provide sworn officers of the Division of Capitol Police, who were employed as of November 24, 2020, a one-time bonus payment of \$500 on December 1, 2020.</i>				
<i>FF. Included in the appropriation for this item is \$3,728,996 from the general fund in the first year, which shall be made available to provide corrections and law-enforcement staff of the Department of Corrections and the Department of Juvenile Justice, who were employed as of November 24, 2020, a one-time bonus payment of \$500 on December 1, 2020.</i>				
<i>GG. Included in the appropriation for this item is \$625,985 from the general fund in the first year, which shall be made available to provide sworn officers of state agencies and higher education institutions, not otherwise included in paragraphs CC., DD., and EE., who were employed as of November 24, 2020, a one-time bonus payment of \$500 on December 1, 2020.</i>				
<i>HH. Included in the appropriation for this item is \$5,518,139 from the general fund in the first year, which shall be made available to provide sworn constitutional officers and their staffs, including sheriffs, sheriffs' deputies, regional jail superintendents and corrections officers, a one-time bonus payment of \$500 on December 1, 2020.</i>				
<i>II. If within five days of the preliminary close of the fiscal year ending on June 30, 2021, the</i>				

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<p><i>Comptroller's analysis determines that revenues met or exceeded the forecast and there is sufficient revenue, the Governor is authorized to appropriate \$97,756,001 the second year for the employee compensation actions included in paragraphs JJ., KK., and LL. below.</i></p> <p><i>JJ.1. Contingent on the provisions of paragraph II. above, \$79,804,059 from the general fund the second year is available to provide all classified employees of the Executive Branch and other full-time employees of the Commonwealth, except elected officials, who were employed on April 1, 2021, and remain employed until at least August 24, 2021, a one-time bonus payment equal to \$1,500 on September 1, 2021.</i></p> <p><i>2. Employees in the Executive Department subject to the Virginia Personnel Act shall receive the bonus payment authorized in this paragraph only if they have attained an equivalent rating of at least "Contributor" on their performance evaluation and have no active written notices under the Standards of Conduct within the preceding twelve-month period.</i></p> <p><i>3. The governing authorities of the state institutions of higher education may provide the bonus for faculty and university staff based on performance and other employment-related factors, as long as the bonuses do not exceed what the average would have been based on the general methodology authorized in this paragraph.</i></p> <p><i>KK. Contingent on the provisions of paragraph II. above, \$2,408,099 the second year from the general fund is provided for a \$750 one-time bonus on September 1, 2021 for adjunct faculty at Virginia two-year and four-year public colleges and higher education institutions.</i></p> <p><i>LL. Included in the contingent appropriation, \$15,543,843 from the general fund the second year is provided for a one-time bonus, equal to 1.5 percent of their base salary on September 1, 2021 provided that the governing authority of such employees use such funds to support the provision of a bonus for the following listed employees:</i></p> <ol style="list-style-type: none"> <i>1. Locally-elected constitutional officers;</i> <i>2. General Registrars and members of local electoral boards;</i> <i>3. Full-time employees of locally-elected constitutional officers; and,</i> <i>4. Full-time employees of Community Services Boards, Centers for Independent Living, secure detention centers supported by Juvenile Block Grants, juvenile delinquency prevention and local court service units, local social services boards, local pretrial services act and comprehensive community corrections act employees, and local health departments where a memorandum of understanding exists with the Virginia Department of Health.</i> <p><i>MM. If there is no downward revision to the general fund revenue estimate included in this act for fiscal year 2022 and such revenue estimate includes sufficient revenue to provide both (i) the bonus payments for state and state-supported employees provided in paragraphs JJ., KK. and LL. and (ii) a salary increase incentive for funded SOQ instructional and support positions in that fiscal year, the Governor shall include such salary increase incentive in his introduced budget for consideration by the 2021 General Assembly.</i></p>				
478.	Not set out.			
479.	Payments for Special or Unanticipated Expenditures (75800).....		\$6,769,500	\$5,519,500
			\$10,769,500	\$8,519,500
	Miscellaneous Contingency Reserve Account (75801).....	\$1,300,000	\$1,300,000	
		\$4,300,000	\$4,300,000	
	Economic Development Assistance (75804).....	\$2,400,000	\$2,150,000	
	Undistributed Support for Designated State Agency Activities (75806).....	\$3,069,500	\$2,069,500	
		\$4,069,500		

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Fund Sources: General.....	\$6,769,500	\$5,519,500		
	\$10,769,500	\$8,519,500		

Authority: Discretionary Inclusion.

A. The Governor is hereby authorized to allocate sums from this appropriation, in addition to an amount not to exceed \$5,000,000 from the unappropriated balance derived by subtracting the general fund appropriations from the projected general fund revenues in this act, to provide for supplemental funds pursuant to paragraph D hereof. Transfers from this Item shall be made only when (1) sufficient funds are not available within the agency's appropriation and (2) additional funds must be provided prior to the end of the next General Assembly Session.

B.1. The Governor is authorized to allocate from the unappropriated general fund balance in this act such amounts as are necessary to provide for unbudgeted cost increases to state agencies incurred as a result of actions to enhance homeland security, combat terrorism, and to provide for costs associated with the payment of a salary supplement for state classified employees ordered to active duty as part of a reserve component of the Armed Forces of the United States or the Virginia National Guard. Any salary supplement provided to state classified employees ordered to active duty, shall apply only to employees who would otherwise earn less in salary and other cash allowances while on active duty as compared to their base salary as a state classified employee. Guidelines for such payments shall be developed by the Department of Human Resource Management in conjunction with the Departments of Accounts and Planning and Budget.

2. The Governor shall submit a report within thirty days to the Chairmen of House Appropriations and Senate Finance Committees which itemizes any disbursements made from this Item for such costs.

3. The governing authority of the agencies listed in this subparagraph may, at its discretion and from existing appropriations, provide such payments to their employees ordered to active duty as part of a reserve component of the Armed Forces of the United States or the Virginia National Guard, as are necessary to provide comparable pay supplements to its employees.

a. Agencies in the Legislative and Judicial Departments;

b. The State Corporation Commission, the Virginia Workers' Compensation Commission, the Virginia Retirement System, the Virginia Lottery, and the Virginia College Savings Plan;

c. The Office of the Attorney General and the Department of Law; and

d. State-supported institutions of higher education.

C. The Governor is authorized to expend from the unappropriated general fund balance in this act such amounts as are necessary, up to \$1,500,000, to provide for indemnity payments to growers, producers, and owners for losses sustained as a result of an infectious disease outbreak or natural disaster in livestock and poultry populations in the Commonwealth. These indemnity payments will compensate growers, producers, and owners for a portion of the difference between the appraised value of each animal destroyed or slaughtered or animal product destroyed in order to control or eradicate an animal disease outbreak and the total of any salvage value plus any compensation paid by the federal government.

D. Out of the appropriation for this item is included \$1,000,000 the first year and \$1,000,000 the second year from the general fund to be used by the Governor as he may determine to be needed for the following purposes:

1. To address the six conditions listed in § 4-1.03 c 5 of this act.

2. To provide for unbudgeted and unavoidable increases in costs to state agencies for essential commodities, services, and training which cannot be absorbed within agency appropriations including unbudgeted benefits associated with Workforce Transition Act requirements.

3. To secure federal funds in the event that additional matching funds are needed for Virginia to participate in the federal Superfund program.

4. To provide a payment of up to \$100,000 to the Military Order of the Purple Heart, for the

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continued operation of the National Purple Heart Hall of Honor, provided that at least half of other states have made similar grants.				
5. In addition, if the amounts appropriated in this Item are insufficient to meet the unanticipated events enumerated, the Governor may utilize up to \$1,000,000 the first year and \$1,000,000 the second year from the general fund amounts appropriated for the Commonwealth's Opportunity Fund for the unanticipated purposes set forth in paragraph D.1. through paragraph D.5. of this Item.				
6. In addition, to provide for payment of monetary rewards to persons who have disclosed information of wrongdoing or abuse under the Fraud and Abuse Whistle Blower Protection Act.				
7. The Department of Planning and Budget shall submit a quarterly report of any disbursements made from, commitments made against, and requests made for such sums authorized for allocation pursuant to this paragraph to the Chairmen of the House Appropriations and Senate Finance Committees. This report shall identify each of the conditions specified in this paragraph for which the transfer is made.				
E. Included in this appropriation is \$300,000 the first year and \$300,000 the second year from the general fund to pay for private legal services and the general fund share of unbudgeted costs for enforcement of the 1998 Tobacco Master Settlement Agreement. Transfers for private legal services shall be made by the Director, Department of Planning and Budget upon prior written authorization of the Governor or the Attorney General, pursuant to § 2.2-510, Code of Virginia or Item 57, Paragraph D of this act. Transfers for enforcement of the Master Settlement Agreement shall be made by the Director, Department of Planning and Budget at the request of the Attorney General, pursuant to Item 57, Paragraph B of this act.				
F. Notwithstanding the provisions of § 58.1-608.3B.(v), Code of Virginia, any municipality which has issued bonds on or after July 1, 2001, but before July 1, 2006, to pay the cost, or portion thereof, of any public facility pursuant to § 58.1-608.3, Code of Virginia, shall be entitled to all sales tax revenues generated by transactions taking place in such public facility.				
G. Any unexpended balance remaining in this Item on June 30, 2020, shall be carried forward on the books of the Comptroller and shall be available for expenditure in the second year of the current biennium. Any unexpended balance remaining in this Item on June 30, 2021, shall be carried forward on the books of the Comptroller and shall be available for expenditures in the next biennium.				
H.1. Out of this appropriation, \$1,000,000 the first year from the general fund shall be provided to the City of Richmond for the reimbursement of expenses incurred for the development of the Slavery and Freedom Heritage Site in Richmond, including Lumpkin's Pavilion and Slave Trail improvements. Any unexpended general fund balances remaining from the appropriation in this paragraph shall not revert to the general fund at the end of the fiscal year, but shall be brought forward and reappropriated for its original purpose.				
2. The City of Richmond shall provide documentation to the Department of General Services on the progress of this project and actual expenditures incurred for it in a form acceptable to the Secretaries of Finance and Administration.				
3. The Department of General Services shall act as the fiscal agent for these funds. The director shall oversee the expenditure of state appropriations to ensure that payments to the City of Richmond are made consistent with the purposes set out in paragraphs and The Director, Department of Planning and Budget, is authorized to transfer these funds to the Department of General Services to implement this appropriation.				
4. This appropriation shall be exempt from the disbursement procedures specified in § 4-5.05 of the act.				
I.1. The Director, Department of Planning and Budget, is authorized to transfer any remaining balances originally appropriated in Item 476 I., Chapter 836, 2017 Virginia Acts of Assembly, the first year, to the Department of State Police for unanticipated costs associated with mitigating security threats, information technology (IT) security gaps, and				

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	<p>the data stored on IT systems used by the Department. The costs eligible for reimbursement shall be for information technology and telecommunications goods and services that have been procured in accordance with the regulations, policies, procedures, standards, and guidelines of the Virginia Information Technologies Agency.</p>			
	<p>2.a. Notwithstanding the provisions of § 2.2-2011, Code of Virginia, the Department of State Police is authorized to procure, develop, operate, and manage the cyber security and management tools required to protect the information technology used by the Department that is defined as out-of-scope from the Virginia Information Technologies Agency pursuant to the Memorandum of Understanding (MOU) between the two agencies dated August 30, 2013. The Department of State Police shall be solely responsible for securing all aspects of information technology defined as out-of-scope in the current MOU.</p>			
	<p>b. Costs expended by the Department of State Police for cyber security and management tools shall be reimbursed by the Director, Department of Planning and Budget from unexpended funds provided in paragraph I.1. of this Item, after such expenses have been approved by the Chief Information Officer and determined to be in compliance with the regulations, policies, procedures, standards, and guidelines of the Virginia Information Technologies Agency.</p>			
	<p>3.a. The Superintendent of State Police shall develop and report to the Chairmen of the House Committee on Appropriations and Senate Committee on Finance a detailed transition plan addressing the steps required for the Department of State Police to assume responsibility for the development, operation, and management of all of its information technology infrastructure and services. The Department of State Police is authorized to procure consulting services to assist in the development of the detailed transition plan. The Virginia Information Technologies Agency shall assist in the development and drafting of the detailed transition plan.</p>			
	<p>b. The report shall, at a minimum, include a detailed transition plan that: (i) identifies and evaluates anticipated transition timelines, tasks, activities, and responsible parties; (ii) identifies any one-time and ongoing costs of transitioning responsibility for information technology services from the Virginia Information Technologies Agency to the Department of State Police, including the estimated costs to obtain existing information technology assets or transition services from Northrop Grumman; (iii) identifies the ongoing costs of staffing, services, and contracts related to enterprise security and management tools, legacy system replacements or upgrades, construction or lease of facilities including data centers, labor costs and workload analyses, and training costs; (iv) identifies any other such factors deemed necessary for discussion as identified by the Superintendent of State Police or Chief Information Officer of the Commonwealth; (v) identifies necessary changes required to transition and modernize current statutes related to basic State Police communication systems consistent with the Criminal Justice Information Services Security Policy Version 5.5, or its successor; and (vi) provides a jointly developed and agreed upon MOU between the Department of State Police and the Virginia Information Technologies Agency that certifies the information.</p>			
	<p>c. Costs expended by the Department of State Police for the development of the detailed transition plan shall be reimbursed by the Director, Department of Planning and Budget from unexpended funds provided in paragraph I.1 of this item, after such expenses have been approved by the Chief Information Officer and determined to be in compliance with the regulations, policies, procedures, standards, and guidelines of the Virginia Information Technologies Agency.</p>			
	<p>d. The report and accompanying Memorandum shall be provided to the Chairmen of the House Committee on Appropriations and Senate Committee on Finance as required by Item 476 I., Chapter 836, 2017 Virginia Acts of Assembly. The Chief Information Officer of the Commonwealth shall review the report and provide an analysis of the detailed transition plan no later than 30 days after submission of the report to the Chairmen of the House Committee on Appropriations and Senate Committee on Finance.</p>			
	<p>4. Any remaining balances as originally appropriated in Item 476 I.5., Chapter 836, 2017 Virginia Acts of Assembly, from the general fund are authorized to be transferred to reimburse the Department of State Police for costs associated with mitigating information technology security threats and gaps required to protect and manage out-of-scope information technology that is not addressed in paragraph 3.b. All such costs shall be eligible for</p>			

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reimbursement if they have been procured in accordance with the regulations, policies, procedures, standards, and guidelines of the Virginia Information Technologies Agency. The Director, Department of Planning and Budget is authorized to release this funding following certification by the Chief Information Officer that these costs address cyber security threats and gaps, including upgrades to legacy applications to remediate audit findings by the Auditor of Public Accounts or Commonwealth Security and Risk Management.

J. Out of this appropriation, \$1,350,000 the first year and \$1,350,000 the second year from the general fund is provided to support the advancement of computer science education and implementation of the Commonwealth's new computer science standards across the public education continuum. These funds are intended to provide high quality professional development to current and future teachers; create, curate, and disseminate high quality computer science curriculum, instructional resources, and assessments; support summer and after-school computer science related programming for students; and facilitate meaningful career exposure and work-based learning opportunities in computer science fields for high school students. Funds shall be disbursed through a competitive grant process and shall prioritize at-risk students and schools. In consultation with the Secretary of Finance and the Secretary of Commerce and Trade, the Secretary of Education shall develop a process to award these funds in accordance with the provisions of this language, with the Governor providing final approval for distribution of the funds.

K.1. Out of this appropriation is included \$1,050,000 the first year and \$800,000 the second year from the general fund for the first two phases of the integration and enhancement of Virginia's workforce technology systems. The project will enable single sign-on access for users and the addition of new individual, organization, and community-level data from both current and future agency partners. To the maximum extent allowable under federal law, regulation, and guidance, functionality will be developed to automatically associate wage and licensure outcomes to participant records, enabling performance-driven management and contracting. The project will also support the development of shared customer-facing applications, analytic tools, and interfaces. All elements of this project will be conducted in coordination with the Chief Data Officer and Chief Workforce Development Advisor.

2. On or before November 1, 2020, the Chief Data Officer and Chief Workforce Development Advisor, with input from the Virginia Economic Development Partnership, shall submit a report detailing the progress of implementation for Phase I of this project among the four Titles of the Workforce Innovation and Opportunity Act and within the state's one-stop centers. This report shall also include a plan for sustaining Phase I and Phase II of the project, including the appropriate agency owner.

L. Out of this appropriation is included up to \$1,069,500 the first year and up to \$1,069,500 the second year from the general fund for the purpose of redistricting, which shall include expenses related to the Virginia Redistricting Commission if approved by voter referendum in the November, 2020 general election. The Department of Planning and Budget is authorized to transfer these amounts to the applicable state agency or agencies to support the purposes of redistricting, including supporting the Commission if approved.

M.1. Out of this appropriation, the Director of the Department of Planning and Budget is authorized to transfer an amount up to \$1,000,000 the first year and up to \$1,000,000 the second year to the Department of Emergency Management for evaluating, upgrading, and maintaining the Integrated Flood Observation and Warning System (IFLOWS). These funds may not be transferred until the requirements of Paragraph 2. of this Item have been fulfilled.

2. The State Coordinator of the Department of Emergency Management shall develop a plan that prioritizes a list of repairs, replacements, upgrades, and maintenance needs of IFLOWS systems. The Department is directed to provide a report that consists of, but is not limited to, detailed costs to address each project; a phased plan to fund the cost of upgrading, enhancing, and maintaining the systems, if feasible, giving priority to systems that require immediate replacement, repairs, and upgrades; and recommendations for offsetting the costs with federal grants and cost-sharing opportunities with localities that rely on IFLOWS. The report shall be submitted to the Secretary of Finance, the Director

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	of the Department of Planning and Budget, and the Chairs of the House Appropriations and Senate Finance Committees no later than October 15, 2020.			
	<i>N. On or before June 30, 2021, the Committee on Joint Rules shall authorize a reversion to the general fund of \$500,000 from the World War I and World War II Commemoration Commission (872) from fiscal year 2020 Commission balances.</i>			
	<i>O. On or before June 30, 2020, the Director of the Department of Planning and Budget shall authorize the reversion to the general fund of \$38,500,000 in unexpended general fund year end balances from budget program 722 originally appropriated in Item 476.10 of Chapter 1283 of the 2020 Acts of Assembly.</i>			
	<i>P. Out of this appropriation is included up to \$3,000,000 the first year and up to \$3,000,000 the second year from the general fund for the purpose of funding criminal justice reform legislation adopted by the General Assembly during 2020 Special Session I and not otherwise funded in this act.</i>			
	<i>Q. The appropriations in this item include \$1,000,000 from the general fund in the first year to conduct an independent, third-party investigation of the culture, traditions, policies, and practices of the Virginia Military Institute. The investigative team shall report its findings and recommendations to the State Council of Higher Education for Virginia. Investigative notes, draft reports, and other correspondence and information furnished in confidence with respect to this investigation are exempt from disclosure under the Virginia Freedom of Information Act, section 2.2-3700 et seq. of the Code of Virginia.</i>			
479.10	<p>A.1. The Governor is hereby authorized to appropriate sums to state agencies, institutions of higher education, and other permissible entities the federal funding provided pursuant to the Coronavirus Preparedness and Response Supplemental Appropriations Act (P.L. 116-123), the Families First Coronavirus Response Act (P.L. 116-127), and the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136), and any other federal funding provided through subsequent legislation approved by Congress with regard to the Coronavirus public health emergency. For the purposes of this item, such federal funding shall be referred collectively to as "federal relief funds". All such federal relief funds shall be subject to applicable federal rules and regulations governing these funds. Amounts so allocated are hereby appropriated in this item. <i>Any allocations of remaining federal relief funds by the Governor shall be included in the Executive Budget submitted in accordance with § 2.2-1509, Code of Virginia. All allocations of federal relief funds are subject to the provisions and conditions contained in this item.</i></p> <p>2. <i>Any new federal funding approved by Congress through subsequent legislation shall be appropriated by the Governor in the Executive Budget, submitted in accordance with § 2.2-1509, Code of Virginia and shall be subject to applicable federal rules and regulations governing these funds.</i></p> <p>23. Records Management and Reporting</p> <p>a. Agencies receiving federal relief funds shall comply with the financial or other data reporting requirements set forth by the State Comptroller or the Director of the Department of Planning and Budget and shall compile and maintain all records necessary to fulfill such reporting requirements and to meet any subsequent audit of the expenditure of such federal funds.</p> <p>b. Agencies receiving federal relief funds shall comply with all federal reporting requirements for the receipt of any funds and shall compile and maintain all records necessary to fulfill such reporting requirements and to meet any subsequent audit of the expenditure of such federal funds.</p> <p>c. Agencies receiving federal relief funds shall comply with any requirements established to ensure the transparency of the use or expenditure of such federal funds.</p> <p>3-4. The Governor or his designee shall submit a quarterly report to the Chairs of House Appropriations and Senate Finance and Appropriations Committees that itemizes any appropriation action of federal relief funds. <i>The Governor or his designee shall submit the</i></p>			

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first such report on October 31, 2020 and each quarter thereafter.

4-5. It is the intent of the General Assembly that the Commonwealth maximize the use of the federal relief funds. The Governor shall take all reasonable actions necessary to apply for federal relief funds. The Governor shall further ensure that funds are appropriated, distributed, and utilized in a manner that is consistent with the provisions of state and federal law.

B. Apportionment

1. Out of the \$3,109,502,836 estimated potential revenues to be received from the federal distributions of the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136), the following table represents allocations made as of July 1, 2020:

Item	Amount Appropriated as of 7/1/2020
<i>Allocations to Localities</i>	<i>\$1,289,146,766</i>
<i>FY20 Agency-based Requests</i>	<i>\$80,480,698</i>
<i>DGS - Consolidated Labs</i>	<i>\$6,052,673</i>
<i>DHCD - Emergency Housing for Homeless</i>	<i>\$8,828,998</i>
<i>DHCD - Mortgage and Rental Assistance</i>	<i>\$50,000,000</i>
<i>DMAS - Long-term care facilities</i>	<i>\$55,640,872</i>
<i>DMAS - PPE for Personal Care Attendants</i>	<i>\$9,256,178</i>
<i>DSBSD - Small business assistance grants</i>	<i>\$70,000,000</i>
<i>DSS - Food security - Expand emergency food supply package</i>	<i>\$650,000</i>
<i>VDACS - Food security - Agriculture surplus & emergency food</i>	<i>\$1,211,953</i>
<i>VDEM - Food security - 1 million MREs</i>	<i>\$2,000,000</i>
<i>VDEM - PPE</i>	<i>\$97,000,000</i>
<i>VDEM - Testing</i>	<i>\$42,338,400</i>
<i>VDEM - Other</i>	<i>\$33,722,001</i>
<i>VDH - Contract tracing/UVA Equipment</i>	<i>\$59,157,614</i>
<i>VDH - Replace deficit authorization</i>	<i>\$3,291,300</i>
Total	\$1,808,777,453

2. The allocations in this item includes an amount estimated at \$1,215,214,399 the first year from the estimated revenues to be received from the federal distributions of the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136) cited in paragraph B.1. above. The allocation shall be as follows:

Item	Amount
<i>SCC - Direct Utility Assistance to Customers</i>	<i>\$100,000,000</i>
<i>DHCD - Emergency Housing for Homeless</i>	<i>\$3,000,000</i>
<i>DOC - PPE, medical observation units, overtime</i>	<i>\$7,700,000</i>
<i>Elections - Voter safety for November election - cleaning, personal protective equipment, additional pay for election day workers, drop boxes</i>	<i>\$10,000,000</i>
<i>DMAS - Additional hospital reimbursements for eligible COVID-19 costs</i>	<i>\$60,000,000</i>
<i>DMAS - Hazard pay for home health workers</i>	<i>\$72,000,000</i>
<i>DMAS - Retainer payments for Medicaid DD Waiver Day Support providers</i>	<i>\$25,000,000</i>
<i>Higher Education - PPE, Virtual Education,</i>	<i>\$120,000,000</i>

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<i>Cleaning , Telework, Other COVID Costs</i>				
<i>State Museums and Higher Education Centers - PPE, Virtual Education, Cleaning , Telework, Other COVID Costs</i>				\$4,500,000
<i>K-12 - Costs for Re-Opening Schools</i>			\$220,798,208	
<i>DSS - Childcare Provider Stabilization Funds</i>			\$60,000,000	
<i>DSS - Increase local capacity to provide care for school-age children</i>			\$16,600,000	
<i>DSS - Virginia Federation of Food Banks - \$1.0 million per region</i>			\$7,000,000	
<i>Statewide - PPE Plan</i>			\$42,112,285	
<i>Statewide - Testing and Contact Tracing</i>			\$71,829,059	
<i>Statewide - state agencies telework, PPE/sanitizing, DOLI regulation compliance and other eligible operational cost increases</i>			\$60,000,000	
<i>VDH - Point of Care Antigen Testing</i>			\$16,010,500	
<i>DSBSD - Small business assistance grants supplement</i>			\$5,000,000	
<i>VDEM - Technical assistance, public education and preparedness for COVID-19 pandemic response</i>			\$37,000,000	
<i>DHCD - Mortgage and Rental Assistance supplement</i>			\$12,000,000	
<i>DHCD - broadband accessibility</i>			\$30,000,000	
<i>VEC - Unemployment Assistance</i>			\$210,000,000	
<i>UVA Medical Center – capital, PPE, testing, education</i>			\$10,000,000	
<i>VCU Hospital – capital, PPE, testing, education</i>			\$10,000,000	
<i>VDH - Executive Order enforcement</i>			\$1,298,038	
<i>DBHDS - hospital census support</i>			\$2,800,000	
<i>Carilion serology study</i>			\$566,309	
Total				\$1,215,214,399

3. The appropriation in this item includes an amount estimated at \$120,000,000 the first year from federal funds to be distributed to the educational and general program at public institutions of higher education for the Higher Education - PPE, Virtual Education, Cleaning, Telework, Other COVID Costs cited in paragraph B.2. above. An allocation for an individual public institution of higher education shall be based on reimbursement of allowable expenditures and shall be capped at \$24.0 million. Prior to disbursement of amounts allocated in this paragraph, each public institution of higher education shall be given 15 days to submit its reimbursement request. If amounts requested exceed the \$120,000,000, the requests shall be proportionally prorated.

4. The appropriation in this item includes an amount estimated at \$4,500,000 the first year from federal funds to be distributed to other education institutions for costs associated with the COVID-19 pandemic cited in paragraph B.1. above. An allocation for an individual other education institution shall be based on reimbursement of allowable expenditures and shall be capped at \$1.0 million. Prior to disbursement of amounts allocated in this paragraph, each other education institution shall be given 15 days to submit its reimbursement request. If amounts requested exceed the \$4,500,000, the requests shall be proportionally prorated.

5.a. The appropriation in this item includes \$100,000,000 the first year from the Coronavirus Relief Funds cited in paragraph B.2. above to be used to help provide direct assistance to customers with accounts over 30 days in arrears. In order to be eligible for the funds

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provided in this paragraph, utilities must be subject to the utility disconnection moratorium established in Item 4-14, clause 7.a. of this act. The State Corporation Commission shall establish an application process in order to distribute funds directly to utilities for the purpose of efficiently providing direct assistance to customers. The Commission shall award funds in a manner that will provide direct assistance to customers with accounts over 60 days in arrears prior to awarding funds to subsidize customer accounts 30 days in arrears. Any federal Coronavirus Relief Funds from the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136) provided to a phase II utility pursuant to this paragraph shall exclude the forgiveness of jurisdictional customer balances as specified in Item 4-14, clause 7, paragraph j. of this act. The State Corporation Commission shall transfer any dollars necessary to address the arrearages held by customers of utilities outside the jurisdiction of the Commission to the Department of Housing and Community to pass along to these utilities. Notwithstanding § 2.2-4002, Code of Virginia, the provisions contained in this paragraph 5.a. establishing the utility direct assistance program shall not be subject to the Administrative Process Act.

b. Upon receipt of any funds provided in paragraph 5.a., utilities shall create separate COVID-19 Utility Assistance Funds and record direct assistance payments to customers on their books in accordance with applicable accounting standards. Utilities may not direct any funds provided in paragraph 5.a. to new deposits, down payments, fees, late fees, interest charges, or penalties. Utilities may require the customer to attest to the utility or to a third party chosen by the utility that the customer has experienced a financial hardship resulting directly or indirectly from the public health emergency or that they have experienced a hardship to pay during the public health emergency prior to receiving direct assistance from the utility's COVID-19 Utility Assistance Fund. While utilities may require attestation of such hardship, it may be implied that arrearages accrued over 30 days for customer nonpayment of bills, for which federal relief funds shall be used for direct subsidy payments on behalf of customers pursuant to Item 4-14, paragraph d. of this act., were incurred as a financial hardship created by the pandemic. Utilities shall reflect the direct assistance payment on an eligible customer's monthly bill, after the funds are applied to the customer's account. Utility customers may only receive a direct payment subsidy from the utility's COVID-19 Utility Assistance Fund once.

c. The Director of the Department of Planning and Budget shall distribute funds to the State Corporation Commission within 30 days of the passage of this act. Prior to any distribution from the amounts appropriated in paragraph 5.a. of this item, the Director of the Department of Planning and Budget shall work with the State Corporation Commission and the Department of Housing and Community Development to verify, which utilities that are eligible to receive funds under this appropriation based on the most recently published guidance from the United States Department of the Treasury. For the purposes of this appropriation, utilities include electric companies subject to regulation of the State Corporation Commission, natural gas suppliers subject to the regulation of the Commission, electric and gas municipal utilities, and water suppliers and wastewater service providers, subject to the regulation of Commission or constituting a municipal utility. "Municipal utility" means a utility providing electric, gas, water, or wastewater service that is owned or operated by a city, county, town, authority, or other political subdivision of the Commonwealth.

6. The appropriation in this item includes \$10,000,000 the first year from the Coronavirus Relief Funds cited in paragraph B.2. above to support additional costs anticipated for the November 3, 2020 General Election. The Commissioner of the Department of Elections shall distribute these funds directly to offices of general registrars based on population or need within 30 days of the passage of this act. General registrars may use these funds for printing of additional ballots and envelopes; additional mailing or postage costs; additional voting equipment; installation and security for absentee or mail drop-boxes; temporary elections office staffing; cleaning supplies and protective equipment for staff and poll workers; pre-and post-election cleaning of polling places; additional laptops and mobile equipment; additional automated letter opening equipment; public communication campaigns on voting changes; and other such items that support voter safety during the COVID-19 pandemic.

7. The appropriation in this item includes \$3,000,000 the first year from the Coronavirus

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	<i>Relief Funds cited in paragraph B.2. above to continue to provide emergency housing for homeless populations. This is in addition to the \$8,828,998 that was previously allocated to support this program using the Coronavirus Relief Funds cited in paragraph B.1. of this item.</i>			
	<i>8. The appropriation in this item includes \$210,000,000 the first year from the Coronavirus Relief Funds cited in paragraph B.2. above to provide additional support for the Virginia's Unemployment Insurance program. The Governor or his designee shall work with the Virginia Employment Commission to determine the best use of these funds. The Secretary of Commerce and Trade shall provide the Chairs of the House Appropriations Committee and Senate Finance and Appropriations Committee a status report on the deployment of these funds by January 1, 2021.</i>			
	<i>9. The appropriation in this item includes \$60,000,000 the first year from the Coronavirus Relief Funds cited in paragraph B.2. above to assist with the operations of state government. This includes (i) funds to help state agencies comply with the Center for Disease Control and Prevention's and the Department of Labor and Industry's regulations for workplace safety during the COVID-19 pandemic, (ii) funds to help state agencies with increased costs for teleworking, and (iii) funds to help state agencies in acquiring PPE and sanitizing facilities. The Director of the Department of Planning and Budget shall within 30 days of the passage of this act solicit and fund requests from state agencies across all three branches of government to help cover increased expenses due to teleworking, PPE acquisition, sanitizing state facilities and retrofitting state owned buildings to comply with COVID-19 safety measures.</i>			
	<i>10. The appropriation in this item includes \$7,700,000 the first year from the Coronavirus Relief Funds cited in paragraph B.2. above for the costs for the purchase of personal protective equipment, establishment and operation of medical observation units, overtime costs, and other eligible expenses of the Department of Corrections.</i>			
	<i>11. The appropriation in this item includes \$37,000,000 the first year from the Coronavirus Relief Funds cited in paragraph B.2. above for the provision of technical assistance to local governments, the conduct of a public awareness and education campaign and other preparedness activities by the Department of Emergency Management.</i>			
	<i>12. The appropriation in this item includes \$220,798,208 the first year to be distributed to school divisions to assist with costs associated with the COVID-19 emergency, including but not limited to costs associated with implementing social distancing measures, providing distance learning, and providing computer equipment and internet access to students. In expending such funds, school divisions shall comply with federal CARES Act requirements and the most recently published United States Treasury Department guidance for the Coronavirus Relief Fund.</i>			
	<i>13. The appropriation in this item includes \$60,000,000 the first year from Coronavirus Relief Funds cited in paragraph B.2. above for the Department of Medical Assistance Services to make payments to Virginia hospitals for COVID-19 related auditable costs that have not been reimbursed through other federal relief programs available for this purpose in calendar year 2020. The Department shall have the authority to implement such payments in the most efficient and expeditious manner prior to the completion of any regulatory process to effect such changes.</i>			
	<i>14. The appropriation in this item includes \$72,000,000 the first year from Coronavirus Relief Funds cited in paragraph B.2. above for the Department of Medical Assistance Services for hazard pay for consumer directed and agency directed personal care attendants who provide Medicaid personal care, respite or companion care services in the amount of \$1,500 per personal care attendant. The Department shall have the authority to implement such payments prior to the completion of any regulatory process to effect such changes.</i>			
	<i>15. The appropriation in this item includes \$25,000,000 the first year from Coronavirus Relief Funds cited in paragraph B.2. above for the Department of Medical Assistance for monthly retainer payments to Medicaid day support providers covering the period of August through December 2020. The Department shall determine the monthly retainer based on the monthly average retainer payments made by Medicaid for dates of service between April 1 and July 31, 2020 and billed, and paid by October 31, 2020. The Department shall have the authority to implement these payments prior to the completion of any regulatory process to effect such changes.</i>			

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16. The appropriation in this item includes \$76,600,000 the first year from Coronavirus Relief Funds cited in paragraph B.2. above to support stabilization of the child care industry and the provision of child care during the COVID-19 emergency.

a. Out of this appropriation, \$60,000,000 is provided to support stabilization grants for child care providers and local community partnerships. The Department of Social Services, in collaboration with the Department of Education, shall award such grants with the goals of (i) preserving the long-term capacity of Virginia's early childhood and care system while programs are operating at reduced capacity during the COVID-19 emergency, and (2) providing additional child care slots in the short-term.

b. Out of this appropriation \$16,600,000 is provided for the Department of Social Services to contract with local partners to provide support to school divisions, local governments, and other entities, including religious institutions and community centers, for the provision of space to increase local capacity to provide care for school-age children, purchase personal protective equipment (PPE) and cleaning supplies, and provide a stable financial environment for the operation of these programs. School divisions, local governments, and local departments of social services shall cooperate with local partners receiving these funds to maximize the number of school-age children served. In addition, local partners are encouraged to use these funds to support a diverse set of providers with these funds including existing child day centers, family day homes, religious institutions, and other organizations seeking to provide such services. These funds shall be used prior to the expenditures of general fund amounts provided for this purpose as set forth in Item 350 of this act.

c. Funds referenced in paragraphs a. and b. above may be redirected among paragraphs a. and b. to respond to greater need for either program or to ensure the use of Coronavirus Relief Funds is maximized prior to the federal deadline to incur Coronavirus Relief Fund expenses.

17. The appropriation in this item includes \$7,000,000 the first year from Coronavirus Relief Funds cited in paragraph B.2. above to the Department of Social Services for the Virginia Federation of Food Banks to provide \$1,000,000 to each of the seven regional food banks.

18. Out of this appropriation, \$5,000,000 is provided for DSBSD - Small business assistance grants as a supplement to increase the grant size for the Rebuild Virginia program and expand the eligibility criteria so that small businesses as defined in § 2.2-1604 of the Code of Virginia that have suffered loss as a result of the COVID-19 pandemic may participate in the federal coronavirus relief funds available through the program including recreation and tourism small businesses that are Virginia-based.

B. C. The Governor is authorized to appropriate, within this item or any other item of this act, any revenues deposited to the COVID-19 Relief Fund created pursuant to ~~House Bill 881 and Senate Bill 971 of the 2020 Session of the General Assembly~~ § 2.2-115.1 of the Code of Virginia. The Governor shall appropriate an amount up to \$95,227,730 the first year from the COVID-19 Relief Fund for COVID-19 Local Relief Payments to be distributed to school divisions as provided in Item 145. ~~Such~~ Any additional appropriations shall be used for the purposes of responding to the impacts of the COVID-19 pandemic which shall include, but not be limited to, i) assistance for public education, ~~ii~~ii) relief to small businesses, ~~iii~~iii) assistance for housing and homelessness, ~~iv~~iv) assistance for long term care facilities, and ~~v~~v) any other purpose designated by the Governor to address the impact of the COVID-19 pandemic. The Governor is authorized to transfer such appropriations and associated revenues to agencies designated to carry out the services required to address the COVID-19 pandemic. The Governor or his designee shall report the use of the COVID-19 Relief Fund to the Chairs of House Appropriations and Senate Finance and Appropriations Committees on a ~~quarterly~~ monthly basis: (i) the uses of the COVID-19 Relief fund, (ii) the total amount deposited to the COVID-19 Relief Fund, and (iii) the amount of skill game revenues distributed to each locality pursuant to enactment clause 2 of Chapters 1217 and 1277, 2020 Acts of Assembly.

D. The Governor is authorized to allocate the remaining amount of the estimated potential revenues to be received from the federal distributions of the Coronavirus Aid, Relief, and

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Economic Security (CARES) Act (P.L. 116-136) cited in paragraph B.1. above. However, the Governor shall, within two days of making any allocation action, make such plan available via electronic means to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees.

~~E.~~ E. Any reports required by paragraphs A., ~~or~~ B., or C. above may be submitted electronically. Further, the reporting requirement shall be considered to have been met if the required information is posted on a public website. However, reports in paragraphs A., B., C., or D. above are not eligible for deferral or delay as permitted under Item 4-8.01, a.4.a.) of this act.

~~F.~~ F. Any unexpended balance remaining in this item on June 30, 2021, or June 30, 2022, shall be carried forward on the books of the Comptroller and shall be available for expenditure in the next biennium.

G. If, as of December 1, 2020, the Governor determines that any of the amounts outlined in paragraphs B.1. through B.18. of this item cannot be spent for the purposes outlined in such subparagraphs, he shall have the authority to shift unspent allocations to any other purpose outlined in paragraph B. If, as of December 18, 2020, the Governor reports unspent allocations remain, all such amounts shall be transferred to Unemployment Compensation Fund established pursuant to § 60.2-300. However, if Congress extends the expiration date for the use of Coronavirus Relief Funds, then the date by which the Governor shall be allowed to shift allocations is 30 days prior to the new expiration date for the use of the federal funds and any remaining unallocated funds as of 12 days prior to the expiration date shall be allocated to the Unemployment Compensation Fund.

480. Not set out.

481. Not set out.

482. Not set out.

~~482.10~~ Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted:

	FY 2021	FY 2022
Provide funding for Slavery and Freedom Heritage Site in Richmond	\$1,000,000	\$0
Upgrade the Integrated Flood Observation and Warning System (IFLOWS)	\$1,000,000	\$1,000,000
Compensation Actions for State Employees and State-Supported Locals	\$118,087,286	\$146,766,525
Adjust general fund support to agencies for increased internal service fund rates	\$161,465	\$223,189
Reduce state employee retiree health insurance credit amortization period	\$3,881,799	\$4,050,565
Adjust funding to agencies for information technology auditors and security officers	\$180,746	\$180,746

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Adjust funding for changes in the cost of rent for enhanced security		\$1,742,906		\$2,518,778
Agency Total		\$126,054,202		\$154,739,803
482.20 <i>Miscellaneous Reversion Clearing Account (22600)</i>			(\$687,159,119)	(\$1,048,408,517)
<i>Designated Reversions from Agency Appropriations (22601)</i>	(\$687,159,119)	(\$1,048,408,517)		
<i>Fund Sources: General</i>	(\$687,159,119)	(\$1,048,408,517)		

Authority: Discretionary Inclusion

A.1. It is the intent of the General Assembly to reduce appropriations to recognize the loss of general fund revenue associated with the COVID-19 pandemic. To accomplish savings estimated at \$687,159,119 from the general fund the first year and \$1,048,408,517 from the general fund the second year, and notwithstanding other provisions set forth in this Act, the Department of Planning and Budget is hereby authorized to reduce general fund appropriations by the amounts listed below in subparagraph 2 and to transfer such amounts to this item from the general fund appropriations of each agency associated with the savings listed in subparagraph 2 below. Further, notwithstanding the provisions of this Act, any language associated with an appropriation listed in subparagraph 2 below shall not be applicable unless, after such reduction, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the amounts listed in subparagraph 2 below shall have no effect:

2. Savings and totals by agency associated with the reduction of certain spending items included in Chapter 1289, 2020 Acts of Assembly:

	FY 2021	FY 2022
General District Courts (114)		
<i>Fund additional district court clerk positions</i>	(\$4,307,758)	\$0
<i>Fund additional judgeship for 19th Judicial District</i>	(\$161,718)	\$0
General District Courts (114) Total	(\$4,469,476)	\$0
Indigent Defense Commission (848)		
<i>Provide funding for additional public defenders</i>	(\$2,849,044)	\$0
Indigent Defense Commission (848) Total	(\$2,849,044)	\$0
Virginia State Bar (117)		
<i>Additional funding to hire additional housing attorneys to combat Virginia's housing crisis</i>	(\$1,500,000)	(\$1,500,000)
Virginia State Bar (117) Total	(\$1,500,000)	(\$1,500,000)
Compensation Board (157)		
<i>Additional funding for Statewide Automated Victim Network System (SAVIN)</i>	(\$600,000)	(\$600,000)
<i>Adjust entry-level salary increases for regional jail officers</i>	(\$2,668,059)	(\$2,910,609)
<i>Adjust salary for circuit court clerks</i>	(\$1,820,339)	(\$1,985,824)
<i>Adjust salary of constitutional office staff based on increases in locality</i>	(\$260,230)	(\$260,230)

ITEM 482.20.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<i>population</i>				
<i>Establish a minimum of three staff in each Circuit Court Clerk's office</i>		(\$358,578)		(\$391,176)
<i>Fund 25 percent of the staffing need in Sheriffs' offices</i>		(\$979,399)		(\$1,113,082)
<i>Fund 25 percent of the staffing need in the Commonwealth's Attorneys offices</i>		(\$1,350,989)		(\$1,433,928)
<i>Fund position to address agency information technology needs</i>		(\$119,775)		(\$119,775)
<i>Provide salary adjustment for Commissioners of Revenue</i>		(\$950,656)		(\$1,037,069)
<i>Provide salary adjustment for Treasurers' offices</i>		(\$821,028)		(\$1,642,054)
<i>Provide technology funding to Circuit Court Clerks' offices</i>		(\$1,000,000)		(\$1,000,000)
<i>Compensation Board (157) Total</i>		(\$10,929,053)		(\$12,493,747)
<i>Department of Elections (132)</i>				
<i>Increase funding for the salaries of state-supported local employees</i>		(\$2,534,575)		(\$2,534,575)
<i>Department of Elections (132) Total</i>		(\$2,534,575)		(\$2,534,575)
<i>Department of Agriculture and Consumer Services (301)</i>				
<i>Enhance economic growth and food safety in the Commonwealth</i>		(\$267,201)		(\$256,701)
<i>Fulfill Virginia's phase III watershed implementation plan</i>		(\$240,021)		(\$185,021)
<i>Holiday Lake 4-H Center Improvements Project</i>		(\$250,000)		\$0
<i>Department of Agriculture and Consumer Services (301) Total</i>		(\$757,222)		(\$441,722)
<i>Department of Forestry (411)</i>				
<i>Establish apprenticeship program</i>		(\$51,888)		(\$51,888)
<i>Establish hardwood forest habitat program</i>		(\$154,000)		(\$521,842)
<i>Fulfill Virginia's phase III watershed implementation plan</i>		(\$433,016)		(\$433,016)
<i>Plan for replacement of the agency's mission critical business system</i>		(\$44,250)		\$0
<i>Department of Forestry (411) Total</i>		(\$683,154)		(\$1,006,746)
<i>Economic Development Incentive Payments (312)</i>				
<i>Provide additional funding for the Governor's Motion Picture Opportunity Fund</i>		(\$1,000,000)		(\$1,000,000)
<i>Support the Virginia Jobs Investment Program</i>		\$0		(\$2,000,000)
<i>Economic Development Incentive Payments (312) Total</i>		(\$1,000,000)		(\$3,000,000)
<i>Department of Housing and Community Development (165)</i>				
<i>Affordable Housing Pilot Program</i>		(\$2,000,000)		\$0

ITEM 482.20.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<i>Establish an Eviction Prevention and Diversion Pilot Program</i>		\$0		(\$3,300,000)
<i>Increase funding for Enterprise Zone Grants</i>	(\$250,000)			(\$250,000)
<i>Increase funding for the Southeast Rural Community Assistance Project</i>	(\$600,000)			(\$600,000)
<i>Increase support for Planning District Commissions</i>	(\$294,000)			(\$294,000)
<i>Industrial Revitalization Fund</i>	(\$500,000)			(\$500,000)
<i>Department of Housing and Community Development (165) Total</i>	(\$3,644,000)			(\$4,944,000)
<i>Department of Labor and Industry (181)</i>				
<i>Provide funding to support compliance positions in the Virginia Occupational Safety and Health program</i>	(\$1,483,850)			(\$1,483,850)
<i>Department of Labor and Industry (181) Total</i>	(\$1,483,850)			(\$1,483,850)
<i>Department of Small Business and Supplier Diversity (350)</i>				
<i>Provide funding to establish a statewide strategic sourcing unit</i>	(\$370,565)			(\$741,130)
<i>Department of Small Business and Supplier Diversity (350) Total</i>	(\$370,565)			(\$741,130)
<i>Virginia Economic Development Partnership (310)</i>				
<i>Expand the Custom Workforce Incentive Program</i>		\$0		(\$4,679,613)
<i>Expand the Virginia Business Ready Sites Program</i>	(\$12,500,000)			\$0
<i>Virginia Economic Development Partnership (310) Total</i>	(\$12,500,000)			(\$4,679,613)
<i>Virginia Tourism Authority (320)</i>				
<i>Increase funding for the Virginia Coalfield Regional Tourism Authority</i>	(\$100,000)			(\$100,000)
<i>Provide funding for Birthplace of Country Music expansion</i>	(\$50,000)			\$0
<i>Virginia Tourism Authority (320) Total</i>	(\$150,000)			(\$100,000)
<i>Department of Education, Central Office Operations (201)</i>				
<i>Address increased workload in the Office of Teacher Education and Licensure</i>	(\$136,514)			(\$136,514)
<i>Develop the Virginia Learner Equitable Access Platform (VA LEAP)</i>		\$0		(\$7,131,000)
<i>Increase support for Virginia Preschool Initiative class observations and professional development</i>	(\$650,000)			(\$650,000)
<i>Support annual Education Equity Summer Institute</i>	(\$135,000)			(\$135,000)
<i>Department of Education, Central Office Operations (201) Total</i>	(\$921,514)			(\$8,052,514)

ITEM 482.20.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Direct Aid to Public Education (197)				
Active Learning grants	(\$250,000)			\$0
Alleghany-Covington consolidation	\$0			(\$582,000)
Blue Ridge PBS	(\$150,000)			(\$500,000)
Bonder and Amanda Johnson Community Development Corporation	(\$100,000)			\$0
Brooks Crossing Innovation and Opportunity Center	(\$250,000)			(\$250,000)
Chesterfield Recovery High School	(\$250,000)			(\$250,000)
Cost of Competing Adjustment	(\$9,555,229)			(\$9,968,849)
Enrollment loss	(\$2,540,119)			(\$2,102,530)
Expand access to school meals	(\$2,800,000)			(\$1,200,000)
Increase salaries for funded Standards of Quality instructional and support positions	(\$94,731,247)			(\$192,502,898)
Increase support for at-risk students	(\$26,164,313)			\$0
Increase support for Communities in Schools	(\$760,000)			(\$760,000)
Increase support for Jobs for Virginia Graduates	\$0			(\$1,670,000)
Literacy Lab - VPI Minority Educator Fellowship	(\$300,000)			\$0
Maximize pre-kindergarten access for at- risk three- and four-year-old children	(\$35,027,435)			(\$11,122,649)
Provide no loss funding to localities	(\$1,776,174)			(\$1,973,585)
Recruit and retain early childhood educators	\$0			(\$5,000,000)
Soundscapes - Newport News	(\$90,000)			\$0
Support the Western Virginia Public Education Consortium	(\$50,000)			(\$50,000)
YMCA Power Scholars Academies	(\$450,000)			(\$450,000)
Direct Aid to Public Education (197) Total	(\$175,244,517)			(\$228,382,511)
State Council of Higher Education for Virginia (245)				
Add funding for VIVA	\$0			(\$400,000)
Increase appropriation for internship program	(\$300,000)			(\$1,300,000)
Increase funding for Virginia Military Survivors & Dependent Education Program	(\$750,000)			(\$750,000)
Increase funding for Virginia Tuition Assistance Grant Program (TAG)	(\$4,100,000)			(\$7,900,000)
Provide funding for cost study	(\$150,000)			(\$150,000)
Provide funding for Grow Your Own Teacher program	(\$125,000)			(\$125,000)
Provide funding for Guidance to Postsecondary Success	(\$250,000)			(\$250,000)
Provide funding for the Virginia Earth System Scholars program	(\$220,375)			(\$220,375)
Provide funding for Title IX training	(\$100,000)			(\$100,000)
State Council of Higher Education for Virginia (245) Total	(\$5,995,375)			(\$11,195,375)

ITEM 482.20.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Christopher Newport University (242)				
Increase undergraduate student financial assistance		(\$249,600)		(\$249,600)
Christopher Newport University (242) Total		(\$249,600)		(\$249,600)
The College of William and Mary in Virginia (204)				
CWM - Graduate Aid (Research)		(\$79,400)		(\$119,300)
Increase undergraduate student financial assistance		(\$133,000)		(\$133,000)
The College of William and Mary in Virginia (204) Total		(\$212,400)		(\$252,300)
Richard Bland College (241)				
Increase undergraduate student financial assistance		(\$154,400)		(\$154,300)
RBC - Compliance, Accreditation and Student Success		(\$708,000)		(\$708,000)
Richard Bland College (241) Total		(\$862,400)		(\$862,300)
Virginia Institute of Marine Science (268)				
Fund saltwater fisheries survey		(\$250,000)		(\$250,000)
VIMS - Graduate Aid (Research)		(\$53,400)		(\$80,000)
VIMS - Manage Aquatic Diseases		(\$225,000)		(\$225,000)
Virginia Institute of Marine Science (268) Total		(\$528,400)		(\$555,000)
George Mason University (247)				
Increase undergraduate student financial assistance		(\$6,945,000)		(\$6,944,900)
Provide additional funding to support enrollment growth		\$0		(\$5,000,000)
Provide funding to support graduate financial aid		(\$53,400)		(\$80,000)
George Mason University (247) Total		(\$6,998,400)		(\$12,024,900)
James Madison University (216)				
Increase undergraduate student financial assistance		(\$1,279,400)		(\$1,279,400)
James Madison University (216) Total		(\$1,279,400)		(\$1,279,400)
Longwood University (214)				
Develop a 2 2 degree pathway in Early Childhood Education		(\$137,410)		(\$137,410)
Increase undergraduate student financial assistance		(\$787,400)		(\$787,400)
Longwood University (214) Total		(\$924,810)		(\$924,810)
Norfolk State University (213)				
Ensure continuation of Spartan Pathways		\$0		(\$150,000)
Implement academic advising model		\$0		(\$300,000)
Implement UTeach program		\$0		(\$250,000)

ITEM 482.20.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<i>Increase storage and expand information technology services</i>		\$0		(\$2,500,000)
<i>Increase undergraduate student financial assistance</i>	(\$1,632,200)			(\$1,632,200)
<i>Launch Virginia College Affordability Network initiative</i>		\$0		(\$4,872,765)
<i>NSU - Center for African American Policy</i>		\$0		(\$250,000)
<i>Support First-Day Success program</i>		\$0		(\$75,000)
Norfolk State University (213) Total	(\$1,632,200)			(\$10,029,965)
Old Dominion University (221)				
<i>Increase undergraduate student financial assistance</i>	(\$5,337,000)			(\$5,337,000)
<i>Provide additional funding to support enrollment growth</i>		\$0		(\$5,000,000)
<i>Provide funding to support graduate financial aid</i>	(\$165,800)			(\$248,600)
<i>Support Virginia Symphony Orchestra minority fellowships</i>	(\$250,000)			(\$250,000)
Old Dominion University (221) Total	(\$5,752,800)			(\$10,835,600)
Radford University (217)				
<i>Increase undergraduate student financial assistance</i>	(\$2,538,400)			(\$2,538,400)
<i>Provide funding to reduce tuition at Carilion Campus in Roanoke</i>	(\$2,000,000)			(\$4,000,000)
Radford University (217) Total	(\$4,538,400)			(\$6,538,400)
University of Mary Washington (215)				
<i>Fredericksburg Pipeline Initiative</i>	(\$386,500)			(\$568,000)
<i>Increase undergraduate student financial assistance</i>	(\$470,400)			(\$470,300)
University of Mary Washington (215) Total	(\$856,900)			(\$1,038,300)
University of Virginia (207)				
<i>Fund Virginia Humanities Curriculum and Humanities Ambassadors</i>	(\$500,000)			(\$500,000)
<i>Increase undergraduate student financial assistance</i>	(\$320,400)			(\$320,300)
<i>Provide funding to support graduate financial aid</i>	(\$222,800)			(\$334,200)
University of Virginia (207) Total	(\$1,043,200)			(\$1,154,500)
University of Virginia's College at Wise (246)				
<i>Increase undergraduate student financial assistance</i>	(\$402,800)			(\$402,700)
University of Virginia's College at Wise (246) Total	(\$402,800)			(\$402,700)
Virginia Commonwealth University (236)				
<i>Increase undergraduate student financial assistance</i>	(\$4,638,400)			(\$4,638,400)

ITEM 482.20.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<i>Provide additional funding to support Massey Cancer Center</i>	(\$7,500,000)			(\$2,500,000)
<i>Provide additional funding to support the Center on Aging</i>	(\$100,000)			(\$100,000)
<i>Provide additional funding to support the Education Policy Institute</i>	(\$300,000)			(\$300,000)
<i>Provide funding to support the Wilder School of Government</i>	(\$250,000)			(\$250,000)
<i>Provide graduate financial aid Virginia Commonwealth University</i>	(\$140,400)			(\$210,700)
<i>(236) Total</i>	(\$12,928,800)			(\$7,999,100)
<i>Virginia Community College System (260)</i>				
<i>Fund collaboration with Portsmouth Public Schools' Minority & Women Business Enterprise Advisory Committee</i>	(\$386,746)			(\$386,746)
<i>Fund hospitality apprenticeship program</i>	(\$250,000)			(\$250,000)
<i>Fund Hub for Innovation, Virtual Reality, and Entrepreneurship</i>	(\$1,000,000)			\$0
<i>Fund VWCC Healthcare Programs from RUC Merger</i>		\$0		(\$385,177)
<i>Implement the Get Skilled, Get a Job, Give Back program</i>	(\$36,000,000)			(\$35,000,000)
<i>Increase undergraduate student financial assistance</i>	(\$2,271,000)			(\$2,271,000)
<i>Provide funding for health science and technology pilot</i>		\$0		(\$350,000)
<i>Provide general operating support Virginia Community College System</i>	(\$4,000,000)			(\$4,000,000)
<i>(260) Total</i>	(\$43,907,746)			(\$42,642,923)
<i>Virginia Military Institute (211)</i>				
<i>Core Leadership course</i>	(\$100,047)			(\$103,048)
<i>Increase undergraduate student financial assistance</i>	(\$26,800)			(\$26,700)
<i>Math Education and Miller Academic Centers</i>	(\$122,500)			(\$126,000)
<i>Virginia Military Institute (211) Total</i>	(\$249,347)			(\$255,748)
<i>Virginia Polytechnic Institute and State University (208)</i>				
<i>Increase undergraduate student financial assistance</i>	(\$1,623,200)			(\$1,623,200)
<i>Provide funding to support graduate financial aid</i>	(\$284,800)			(\$427,200)
<i>Virginia Polytechnic Institute and State University (208) Total</i>	(\$1,908,000)			(\$2,050,400)
<i>Virginia Cooperative Extension and Agricultural Experiment Station (229)</i>				
<i>Provide funding to support the Richmond County Extension Agent</i>	(\$50,000)			(\$50,000)
<i>Virginia Cooperative Extension and Agricultural Experiment Station (229)</i>	(\$50,000)			(\$50,000)

ITEM 482.20.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Total				
Virginia State University (212)				
Expand Supplemental Instructional program		\$0		(\$320,000)
Implement Summer Bridge program		\$0		(\$442,350)
Implement UTeach program		\$0		(\$250,000)
Increase undergraduate student financial assistance	(\$1,477,000)			(\$1,477,000)
Launch Virginia College Affordability Network		\$0		(\$4,872,765)
Provide funding for data center modernization		\$0		(\$144,000)
Support Intrusive Advising Early Warning System		\$0		(\$150,000)
Virginia State University (212) Total	(\$1,477,000)			(\$7,656,115)
Cooperative Extension and Agricultural Research Services (234)				
Increase funding for state match		\$0		(\$1,535,054)
Cooperative Extension and Agricultural Research Services (234) Total		\$0		(\$1,535,054)
Jamestown-Yorktown Foundation (425)				
Commemoration closeout costs	(\$442,870)			(\$8,702)
Education Programs	(\$491,200)			(\$345,100)
Marketing and tourism promotion	(\$208,000)			(\$245,000)
One-time funding for site infrastructure	(\$167,113)			\$0
Jamestown-Yorktown Foundation (425) Total	(\$1,309,183)			(\$598,802)
The Library Of Virginia (202)				
Increase aid to local libraries	(\$1,000,000)			(\$1,000,000)
Provide funding for Virginia's Centennial Commemoration of Women's Suffrage	(\$95,000)			\$0
Provide funding to expedite release of gubernatorial records		\$0		(\$400,000)
The Library Of Virginia (202) Total	(\$1,095,000)			(\$1,400,000)
The Science Museum of Virginia (146)				
Security upgrades.	(\$210,000)			(\$210,000)
The Science Museum of Virginia (146) Total	(\$210,000)			(\$210,000)
Virginia Commission for the Arts (148)				
Increase support for grants	(\$1,645,886)			(\$2,645,886)
Virginia Commission for the Arts (148) Total	(\$1,645,886)			(\$2,645,886)
Virginia Museum of Fine Arts (238)				
Provide funding for storage lease costs and IT upgrades	(\$400,000)			(\$400,000)
Virginia Museum of Fine Arts (238) Total	(\$400,000)			(\$400,000)
Eastern Virginia Medical School (274)				

ITEM 482.20.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<i>Provide base operating support</i>		(\$625,000)		(\$625,000)
<i>Eastern Virginia Medical School (274)</i>		(\$625,000)		(\$625,000)
<i>Total</i>				
<i>New College Institute (938)</i>				
<i>Provide additional support for staffing</i>		(\$95,000)		(\$95,000)
<i>New College Institute (938) Total</i>		(\$95,000)		(\$95,000)
<i>Institute for Advanced Learning and Research (885)</i>				
<i>Add funding for staffing</i>		(\$95,000)		(\$95,000)
<i>Institute for Advanced Learning and Research (885) Total</i>		(\$95,000)		(\$95,000)
<i>Roanoke Higher Education Authority (935)</i>				
<i>Academic student success center.</i>		(\$213,254)		(\$146,356)
<i>Security and safety.</i>		(\$98,817)		(\$47,944)
<i>Roanoke Higher Education Authority (935) Total</i>		(\$312,071)		(\$194,300)
<i>Southern Virginia Higher Education Center (937)</i>				
<i>Personnel & Technical Training</i>		(\$293,972)		(\$95,000)
<i>Equipment</i>				
<i>Southern Virginia Higher Education Center (937) Total</i>		(\$293,972)		(\$95,000)
<i>Southwest Virginia Higher Education Center (948)</i>				
<i>Add funding for staffing</i>		(\$95,000)		(\$95,000)
<i>Provide funding for Rural IT</i>		(\$500,000)		(\$500,000)
<i>Apprenticeship Program</i>				
<i>Southwest Virginia Higher Education Center (948) Total</i>		(\$595,000)		(\$595,000)
<i>Southeastern Universities Research Association Doing Business for Jefferson Science Associates, LLC (936)</i>				
<i>Leverage the Center for Nuclear Femtography</i>		(\$250,000)		(\$250,000)
<i>Southeastern Universities Research Association Doing Business for Jefferson Science Associates, LLC (936) Total</i>		(\$250,000)		(\$250,000)
<i>In-State Undergraduate Tuition Moderation (980)</i>				
<i>Tuition moderation</i>		(\$54,750,000)		(\$25,000,000)
<i>In-State Undergraduate Tuition Moderation (980) Total</i>		(\$54,750,000)		(\$25,000,000)
<i>Department of Accounts Transfer Payments (162)</i>				
<i>Provide funding for a voluntary deposit to the Revenue Reserve Fund</i>		\$0		(\$300,000,000)

ITEM 482.20.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<i>Department of Accounts Transfer Payments (162) Total</i>		\$0		(\$300,000,000)
<i>Department of the Treasury (152)</i>				
<i>Increase funding for a new position in the Cash Management and Investments Division</i>		(\$100,003)		(\$109,093)
<i>Department of the Treasury (152) Total</i>		(\$100,003)		(\$109,093)
<i>Children's Services Act (200)</i>				
<i>Increase training funds for the Children's Services Act</i>		(\$50,000)		(\$50,000)
<i>Children's Services Act (200) Total</i>		(\$50,000)		(\$50,000)
<i>Department of Health (601)</i>				
<i>Add funding and a position for a wastewater infrastructure manager</i>		(\$131,880)		(\$131,880)
<i>Add funding for a data management system for Virginia's Drinking Water Program</i>		(\$150,000)		(\$250,000)
<i>Add funding for building Office of Health Equity infrastructure and capacity</i>		(\$150,000)		(\$150,000)
<i>Add funding for community health workers - two year pilot</i>		\$0		(\$289,168)
<i>Adds positions for the Shellfish Safety Division</i>		(\$168,270)		(\$168,270)
<i>Establish Behavioral Health Loan Repayment Program</i>		(\$1,600,000)		(\$1,600,000)
<i>Establish Nursing Preceptor Incentive Program</i>		(\$500,000)		(\$500,000)
<i>Establish Sickle Cell Patient Assistance Program</i>		(\$250,000)		(\$250,000)
<i>Establish the Virginia Sexual and Domestic Violence Prevention Fund</i>		(\$750,000)		(\$750,000)
<i>Fund Behavioral Health Loan Repayment Program and Nursing Preceptor Incentive Position</i>		(\$88,914)		(\$88,914)
<i>Increase general fund and nongeneral fund appropriation related to the EPA Drinking Water State Revolving Fund grant</i>		(\$482,400)		(\$482,400)
<i>Increase Hampton Roads Proton Therapy Institute funding</i>		(\$1,500,000)		(\$1,500,000)
<i>Increase support for poison control centers</i>		(\$1,500,000)		\$0
<i>Increase support for Special Olympics Virginia</i>		(\$10,000)		(\$10,000)
<i>Increases in rent for Local Health Department facilities</i>		(\$75,889)		(\$75,889)
<i>Support a position at the Mel Leaman Free Clinic</i>		(\$30,000)		(\$30,000)
<i>Department of Health (601) Total</i>		(\$7,387,353)		(\$6,276,521)
<i>Department of Medical Assistance Services (602)</i>				
<i>Add Medicaid Adult Dental Benefits</i>		(\$8,743,420)		(\$7,818,096)

ITEM 482.20.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<i>Allow FAMIS MOMS to access substance use disorder treatment in an institution for mental disease</i>	(\$307,500)			(\$356,775)
<i>Allow Overtime for Personal Care Attendants</i>	(\$6,399,753)			\$0
<i>Eliminate 40 quarter work requirement for legal permanent residents</i>	(\$879,068)			\$0
<i>Enhance behavioral health services</i>	(\$3,028,038)			\$0
<i>Exempt Live-in Caretakers from EVV Program</i>	(\$507,500)			(\$373,000)
<i>Expand opioid treatment services</i>	(\$421,476)			(\$1,273,633)
<i>Expand Tobacco Cessation Coverage</i>	(\$34,718)			(\$34,718)
<i>Extend FAMIS MOMS' postpartum coverage to 12 months</i>	(\$836,202)			\$0
<i>Fund costs of Medicaid-reimbursable STEP-VA services</i>	(\$486,951)			(\$2,293,826)
<i>Fund home visiting services</i>		\$0		(\$11,750,159)
<i>Fund Managed Care Contract Changes</i>	(\$812,600)			(\$1,014,350)
<i>Implement episodic payment models for certain conditions</i>	(\$75,957)			(\$124,707)
<i>Increase DD Waiver Provider Rates Using Updated Data</i>	(\$10,697,610)			\$0
<i>Increase Developmental Disability (DD) waiver rates</i>	(\$3,639,663)			\$0
<i>Increase Medicaid Nursing Facility Reimbursement</i>	(\$6,794,541)			\$0
<i>Increase Medicaid Rates for Anesthesiologists</i>	(\$253,376)			\$0
<i>Increase mental health provider rates</i>	(\$2,374,698)			\$0
<i>Increase Payment Rate by 9.5% for Nursing Homes with Special Populations</i>	(\$493,097)			(\$506,903)
<i>Increase Rate for Adult Day Health Care</i>	(\$796,755)			(\$833,109)
<i>Increase Rates for Psychiatric Residential Treatment Facilities</i>	(\$7,599,696)			\$0
<i>Increase rates for skilled and private duty nursing services</i>	(\$6,245,286)			\$0
<i>Medicaid MCO Reimbursement for Durable Medical Equipment</i>	(\$345,621)			\$0
<i>Medicaid Works for Individuals with Disabilities</i>	(\$114,419)			(\$228,838)
<i>Modify Capital Reimbursement for Certain Nursing Facilities</i>	(\$119,955)			(\$119,955)
<i>Modify Nursing Facility Operating Rates at Four Facilities</i>	(\$733,303)			(\$754,247)
<i>Provide care coordination prior to release from incarceration</i>	(\$347,803)			(\$465,440)
<i>Supplemental Payments for Children's National Medical Center</i>	(\$354,766)			(\$354,766)
Department of Medical Assistance Services (602) Total	(\$63,443,772)			(\$28,302,522)
Department of Behavioral Health and Developmental Services (720)				
<i>Adverse Childhood Experiences</i>	(\$143,260)			(\$143,260)

ITEM 482.20.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<i>Initiative</i>				
<i>Alternative Transportation from State Hospitals</i>		(\$150,000)		(\$150,000)
<i>Increase funding for statewide discharge assistance plans</i>		\$0		(\$2,500,000)
<i>Jewish Foundation for Group Homes</i>		(\$89,396)		(\$35,818)
<i>Pilot Programs for facility census reduction</i>		(\$3,750,000)		(\$3,750,000)
<i>Provide additional funds for the Virginia Mental Health Access Program</i>		(\$2,112,194)		\$0
<i>Provide funds for administrative costs of STEP-VA</i>		(\$726,807)		(\$1,222,908)
<i>Train workforce in preparation for behavioral health redesign</i>		(\$129,253)		(\$129,253)
Department of Behavioral Health and Developmental Services (720) Total		(\$7,100,910)		(\$7,931,239)
Grants to Localities (790)				
<i>Expand forensic discharge planning programs in jails</i>		(\$1,400,000)		(\$2,100,800)
<i>Increase permanent supportive housing capacity</i>		(\$5,500,000)		\$0
<i>Provide funds for partial implementation of STEP-VA</i>		(\$19,704,173)		\$0
Grants to Localities (790) Total		(\$26,604,173)		(\$2,100,800)
Mental Health Treatment Centers (792)				
<i>Add critical clinical staffing at the Commonwealth Center for Children and Adolescents</i>		(\$765,428)		(\$765,428)
<i>Increase funding for safety and security in state facilities</i>		(\$2,299,637)		(\$3,066,182)
<i>Provide for increased pharmacy costs at state facilities</i>		(\$966,638)		(\$966,638)
Mental Health Treatment Centers (792) Total		(\$4,031,703)		(\$4,798,248)
Virginia Center for Behavioral Rehabilitation (794)				
<i>Support expanded facility and projected census growth</i>		(\$536,003)		(\$5,393,750)
Virginia Center for Behavioral Rehabilitation (794) Total		(\$536,003)		(\$5,393,750)
Department for Aging and Rehabilitative Services (262)				
<i>Align personal attendant services hourly pay with Medicaid rates</i>		(\$99,320)		(\$99,320)
<i>Brain Injury Services</i>		(\$1,000,000)		(\$1,000,000)
<i>Centers for Independent Living</i>		(\$425,000)		(\$425,000)
<i>Dementia Case Management</i>		(\$150,000)		(\$150,000)
<i>Jewish Social Services Agency</i>		\$0		(\$50,000)
Department for Aging and Rehabilitative Services (262) Total		(\$1,674,320)		(\$1,724,320)
Wilson Workforce and Rehabilitation				

ITEM 482.20.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Center (203)				
<i>Funding for Vehicle Purchase</i>		(\$80,000)		\$0
Wilson Workforce and Rehabilitation Center (203) Total		(\$80,000)		\$0
Department of Social Services (765)				
<i>Adjust local staff minimum salary to stabilize workforce</i>		(\$5,592,707)		(\$5,592,707)
<i>Allocate one-time funding for the Laurel Center</i>		(\$500,000)		\$0
<i>Continue Linking Systems of Care program</i>		(\$187,443)		(\$467,116)
<i>Create a driver's license program for foster care youth</i>		(\$100,000)		(\$200,000)
<i>Fund 2-1-1 VIRGINIA contract costs</i>		(\$153,614)		(\$153,614)
<i>Fund adult licensing and child welfare unit licensing</i>		\$0		(\$2,130,394)
<i>Fund an evaluation team for evidence-based practices</i>		(\$801,328)		(\$765,187)
<i>Fund child welfare systems improvements</i>		(\$250,000)		\$0
<i>Fund emergency shelter management software and application</i>		(\$492,800)		(\$154,000)
<i>Fund foster care and adoptions cost of living adjustments</i>		(\$2,262,173)		(\$2,262,173)
<i>Fund local departments of social services prevention services</i>		(\$12,455,329)		(\$8,718,730)
<i>Fund the child welfare forecast</i>		(\$722,339)		(\$722,339)
<i>Fund the replacement of the agency licensing system</i>		(\$2,220,134)		(\$431,638)
<i>Implement emergency approval process for kinship caregivers</i>		(\$75,000)		(\$75,000)
<i>Implement Family First evidence-based services</i>		(\$1,074,500)		(\$1,074,500)
<i>Improve planning and operations of state-run emergency shelters</i>		(\$188,945)		(\$152,117)
<i>Increase TANF cash assistance benefits by five percent</i>		(\$579,950)		\$0
<i>Provide prevention services for children and families</i>		(\$3,410,050)		(\$8,410,050)
Department of Social Services (765) Total		(\$31,066,312)		(\$31,309,565)
Department for the Blind and Vision Impaired (702)				
<i>Increase workforce services for vision impaired individuals</i>		(\$1,583,020)		(\$1,583,020)
<i>Maintain independent living teachers for blind, vision impaired, or DeafBlind individuals</i>		(\$397,842)		(\$397,842)
Department for the Blind and Vision Impaired (702) Total		(\$1,980,862)		(\$1,980,862)
Department of Conservation and Recreation (199)				
<i>Environmental Literacy Program</i>		(\$170,000)		(\$170,000)

ITEM 482.20.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<i>Establish a dam safety lead engineer position</i>		(\$170,758)		(\$170,758)
<i>Increase dam safety floodplain management positions</i>		(\$229,637)		(\$229,637)
<i>Pocahontas State Park New Cabin O&M</i>		(\$152,273)		(\$152,273)
<i>Provide a supplemental deposit to the Water Quality Improvement Fund</i>		\$0		(\$25,410,000)
<i>Provide for preventative maintenance needs at state parks</i>		(\$500,000)		(\$500,000)
<i>Riverfront Park Danville</i>		(\$740,000)		\$0
<i>Support state park operations</i>		(\$556,000)		(\$556,000)
Department of Conservation and Recreation (199) Total		(\$2,518,668)		(\$27,188,668)
Department of Environmental Quality (440)				
<i>Air Protection</i>		(\$1,386,451)		(\$1,978,451)
<i>Land Protection</i>		(\$1,659,834)		(\$1,659,834)
<i>Water Protection</i>		(\$3,142,973)		(\$8,309,747)
Department of Environmental Quality (440) Total		(\$6,189,258)		(\$11,948,032)
Department of Historic Resources (423)				
<i>Funding for confederate graves</i>		\$0		(\$83,570)
<i>Provide additional funding and positions for underwater archaeology program</i>		(\$159,479)		(\$159,479)
<i>Provide additional funding for the Battlefield Preservation Fund</i>		(\$250,000)		(\$250,000)
<i>Provide additional funding to support staff salaries</i>		(\$123,360)		(\$123,360)
<i>Provide funding to County of Arlington</i>		(\$75,000)		\$0
<i>Provide funding to increase the Director's salary</i>		(\$15,968)		(\$15,968)
<i>Provide funding to support a cemetery preservationist position</i>		(\$108,337)		(\$108,337)
Department of Historic Resources (423) Total		(\$732,144)		(\$740,714)
Marine Resources Commission (402)				
<i>Provide funding for a coastal resiliency manager position</i>		(\$78,250)		(\$78,150)
<i>Provide funding for a position in the fisheries observer program</i>		(\$81,795)		(\$57,695)
<i>Provide funding for outboard motors</i>		(\$96,436)		\$0
<i>Provide funding for the removal of a derelict barge in Belmont Bay</i>		(\$250,000)		\$0
<i>Provide funding for unmanned aerial vehicles</i>		(\$18,672)		\$0
<i>Virginia Aquarium and Marine Science Foundation</i>		(\$50,000)		\$0
Marine Resources Commission (402) Total		(\$575,153)		(\$135,845)
Department of Corrections (799)				
<i>Adjust salaries for correctional officers</i>		(\$6,831,121)		(\$7,864,561)
<i>Fund pilot programs between the</i>		(\$3,646,925)		(\$5,935,253)

ITEM 482.20.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<i>Department of Corrections and university health systems to provide offender medical care</i>				
<i>Implement an electronic healthcare records system in all state correctional facilities</i>		\$0		(\$8,935,649)
<i>Provide additional operating funds for Lawrenceville Correctional Center</i>	(\$994,331)			(\$994,331)
<i>Provide funding to study offender medical service delivery in state correctional facilities</i>	(\$500,000)			\$0
Department of Corrections (799) Total	(\$11,972,377)			(\$23,729,794)
Department of Criminal Justice Services (140)				
<i>Immigration Legal and Social Services Grant Funding</i>	(\$250,000)			(\$250,000)
<i>Increase funding for pre-release and post-incarceration services</i>	(\$500,000)			\$0
<i>Provide funding to expand pretrial and local probation services</i>	(\$1,150,000)			\$0
<i>Provide security grant aid to localities</i>	(\$1,500,000)			(\$1,500,000)
<i>State Aid to Localities with Police Departments</i>	(\$8,628,574)			(\$8,628,574)
Department of Criminal Justice Services (140) Total	(\$12,028,574)			(\$10,378,574)
Department of Emergency Management (127)				
<i>Provide funding to migrate software and agency-owned servers to the cloud</i>	(\$1,505,760)			(\$1,043,336)
Department of Emergency Management (127) Total	(\$1,505,760)			(\$1,043,336)
Department of Fire Programs (960)				
<i>Provide general fund appropriation to support one position</i>	(\$24,886)			(\$24,886)
Department of Fire Programs (960) Total	(\$24,886)			(\$24,886)
Department of Forensic Science (778)				
<i>Fund information technology analyst positions</i>	(\$185,160)			(\$246,880)
<i>Fund laboratory equipment maintenance contracts</i>	(\$248,000)			(\$368,000)
Department of Forensic Science (778) Total	(\$433,160)			(\$614,880)
Virginia Parole Board (766)				
<i>Provide funding for a part-time release planning coordinator position</i>	(\$42,319)			(\$42,319)
<i>Provide funding for part-time investigators</i>	(\$406,392)			(\$406,392)
Virginia Parole Board (766) Total	(\$448,711)			(\$448,711)
Department of Veterans Services (912)				
<i>Provide funding for the National</i>	(\$3,000,000)			\$0

ITEM 482.20.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<i>Museum of the United States Army</i>				
<i>Support mental health and benefits positions and fund maintenance and information technology needs</i>		(\$1,045,040)		(\$1,276,753)
<i>Virginia Women Veterans Program</i>		(\$106,139)		(\$106,139)
Department of Veterans Services (912)		(\$4,151,179)		(\$1,382,892)
Total				
Department of Military Affairs (123)				
<i>Increase funding for state tuition assistance</i>		(\$250,000)		(\$250,000)
Department of Military Affairs (123)		(\$250,000)		(\$250,000)
Total				
Central Appropriations (995)				
<i>Adjust funding for changes in the cost of rent for enhanced security</i>		(\$1,742,906)		(\$2,518,778)
<i>Adjust funding to agencies for information technology auditors and security officers</i>		(\$180,746)		(\$180,746)
<i>Adjust general fund support to agencies for increased internal service fund rates</i>		(\$161,465)		(\$223,189)
<i>Compensation Actions for State Employees and State-Supported Locals</i>		(\$118,087,286)		(\$146,766,525)
<i>Reduce state employee retiree health insurance credit amortization period</i>		(\$3,881,799)		(\$4,050,565)
<i>Upgrade the Integrated Flood Observation and Warning System (IFLOWS)</i>		(\$1,000,000)		(\$1,000,000)
Central Appropriations (995) Total		(\$125,054,202)		(\$154,739,803)
Virginia Workers' Compensation Commission (191)				
<i>Fund medical expenses for victims of sexual assault</i>		(\$4,708,576)		(\$4,708,576)
Virginia Workers' Compensation Commission (191) Total		(\$4,708,576)		(\$4,708,576)
		(\$687,159,119)		(\$1,048,408,517)
Total for Central Appropriations.....			\$212,791,306 (\$505,529,896)	\$298,122,017 (\$767,900,321)
Fund Sources: General.....	\$139,937,585 (\$578,383,617)	\$225,268,296 (\$840,754,042)		
Higher Education Operating.....	\$3,525,816	\$3,525,816		
Trust and Agency.....	\$69,327,905	\$69,327,905		
TOTAL FOR CENTRAL APPROPRIATIONS.....			\$212,791,306 (\$505,529,896)	\$298,122,017 (\$767,900,321)
Fund Sources: General.....	\$139,937,585 (\$578,383,617)	\$225,268,296 (\$840,754,042)		
Higher Education Operating.....	\$3,525,816	\$3,525,816		
Trust and Agency.....	\$69,327,905	\$69,327,905		
TOTAL FOR EXECUTIVE DEPARTMENT.....			\$65,328,824,475 \$65,088,540,817	\$67,012,932,236 \$65,711,422,783
General Fund Positions.....	48,894.16 48,925.16	49,001.66 49,040.66		

ITEM 482.20.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022
Nongeneral Fund Positions.....	66,616.62	66,997.62		
Position Level.....	115,510.78	115,999.28		
	<i>115,541.78</i>	<i>116,038.28</i>		
Fund Sources: General.....	\$22,971,591,457	\$23,944,000,424		
	\$22,063,498,617	\$22,719,991,362		
Special.....	\$1,645,198,037	\$1,628,820,985		
	\$1,669,568,037	\$1,628,559,985		
Higher Education Operating.....	\$9,644,002,145	\$9,777,552,107		
Commonwealth Transportation.....	\$7,791,545,724	\$7,366,734,659		
Enterprise.....	\$1,542,965,762	\$1,590,128,241		
Internal Service.....	\$2,115,253,639	\$2,231,861,108		
Trust and Agency.....	\$2,338,937,945	\$2,408,398,658		
Debt Service.....	\$358,087,772	\$358,087,772		
Dedicated Special Revenue.....	\$3,409,178,986	\$3,497,889,726		
	\$3,491,360,613	\$3,502,349,726		
Federal Trust.....	\$13,512,063,008	\$14,209,458,556		
	\$14,073,320,563	\$14,127,759,165		

ITEM 483.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

INDEPENDENT AGENCIES

- 483. Not set out.
- 484. Not set out.
- 485. Not set out.
- 486. Not set out.
- 487. Not set out.
- 488. Not set out.
- 489. Not set out.
- 490. Not set out.
- 491. Not set out.
- 492. Not set out.
- 493. Not set out.
- 494. Not set out.
- 495. Not set out.

§ 1-86. VIRGINIA WORKERS' COMPENSATION COMMISSION (191)

- 496. Not set out.
- 497. Not set out.

497.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted:

	FY 2021	FY 2022
Fund medical expenses for victims of sexual assault	\$4,708,576	\$4,708,576
Agency Total	\$4,708,576	\$4,708,576
Total for Virginia Workers' Compensation Commission.....		\$57,840,183
Nongeneral Fund Positions.....	299.00	299.00

ITEM 497.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Position Level.....	299.00	299.00		
Fund Sources: General.....	\$6,593,576	\$6,593,576		
Dedicated Special Revenue.....	\$49,234,607	\$49,193,607		
Federal Trust.....	\$2,012,000	\$2,012,000		
TOTAL FOR INDEPENDENT AGENCIES.....			\$1,032,857,999	\$1,036,867,397
Nongeneral Fund Positions.....	1,925.00	1,944.00		
Position Level.....	1,925.00	1,944.00		
Fund Sources: General.....	\$6,777,247	\$6,777,247		
Special.....	\$112,163,064	\$117,729,699		
Enterprise.....	\$743,397,039	\$741,048,605		
Trust and Agency.....	\$114,366,642	\$115,198,839		
Dedicated Special Revenue.....	\$52,092,007	\$52,051,007		
Federal Trust.....	\$4,062,000	\$4,062,000		

ITEM 498.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
STATE GRANTS TO NONSTATE ENTITIES				
498.	Not set out.			
TOTAL FOR STATE GRANTS TO NONSTATE ENTITIES.....			\$0	\$0
TOTAL FOR PART 1: OPERATING EXPENSES.....			\$67,040,660,815	\$68,731,181,179
			\$66,802,377,157	\$67,431,671,726
General Fund Positions.....	52,983.37	53,130.87		
	53,014.37	53,169.87		
Nongeneral Fund Positions.....	68,769.12	69,080.12		
Position Level.....	121,752.49	122,210.99		
	121,783.49	122,249.99		
Fund Sources: General.....	\$23,617,953,674	\$24,592,765,846		
	\$22,709,860,834	\$23,368,756,784		
Special.....	\$1,770,623,415	\$1,759,812,998		
	\$1,795,993,415	\$1,760,551,998		
Higher Education Operating.....	\$9,644,002,145	\$9,777,552,107		
Commonwealth Transportation.....	\$7,791,545,724	\$7,366,734,659		
Enterprise.....	\$2,286,362,801	\$2,331,176,846		
Internal Service.....	\$2,115,253,639	\$2,231,861,108		
Trust and Agency.....	\$2,453,428,266	\$2,523,721,176		
Debt Service.....	\$358,087,772	\$358,087,772		
Dedicated Special Revenue.....	\$3,485,826,032	\$3,574,495,772		
	\$3,569,007,659	\$3,579,955,772		
Federal Trust.....	\$13,517,577,347	\$14,214,972,895		
	\$14,078,834,902	\$14,133,273,504		

Item Details(\$)		Appropriations(\$)	
First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

PART 2: CAPITAL PROJECT EXPENSES

§ 2-0. Not Set Out.

EXECUTIVE DEPARTMENT

OFFICE OF ADMINISTRATION

C-1.	Not set out.				
	TOTAL FOR OFFICE OF ADMINISTRATION....			\$17,800,000	\$0
	Fund Sources: Bond Proceeds.....	\$17,800,000	\$0		

OFFICE OF AGRICULTURE AND FORESTRY

C-2.	Not set out.				
	TOTAL FOR OFFICE OF AGRICULTURE AND FORESTRY.....			\$5,110,191	\$0
	Fund Sources: Dedicated Special Revenue.....	\$5,110,191	\$0		

OFFICE OF EDUCATION

- C-3. Not set out.
- C-4. Not set out.
- C-5. Not set out.
- C-6. Not set out.
- C-7. Not set out.
- C-8. Not set out.

§ 2-1. GEORGE MASON UNIVERSITY (247)

C-9.	Not set out.				
C-10.	Not set out.				
C-11.	Not set out.				
C-12.	Not set out.				
C-12.10	Planning: Academic VIII-STEM (18498)..... <i>Planning: Academic VIII-STEM, Science and Technology Campus (18498).....</i>			\$7,500,000	\$0
	Fund Sources: Higher Education Operating.....	\$7,500,000	\$0		

A. In accordance with Chapter 15.1 (§ 2.2-1515 et seq.) of Title 2.2 of the Code of Virginia, George Mason University shall submit its completed detailed planning documents to the Six-Year Capital Outlay Plan Advisory Committee for its review and recommendation. However, no planning documents pursuant to this item shall be submitted to the Governor or the General Assembly prior to July 1, 2022.

ITEM C-12.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
B. George Mason University shall be reimbursed for all nongeneral funds used when the project is funded to move into the construction phase.				
Total for George Mason University.....			\$274,950,000	\$0
Fund Sources: Special.....	\$82,000,000	\$0		
Higher Education Operating.....	\$9,200,000	\$0		
Bond Proceeds.....	\$183,750,000	\$0		

- C-13. Not set out.
- C-14. Not set out.
- C-15. Not set out.
- C-16. Not set out.
- C-17. Not set out.
- C-18. Not set out.
- C-19. Not set out.
- C-20. Not set out.
- C-21. Not set out.
- C-22. Not set out.
- C-22.10 Not set out.
- C-22.20 Not set out.

§ 2-2. VIRGINIA COMMUNITY COLLEGE SYSTEM (260)

C-23.	Not set out.			
C-24.	Omitted.			
C-24.10	Not set out.			
Total for Virginia Community College System.....			\$18,200,000	\$0
Fund Sources: Bond Proceeds.....	\$18,200,000	\$0		
C-25.	Not set out.			

§ 2-3. VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY (208)

- C-26. Not set out.
- C-27. Not set out.
- C-28. Not set out.
- C-29. Not set out.

ITEM C-30.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
C-30.	Not set out.			
C-31.	Not set out.			
C-32.	Not set out.			
C-33.	Not set out.			
C-33.10	Not set out.			
C-34.	Omitted.			
C-35.	Not set out.			
C-36.	Not set out.			
C-36.50	Not set out.			
TOTAL FOR OFFICE OF EDUCATION.....			\$982,750,798	\$5,512,000
Fund Sources: Special.....	\$82,000,000	\$0		
Higher Education Operating.....	\$84,201,736	\$5,512,000		
Bond Proceeds.....	\$816,549,062	\$0		

OFFICE OF HEALTH AND HUMAN RESOURCES

C-37.	Not set out.			
C-38.	Not set out.			
C-39.	Not set out.			
TOTAL FOR OFFICE OF HEALTH AND HUMAN RESOURCES.....			\$21,470,000	\$1,223,500
Fund Sources: Bond Proceeds.....	\$21,470,000	\$1,223,500		

OFFICE OF NATURAL RESOURCES

§ 2-4. DEPARTMENT OF CONSERVATION AND RECREATION (199)

C-40.	Not set out.			
C-41.	Not set out.			
C-42.	Improvements: Make Critical Infrastructure Repairs and Residences at Various State Parks, Phase I (18366).....		\$12,500,000 \$13,000,000	\$0
Fund Sources: Bond Proceeds.....	\$12,500,000 \$13,000,000	\$0		
C-43.	Not set out.			
C-44.	Omitted.			
C-45.	Omitted.			

ITEM C-46.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
C-46.	Not set out.				
C-47.	Omitted.				
C-48.	Omitted.				
	Total for Department of Conservation and Recreation.....			\$37,015,130 \$37,515,130	\$0
	Fund Sources: Special.....	\$1,945,020	\$0		
	Dedicated Special Revenue.....	\$1,500,000	\$0		
	Federal Trust.....	\$4,912,110	\$0		
	Bond Proceeds.....	\$28,658,000 \$29,158,000	\$0		
C-49.	Not set out.				
C-50.	Not set out.				
C-51.	Not set out.				
C-52.	Not set out.				
C-53.	Not set out.				
C-54.	Not set out.				
	TOTAL FOR OFFICE OF NATURAL RESOURCES.....			\$56,265,130 \$56,765,130	\$9,250,000
	Fund Sources: Special.....	\$1,945,020	\$0		
	Dedicated Special Revenue.....	\$3,750,000	\$2,250,000		
	Federal Trust.....	\$11,912,110	\$7,000,000		
	Bond Proceeds.....	\$38,658,000 \$39,158,000	\$0		
OFFICE OF PUBLIC SAFETY AND HOMELAND SECURITY					
C-55.	Not set out.				
C-56.	Not set out.				
	TOTAL FOR OFFICE OF PUBLIC SAFETY AND HOMELAND SECURITY.....			\$55,000,000	\$55,000,000
	Fund Sources: Bond Proceeds.....	\$55,000,000	\$55,000,000		

OFFICE OF TRANSPORTATION

- C-57. Not set out.
- C-58. Not set out.
- C-59. Not set out.
- C-60. Not set out.
- C-61. Not set out.

ITEM C-61.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

§ 2-5. VIRGINIA COMMERCIAL SPACE FLIGHT AUTHORITY (509)

C-61.50	New Construction: Accomack Regional Airport Hanger (18504).....			\$2,000,000	\$0
	Fund Sources: <i>General</i>	\$1,000,000	\$0		
		\$0			
	Commonwealth Transportation.....	\$1,000,000	\$0		
	<i>Bond Proceeds</i>	\$1,000,000	\$0		

Notwithstanding the provisions set forth in this Act, the general fund amounts appropriated in this Item shall be immediately unallotted upon enactment of these appropriations. Any language associated with these amounts shall not be applicable. Any amounts referenced within any other Items of this Act that reflect or include the general fund amounts included within this Item shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act.

	Total for Virginia Commercial Space Flight Authority.....			\$2,000,000	\$0
	Fund Sources: <i>General</i>	\$1,000,000	\$0		
		\$0			
	Commonwealth Transportation.....	\$1,000,000	\$0		
	<i>Bond Proceeds</i>	\$1,000,000	\$0		

TOTAL FOR OFFICE OF TRANSPORTATION... \$154,871,839 \$130,750,000

	Fund Sources: <i>General</i>	\$1,000,000	\$0		
		\$0			
	Special.....	\$88,000,000	\$65,000,000		
	Commonwealth Transportation.....	\$58,671,839	\$60,000,000		
	Federal Trust.....	\$7,200,000	\$5,750,000		
	<i>Bond Proceeds</i>	\$1,000,000	\$0		

OFFICE OF VETERANS AND DEFENSE AFFAIRS

C-61.60 Not set out.

C-62. Not set out.

C-63. Not set out.

TOTAL FOR OFFICE OF VETERANS AND DEFENSE AFFAIRS..... \$7,350,000 \$0

	Fund Sources: Federal Trust.....	\$3,350,000	\$0		
	Bond Proceeds.....	\$4,000,000	\$0		

CENTRAL APPROPRIATIONS

§ 2-6. CENTRAL CAPITAL OUTLAY (949)

C-64. Not set out.

C-65. Not set out.

C-66.	Planning: Detail Planning for Capital Projects (17968).....			\$11,474,040	\$0
				\$1,517,750	

	Fund Sources: <i>General</i>	\$9,956,290	\$0		
		\$0			

ITEM C-66.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Dedicated Special Revenue.....	\$1,517,750	\$0		

A. Included in the appropriation for this Item is ~~\$9,956,290 the first year from the general fund and~~ \$1,517,750 ~~the first year from the Central Capital Planning Fund (09650), established under authority of § 2.2-1520, Code of Virginia to be used for pre-planning and detailed planning of authorized projects. This amount shall be paid into the Central Capital Planning Fund, established under the authority of § 2.2-1520, Code of Virginia.~~

B. The following projects shall be funded for detailed planning from amounts in the Central Capital Planning Fund and such amounts are hereby appropriated.

Agency Code	Agency Name	Project Title
156	Department of State Police	Replace training academy at department headquarters
194	Department of General Services	Renovate the Supreme Court Building
211	Virginia Military Institute	Construct Center for Leadership and Ethics Facility, Phase II
213	Norfolk State University	Renovate / Replace Fine Arts Building
215	University of Mary Washington	Construct Fine and Performing Arts Center
234	Cooperative Extension and Agricultural Research Services	Renovate Summerseat for Urban Agriculture Center
417	Gunston Hall	Construction of New Archaeology and Maintenance Facilities
720	Department of Behavioral Health and Developmental Services	Food Service Renovations Statewide
720	Department of Behavioral Health and Developmental Services	Eastern State Hospital Phase 4
799	Department of Corrections	Powhatan Infirmery Replacement
799	Department of Corrections	Deerfield Correctional Center Expansion
942	Virginia Museum of Natural History	Construct satellite facility in Waynesboro, Virginia

C. Out of the amounts in the Central Capital Planning Fund, the Department of General Services is authorized to begin pre-planning to develop the state-owned property at 703 E. Main Street in Richmond, Virginia. No later than November 1, 2020, the Department shall submit to the Six-Year Capital Outlay Plan Advisory Committee its pre-planning documents, with capital costs for the development of the site.

D. In accordance with Title 2.2, Chapter 15.1, Code of Virginia, each institution and agency shall submit its completed detailed planning documents to the Six-Year Capital Outlay Plan Advisory Committee for its review and recommendation. However, no planning documents pursuant to this item for the Construct Fine and Performing Arts Center at the University of Mary Washington, the Renovate / Replace Fine Arts Building at Norfolk State University or the Construct Center for Leadership and Ethics Facility, Phase II at Virginia Military Institute shall be submitted to the Governor or the General Assembly prior to July 1, 2022.

E. Each agency and institution of higher education may use nongeneral funds to complete the pre-planning or detailed planning documents for projects authorized in this Item.

F. In accordance with § 2.2-1520, Code of Virginia, the Director, Department of Planning and

ITEM C-66.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>Budget, shall reimburse the Central Capital Planning Fund for the amounts provided for detailed planning when the project is funded to move into the construction phase.</p> <p>G. The Director of the Department of Planning and Budget shall transfer \$1,000,000 on July 1, 2020, from Item 402 of this act to supplement planning for the Deerfield Correctional Center Expansion project.</p> <p>H. Notwithstanding the provisions set forth in this Act, the general fund amounts appropriated in this Item shall be immediately unallotted upon enactment of these appropriations. Any language associated with these amounts shall not be applicable. Any amounts referenced within any other Items of this Act that reflect or include the general fund amounts included within this Item shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act.</p>				
C-67.	Not set out.			
C-68.	Not set out.			
C-69.	Supplement Previously Authorized Capital Project Construction Pools (18145).....		\$170,700,000	\$0
	Fund Sources: Bond Proceeds.....	\$170,700,000	\$0	
<p>A. 1.A. 1. Included in this item is \$170,700,000 in bond appropriation which may be transferred between and among the capital project pools listed, <i>or any project within a listed pool notwithstanding § 2.2-1519 E</i>, in paragraph O. of § 2-0 of this act in order to address any shortfall in appropriation in one or more of such project pools <i>or project</i>, pursuant to the provisions of § 2-0, paragraph O., of this act and may be financed in whole or in part through bonds of the Virginia College Building Authority pursuant to § 23.1-1200 et seq., Code of Virginia, or the Virginia Public Building Authority pursuant to § 2.2-2260 et seq., Code of Virginia. Bonds of the Virginia College Building Authority issued to finance these projects may be sold and issued under the 21st Century College Program at the same time with other obligations of the Authority as separate issues or as a combined issue. The aggregate principal amount shall not exceed \$170,700,000 plus amounts needed to fund issuance costs, reserve funds, original issue discount, interest prior to and during the acquisition or construction and for one year after completion thereof, and other financing expenses, in accordance with § 2.2-2263, Code of Virginia.</p> <p>2. From the list of capital project pools included in paragraph O. of § 2-0 of this act, the Director, Department of Planning and Budget, shall provide to the Chairmen of the Virginia College Building Authority and the Virginia Public Building Authority the specific projects, as well as the amounts for these projects, to be financed by each authority within the dollar limit established by this authorization upon the transfer of any such appropriation in this Item.</p> <p>3. Included in this item is \$25,000,000 in bond appropriation is provided as a supplement to the Capital Complex Infrastructure and Security project authorized and funded in paragraph E.1 Item C-39.40, Chapter 1 of the 2014 Special Session I, Virginia Acts of Assembly, for additional scope and security improvements.</p> <p>4. Debt service on the projects contained in this Item shall be provided from appropriations to the Treasury Board.</p> <p>5. The appropriations in this Item are subject to the conditions in § 2-0 F. of this act.</p>				
C-70.	Not set out.			
C-71.	Not set out.			
C-72.	Not set out.			
C-72.10	Improvements: Virginia Beach Improve Access (18505).....		\$10,000,000	\$0

ITEM C-72.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

Fund Sources: General..... \$10,000,000 \$0

A: Out of this appropriation, \$10,000,000 the first year from the general fundis designated to support improvements related to the Nimmo Parkway Phase VII-B project in order to provide an adequate hurricane evacuation route for the Sandbridge residents.

B: Notwithstanding the provisions set forth in this Act, the general fund amounts appropriated in this Item shall be immediately unallotted upon enactment of these appropriations. Any language associated with these amounts shall not be applicable. Any amounts referenced within any other Items of this Act that reflect or include the general fund amounts included within this Item shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act.

C-73. A. The Department of General Services is authorized to enter into long-term leases as follows:

1. On behalf of the Department of Social Services, to address lease space needs for the Child Support Enforcement District Office, the Regional Administrative Office and the Regional Training Offices in Abingdon.
2. On behalf of the Department of Social Services, to address lease space needs for the Child Support Enforcement District Office and the Child Support Enforcement Regional Offices in Roanoke.
3. On behalf of the Department of Motor Vehicles, to address lease space needs for a customer service center to replace or renew the lease for the existing facility in Manassas and Henrico County.
4. On behalf of the Department of Corrections, to address space needs for probation and parole offices in Petersburg, Bristol, Abingdon, Gloucester, Front Royal, and Chesterfield County.
5. On behalf of the Department of Environmental Quality, to address lease space needs for a regional office to replace or renew the lease for the existing facility in Roanoke.
6. On behalf of the Department of Environmental Quality, to address lease space needs for the Piedmont Regional Office and Office of Air Quality Monitoring to replace or renew the lease for the existing facility in the greater Richmond area.
7. On behalf of the Department of Emergency Management, to address lease space needs for a headquarters facility to replace or renew the lease for the existing facility in the greater Richmond area.
8. On behalf of the Department of Motor Vehicles, to address lease space needs for the Sterling Customer Service Center to relocate and expand the existing facility.
9. On behalf of the Department of Historic Resources, to address lease space needs for additional archaeological storage space to expand the existing facility in the greater Richmond area.
10. *On behalf of the Department of Motor Vehicles, to address lease space needs for the Charlottesville and Smithfield Customer Service Centers to relocate the existing facilities.*

C-74. A.1. Pursuant to projects authorized and funded in paragraphs B. and E.1. of Item C-39.40 of Chapter 1 of the 2014 Special Session I, Virginia Acts of Assembly, the General Assembly appropriated funds to the Department of General Services (DGS) for Capitol Complex Infrastructure and Security construction projects. Project work includes improvements and safety and security enhancements to be constructed or installed within the right-of-way of North 9th Street (between the area north of where Bank Street intersects North 9th Street and south of where North 9th Street intersects East Broad Street) and within the right-of-way of East Broad Street (between the area from where the western right-of-way line of North 9th Street intersects East Broad Street to where the ~~western~~eastern right-of-way line of Governor Street intersects East Broad Street), which rights-of-way are owned by the City of Richmond (City), and more specifically as determined by the DGS project team and in collaboration with

ITEM C-74.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

the City with respect to such rights-of-way. Accordingly, the City and DGS shall enter into a deed of easement or other proper instruments, in such form approved by the Offices of the City Attorney and of the Commonwealth Office of the Attorney General, whereby the City, without charge to the Commonwealth, shall grant to DGS, as agent of the Commonwealth, where mutually agreeable across, over, under and above the referenced right-of-way of North 9th Street and East Broad Street, (a) the perpetual and irrevocable right, privilege and easement to construct, install, use, operate, inspect, maintain, repair, replace, rebuild, improve, alter and remove (i) any construction or installation contracted for by DGS either as part of the referenced construction projects or at any time with respect to safety and security enhancements around the perimeter of Capitol Square deemed appropriate by DGS and (ii) all equipment, accessories, utilities and appurtenances necessary to support such construction projects and such incorporation of safety and security enhancements, (b) the perpetual and irrevocable right, privilege and easement to inspect, maintain, repair, replace and rebuild the sidewalks and elements thereof (but not traffic control devices and signage or street lighting located thereupon) of the referenced right-of-way of North 9th Street and East Broad Street and (c) any necessary or appropriate temporary construction easements, upon terms approved by the Mayor of Richmond and the Governor (pursuant to § 2.2-1149, Code of Virginia); approval by Richmond City Council shall not be required.

2. The City, without expending City funds, shall cooperate with DGS (i) to support the referenced construction project work and incorporation of safety and security enhancements at and along North 9th Street and East Broad Street, (ii) to relocate any utilities located in the agreed upon easement area, if necessary, and (iii) to coordinate any closure or other traffic flow controls of North 9th Street and East Broad Street during the performance of the construction projects and the incorporation of any safety and security features that will enhance safety and security around the perimeter of Capitol Square. At no time shall DGS make any permanent changes to the North 9th Street or East Broad Street rights-of-way without the prior approval of the Chief Administrative Officer of the City or the City hinder or delay construction of the referenced construction projects. Notwithstanding the foregoing, DGS may commence the construction project work and safety and security enhancements within the referenced right-of-way of North 9th Street and East Broad Street prior to the execution of a deed of easement or other proper instruments, if deemed necessary by DGS to avoid delay in the implementation of the construction project work or safety and security enhancements.

~~B.† Pursuant to projects authorized and funded in paragraph E.1. of Item C-39.40 of Chapter 1 of the Acts of Assembly of 2014, operations of the Virginia General Assembly have temporarily moved and now operate from the Pocahontas Building bounded by the following streets 9th to the west, 10th to the east, Bank to the north, and Main to the south in the City of Richmond. This temporary move has resulted in the Commonwealth's legislative activities to be concentrated in an area requiring traffic and pedestrian operational safety and security enhancements. As such, and pursuant to the responsibilities of the Department of General Services (DGS) (§ 2.2-1129) and the Division of Capitol Police (DCP) (§ 30-34.2:1), Bank Street from 9th to 12th Street in the City of Richmond shall be controlled by the DGS and the DCP year round while General Assembly operations are located, and conducted, in the Pocahontas Building. Vehicular travel limitations and pedestrian management needs on and along Bank Street shall be determined jointly by the DGS and the DCP during this time. These determinations will be based on the recommendations outlined in the Bank Street Safety and Security Assessment prepared by Commonwealth Architects dated February 15, 2017 (the Assessment). Funding for materials and contract services needed to address pedestrian and vehicle management activities are available to DGS from the Chapter referenced in this item.~~

~~2: At no time, will DGS or DCP make permanent changes to Bank Street right-of-way (e.g. traffic control devices, security fixtures, street lighting, surface treatments) without the approval of the City of Richmond's Chief Administrative Officer. Additionally, at no time will the City prevent DGS and DCP from implementing and maintaining the recommendations outlined in the Assessment. Bank Street operations, as described in paragraph A, will remain under the control of DGS and DCP year-round until control of Bank Street l reverts to the City of Richmond upon the General Assembly, and its operations, vacating the Pocahontas Building, and the General Assembly, with approval of~~

ITEM C-74.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

the Governor, authorizing control of Bank Street back to the City of Richmond:

C-75. A. The Virginia Public Building Authority, pursuant to § 2.2-2260 et seq. of the Code of Virginia, is authorized to issue bonds in a principal amount not to exceed \$~~194,901,500~~\$206,401,500 plus amounts needed to fund issuance costs, reserve funds, original issue discount, interest prior to and during the acquisition or construction and for one year after completion thereof, and other financing expenses, to finance the capital costs of the projects described in paragraph C. of this item.

B. Debt service on bonds issued under the authorization in this Item shall be provided from appropriations to the Treasury Board.

C. The appropriations for the following authorized projects are contained in the appropriation Items listed:

Agency Name/Project Title	Project Code	Item	VPBA Bonds
Department of Military Affairs (123)			
Replace/Install Fire Safety Systems in Readiness Centers	18318	C-62	\$3,000,000
Department of State Polics (156)			
Upgrade Statewide Radio System (STARS) Network	18414	C-56	\$80,000,000
Department of General Services (194)			
Renovate and Repair Fort Monroe	18191	C-1	\$17,800,000
Department of Conservation and Recreation (199)			
Make Critical Infrastructure Repairs and Residences at Various State Parks	18366	C-42	\$12,500,000 \$13,000,000
Renovation of Existing Revenue Generating Cabins	18490	C-46	\$16,158,000
Virginia Musuem of Fine Arts (238)			
Repairs and Structural Issues	18503	C-36.50	\$2,750,000
Marine Resources Commission (402)			
Oyster Reef Restoration	18479	C-54	\$10,000,000
Department for the Blind and Vision Impaired (702)			
Improve campus infrastructure	18488	C-39	\$1,223,500
Department of Behavioral Health and Developmental Services (720)			
Address patient and staff safety issues at state facilities	18365	C-38	\$7,600,000
Make infrastructure repairs to state facilities	18307	C-37	\$13,870,000
Virginia Commercial Space Flight Authority (509)			
Accomack Regional Airport Hangar	18504	C-61.50	\$1,000,000
Central Capital Outlay (949)			

ITEM C-75.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Virginia Beach Improve Access	18505	C-72.10		\$10,000,000
Department of Corrections (799)				
DOC Capital Infrastructure Fund	18480	C-55		\$30,000,000
Total VPBA Bonds				\$194,901,500 \$206,401,500

C-76. Not set out.

C-76.10 A.1. Notwithstanding Item C-47 F.3. of Chapter 1283, 2020 Acts of Assembly, the Department of General Services (DGS) shall consider the property located in Central Virginia consisting of approximately 427.97 acres along Old Bon Air Road and Rockaway Road in the Midlothian Magisterial District of Chesterfield County, Virginia, having a street address of 1900 Chatsworth Avenue, Bon Air, Virginia, and further designated as Chesterfield County Tax Parcel No. 752713101100000, as a location option for a Department of Juvenile Justice (DJJ) Juvenile Correctional Center to be located in Central Virginia.

2. All costs incurred by DGS to perform the review in subsection A.1. of this Item shall be funded by the capital project for the Department of Juvenile Justice previously authorized in Item C-47 F.1. of Chapter 1283 of the 2020 Acts of Assembly, titled "Construct New Juvenile Correctional Center," and originally authorized in Enactment 1, § 1 A. of Chapters 759 and 769 of the 2016 Acts of Assembly.

Total for Central Capital Outlay.....			\$1,637,450,457	\$138,900,000
			\$1,617,494,167	
Fund Sources: General.....	\$19,956,290	\$0		
	\$0			
Special.....	\$35,000,000	\$0		
Dedicated Special Revenue.....	\$40,951,750	\$0		
Federal Trust.....	\$17,015,317	\$0		
Bond Proceeds.....	\$1,524,527,100	\$138,900,000		

C-77. Not set out.

C-78. Not set out.

TOTAL FOR CENTRAL APPROPRIATIONS.....			\$1,637,450,457	\$138,900,000
			\$1,617,494,167	

Fund Sources: General.....	\$19,956,290	\$0		
	\$0			
Special.....	\$35,000,000	\$0		
Dedicated Special Revenue.....	\$40,951,750	\$0		
Federal Trust.....	\$17,015,317	\$0		
Bond Proceeds.....	\$1,524,527,100	\$138,900,000		

TOTAL FOR EXECUTIVE DEPARTMENT.....			\$2,938,068,415	\$340,635,500
			\$2,918,612,125	

Fund Sources: General.....	\$20,956,290	\$0		
	\$0			
Special.....	\$206,945,020	\$65,000,000		
Higher Education Operating.....	\$84,201,736	\$5,512,000		
Commonwealth Transportation.....	\$58,671,839	\$60,000,000		
Dedicated Special Revenue.....	\$49,811,941	\$2,250,000		
Federal Trust.....	\$39,477,427	\$12,750,000		
Bond Proceeds.....	\$2,478,004,162	\$195,123,500		
	\$2,479,504,162			

ITEM C-78.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
INDEPENDENT AGENCIES				
C-79.	Not set out.			
TOTAL FOR INDEPENDENT AGENCIES.....			\$21,600,000	\$0
Fund Sources: Special.....	\$21,497,962	\$0		
Dedicated Special Revenue.....	\$102,038	\$0		
TOTAL FOR PART 2: CAPITAL PROJECT EXPENSES.....			\$2,959,668,415	\$340,635,500
			\$2,940,212,125	
Fund Sources: General.....	\$20,956,290	\$0		
	\$0			
Special.....	\$228,442,982	\$65,000,000		
Higher Education Operating.....	\$84,201,736	\$5,512,000		
Commonwealth Transportation.....	\$58,671,839	\$60,000,000		
Dedicated Special Revenue.....	\$49,913,979	\$2,250,000		
Federal Trust.....	\$39,477,427	\$12,750,000		
Bond Proceeds.....	\$2,478,004,162	\$195,123,500		
	\$2,479,504,162			

PART 3: MISCELLANEOUS
§ 3-1.00 TRANSFERS

§ 3-1.01 INTERFUND TRANSFERS

A.1. In order to reimburse the general fund of the state treasury for expenses herein authorized to be paid therefrom on account of the activities listed below, the State Comptroller shall transfer the sums stated below to the general fund from the nongeneral funds specified, except as noted, on January 1 of each year of the current biennium. Transfers from the Alcoholic Beverage Control Enterprise Fund to the general fund shall be made four times a year, and such transfers shall be made within fifty (50) days of the close of the quarter. The payment for the fourth quarter of each fiscal year shall be made in the month of June.

	FY 2021	FY 2022
1. Alcoholic Beverage Control Enterprise Fund (§ 4.1-116, Code of Virginia)		
a) For expenses incurred for care, treatment, study and rehabilitation of alcoholics by the Department of Behavioral Health and Developmental Services and other state agencies (from Alcoholic Beverage Control gross profits)	\$65,375,769	\$65,375,769
b) For expenses incurred for care, treatment, study and rehabilitation of alcoholics by the Department of Behavioral Health and Developmental Services and other state agencies (from gross wine liter tax collections as specified in § 4.1-234, Code of Virginia)	\$9,141,363	\$9,141,363
2. Forest Products Tax Fund (§ 58.1-1609, Code of Virginia)	\$23,613	\$23,613
For collection by Department of Taxation		
3. Peanut Fund (§3.2-1906, Code of Virginia)	\$2,419	\$2,419
4. For collection by Department of Taxation		
a) Aircraft Sales & Use Tax (§ 58.1-1509, Code of Virginia)	\$39,169	\$39,169
b) Soft Drink Excise Tax	\$1,596	\$1,596
c) Virginia Litter Tax	\$9,472	\$9,472
5. Proceeds of the Tax on Motor Vehicle Fuels		
For inspection of gasoline, diesel fuel and motor oils	\$97,586	\$97,586
6. Virginia Retirement System (Trust and Agency)		
For postage by the Department of the Treasury	\$34,500	\$34,500
7. Alcoholic Beverage Control Authority (Enterprise)		
For services by the:		
a) Auditor of Public Accounts	\$75,521	\$75,521
b) Department of Accounts	\$64,607	\$64,607
c) Department of the Treasury	\$47,628	\$47,628

TOTAL **\$74,913,243** **\$74,913,243**

2.a. Transfers of net profits from the Alcoholic Beverage Control Enterprise Fund to the general fund shall be made four times a year, and such transfers shall be made within fifty (50) days of the close of each quarter. The transfer of fourth quarter profits shall be estimated and made in the month of June. In the event actual net profits are less than the estimate transferred in June, the difference shall be deducted from the net profits of the next quarter and the resulting sum transferred to the general fund. Distributions to localities shall be made within fifty (50) days of the close of each quarter. Net profits are estimated at ~~\$125,100,000~~\$139,500,745 the first year and ~~\$128,700,000~~\$132,700,000 the second year.

b. Notwithstanding the provisions of § 4.1-116 B, Code of Virginia, the Alcoholic Beverage Control Authority shall properly record the depreciation of all depreciable assets, including approved projects, property, plant and equipment. The State Comptroller shall be notified of the amount of depreciation costs recorded by the Alcoholic Beverage Control Authority. However, such depreciation costs shall not be the basis for reducing the quarterly transfers needed to meet the estimated profits contained in this act.

B.1. If any transfer to the general fund required by any subsections of §§ 3-1.01 through 3-6.04 is subsequently determined to be in violation of any federal statute or regulation, or Virginia constitutional requirement, the State Comptroller is hereby directed to reverse such transfer and to return such funds to the affected nongeneral fund account.

2. There is hereby appropriated from the applicable funds such amounts as are required to be refunded to the federal government for mutually agreeable resolution of internal service fund over-recoveries as identified by the U. S. Department of Health and Human Services' review of the annual Statewide Indirect Cost Allocation Plans.

C. In order to fund such projects for improvement of the Chesapeake Bay and its tributaries as provided in § 58.1-2289 D, Code of Virginia, there is hereby transferred to the general fund of the state treasury the amounts listed below. From these amounts \$2,583,531 the first year and \$2,583,531 the second year shall be deposited to the Virginia Water Quality Improvement Fund pursuant to § 10.1-2128.1, Code of Virginia, and designated for deposit to the reserve fund, for ongoing improvements of the Chesapeake Bay and its tributaries. The Department of Motor Vehicles shall be responsible for effecting the provisions of this paragraph. The amounts listed below shall be transferred on June 30 of each fiscal year.

154	Department of Motor Vehicles	\$10,000,000	\$10,000,000
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D. The provisions of Chapter 6 of Title 58.1, Code of Virginia notwithstanding, the State Comptroller shall transfer to the general fund from the special fund titled "Collections of Local Sales Taxes" a proportionate share of the costs attributable to increased local sales and use tax compliance efforts, the Property Tax Unit, and State Land Evaluation Advisory Committee (SLEAC) services by the Department of Taxation estimated at \$6,202,002 the first year and \$6,202,002 the second year.

E. The State Comptroller shall transfer to the general fund from the Transportation Trust Fund a proportionate share of the costs attributable to increased sales and use tax compliance efforts and revenue forecasting for the Transportation Trust Fund by the Department of Taxation estimated at \$2,993,308 the first year and \$2,993,308 the second year.

F.1. On or before June 30 of each year, the State Comptroller shall transfer \$12,287,244 the first year and \$12,287,244 the second year to the general fund the following amounts from the agencies and fund sources listed below, for expenses incurred by central service agencies:

Agency Name	Fund Group	FY 2021	FY 2022
Administration of Health Insurance (149)	0500	\$618,420	\$618,420
Department of Forestry (411)	0200	\$5,303	\$5,303
Department of Forestry (411)	0900	\$312	\$312
Department of Professional and Occupational Regulations (222)	0200	\$5,023	\$5,023
Tobacco Region Revitalization Commission (851)	0900	\$19,411	\$19,411
Southwest Virginia Higher Education Center	0200	\$9,535	\$9,535

(948)

The Science Museum of Virginia (146)	0200	\$25,000	\$25,000
Virginia Museum of Fine Arts (238)	0200	\$20,764	\$20,764
Virginia Museum of Fine Arts (238)	0500	\$14,344	\$14,344
Virginia Museum of Natural History (942)	0200	\$1,176	\$1,176
Board of Accountancy (226)	0900	\$13,366	\$13,366
Department for Aging and Rehabilitative Services (262)	0200	\$41,215	\$41,215
Department for the Deaf and Hard of Hearing (751)	0200	\$4,533	\$4,533
Department of Behavioral Health and Developmental Services (720)	0200	\$61,085	\$61,085
Department of Health (601)	0900	\$123,687	\$123,687
Virginia Foundation for Healthy Youth (852)	0900	\$16,548	\$16,548
State Corporation Commission (171)	0900	\$9,058	\$9,058
Virginia College Savings Plan (174)	0500	\$351,045	\$351,045
Board of Bar Examiners (233)	0200	\$1,324	\$1,324
Supreme Court (111)	0900	\$370,537	\$370,537
Department of Conservation and Recreation (199)	0200	\$111,878	\$111,878
Department of Conservation and Recreation (199)	0900	\$37,175	\$37,175
Department of Game and Inland Fisheries (403)	0900	\$130,208	\$130,208
Marine Resources Commission (402)	0900	\$2,525	\$2,525
Department of Criminal Justice Services (140)	0200	\$56,351	\$56,351

Department of Criminal Justice Services (140)	0900	\$1,153	\$1,153
Department of Fire Programs (960)	0200	\$106,205	\$106,205
Division of Community Corrections (767)	0900	\$17,156	\$17,156
Department of Aviation (841)	0400	\$79,561	\$79,561
Department of Motor Vehicles (154)	0400	\$3,878,102	\$3,878,102
Department of Rail and Public Transportation (505)	0400	\$740,647	\$740,647
Department of Transportation (501)	0400	\$5,128,092	\$5,128,092
Motor Vehicle Dealer Board (506)	0200	\$16,447	\$16,447
Virginia Port Authority (407)	0200	\$172,599	\$172,599
Virginia Port Authority (407)	0400	\$86,102	\$86,102
Department of Military Affairs (123)	0900	\$11,357	\$11,357
		\$12,287,244	\$12,287,244

2. Following the transfers authorized in paragraph F.1. of this section in the each year, the State Comptroller shall transfer \$2,787,795 each year back to the Department of Motor Vehicles to replace the anticipated loss of driving privilege reinstatement fee revenue.

G.1. The State Comptroller shall transfer to the Lottery Proceeds Fund established pursuant to § 58.1-4022.1, Code of Virginia, an amount estimated at \$657,959,397 the first year and \$666,104,670 the second year, from the Virginia Lottery Fund. The transfer each year shall be made in two parts: (1) on or before January 1 of each year, the State Comptroller shall transfer the balance of the Virginia Lottery Fund for the first five months of the fiscal year and (2) thereafter, the transfer will be made on a monthly basis, or until the amount estimated at \$616,156,022 the first year and \$622,317,582 the second year has been transferred to the Lottery Proceeds Fund. Prior to June 20 of each year, the Virginia Lottery Executive Director shall estimate the amount of profits in the Virginia Lottery Fund for the month of June and shall notify the State Comptroller so that the estimated profits can be transferred to the Lottery Proceeds Fund prior to June 22.

2. No later than 10 days after receipt of the annual audit report required by § 58.1-4022.1, Code of Virginia, the State Comptroller shall transfer to the Lottery Proceeds Fund the remaining audited balances of the Virginia Lottery Fund for the prior fiscal year. If such annual audit discloses that the actual revenue is less than the estimate on which the June transfer was based, the State Comptroller shall adjust the next monthly transfer from the Virginia Lottery Fund to account for the difference between the actual revenue and the estimate transferred to the Lottery Proceeds Fund. The State Comptroller shall take all actions necessary to effect the transfers required by this paragraph, notwithstanding the provisions of § 58.1-4022, Code of Virginia. In preparing the Comprehensive Annual Financial Report, the State Comptroller shall report the Lottery Proceeds Fund as specified in § 58.1-4022.1, Code of Virginia.

H.1. The State Treasurer is authorized to charge up to 20 basis points for each nongeneral fund account which he manages and which receives investment income. The assessed fees, which are estimated to generate \$3,000,000 the first year and \$3,000,000 the second year, will be based on a sliding fee structure as determined by the State Treasurer. The amounts shall be paid into the general fund of the state treasury.

2.a. The State Treasurer is authorized to charge institutions of higher education participating in the pooled bond program of the Virginia College Building Authority an administrative fee of up to 10 basis points of the amount financed for each project in

addition to a share of direct costs of issuance as determined by the State Treasurer. Such amounts collected from the public institutions of higher education, which are estimated to generate \$100,000 the first year and \$100,000 the second year, shall be paid into the general fund of the state treasury.

3. The State Treasurer is authorized to charge agencies, institutions and all other entities that utilize alternative financing structures and require Treasury Board approval, including capital lease arrangements, up to 10 basis points of the amount financed in addition to a share of direct costs of issuance as determined by the State Treasurer. Such amounts collected shall be paid into the general fund of the state treasury.

4. The State Treasurer is authorized to charge projects financed under Article X, Section 9(c) of the Constitution of Virginia, an administrative fee of up to 10 basis points of the amount financed for each project in addition to a share of direct costs of issuance as determined by the State Treasurer. Such amounts collected are estimated to generate \$50,000 the first year and \$50,000 the second year, and shall be paid into the general fund of the state treasury.

I. The State Comptroller shall transfer to the general fund of the state treasury 50 percent of the annual reimbursement received from the Manville Property Damage Settlement Trust for the cost of asbestos abatement at state-owned facilities. The balance of the reimbursement shall be transferred to the state agencies that incurred the expense of the asbestos abatement.

J. The State Comptroller shall transfer to the general fund from the Revenue Stabilization Fund in the state treasury any amounts in excess of the limitation specified in § 2.2-1829, Code of Virginia.

K.1. Not later than 30 days after the close of each quarter during the biennium, the State Comptroller shall transfer, notwithstanding the allotment specified in § 58.1-1410, Code of Virginia, funds collected pursuant to § 58.1-1402, Code of Virginia, from the general fund to the Game Protection Fund. This transfer shall not exceed \$5,500,000 the first year and \$5,500,000 the second year.

2. Notwithstanding the provisions of subparagraph K.1. above, the Governor may, at his discretion, direct the State Comptroller to transfer to the Game Protection Fund, any funds collected pursuant to § 58.1-1402, Code of Virginia, that are in excess of the official revenue forecast for such collections.

L.1. On or before June 30 each year, the State Comptroller shall transfer from the general fund to the Family Access to Medical Insurance Security Plan Trust Fund the amount required by § 32.1-352, Code of Virginia. This transfer shall not exceed \$14,065,627 the first year and \$14,065,627 the second year. The State Comptroller shall transfer 90 percent of the yearly estimated amounts to the Trust Fund on July 15 of each year.

2. Notwithstanding any other provision of law, interest earnings shall not be allocated to the Family Access to Medical Insurance Security Plan Trust Fund (agency code 602, fund detail 0903) in either the first year or the second year of the biennium.

M. Not later than thirty days after the close of each quarter during the biennium, the State Comptroller shall transfer to the Game Protection Fund the general fund revenues collected pursuant to § 58.1-638 E, Code of Virginia. Notwithstanding § 58.1-638 E, this transfer shall not exceed \$11,000,000 the first year and \$11,000,000 the second year. Notwithstanding § 58.1-638 E, on or before June 30 of the first year and June 30 of the second year, the State Comptroller shall transfer to the Virginia Port Authority \$1,500,000 of the general fund revenues collected pursuant to § 58.1-638 E, Code of Virginia, to enhance and improve recreation opportunities for boaters, including but not limited to land acquisition, capital projects, maintenance, and facilities for boating access to the waters of the Commonwealth pursuant to the provisions of Senate Bill 693, 2018 Session of the General Assembly.

N.1. On or before June 30 each year, the State Comptroller shall transfer from the Tobacco Indemnification and Community Revitalization Fund to the general fund an amount estimated at \$244,268 the first year and \$244,268 the second year. This amount represents the Tobacco Indemnification and Community Revitalization Commission's 50 percent proportional share of the Office of the Attorney General's expenses related to the enforcement of the 1998 Tobacco Master Settlement Agreement and § 3.2-4201, Code of Virginia.

2. On or before June 30 each year, the State Comptroller shall transfer from the Tobacco Settlement Fund to the general fund an amount estimated at \$48,854 the first year and \$48,854 the second year. This amount represents the Tobacco Settlement Foundation's ten percent proportional share of the Office of the Attorney General's expenses related to the enforcement of the 1998 Tobacco Master Settlement Agreement and § 3.2-4201, Code of Virginia.

O. On or before June 30 each year, the State Comptroller shall transfer to the general fund \$2,400,000 the first year and \$2,400,000 the second year from the Court Debt Collection Program Fund at the Department of Taxation.

P. On or before June 30 each year, the State Comptroller shall transfer to the general fund \$7,400,000 the first year and \$7,400,000 the second year from the Department of Motor Vehicles' Uninsured Motorists Fund. These amounts shall be from the share that would otherwise have been transferred to the State Corporation Commission.

Q. On or before June 30 each year, the State Comptroller shall transfer an amount estimated at \$5,000,000 the first year and an

amount estimated at \$5,000,000 the second year to the general fund from the Intensified Drug Enforcement Jurisdictions Fund at the Department of Criminal Justice Services.

R. On or before June 30 each year, the State Comptroller shall transfer to the general fund \$3,864,585 the first year and \$3,864,585 the second year from operating efficiencies to be implemented by the Alcoholic Beverage Control Authority.

S. On or before June 30 each year, the State Comptroller shall transfer \$466,600 the first year and \$466,600 the second year to the general fund from the Land Preservation Fund (Fund 0216) at the Department of Taxation.

T. Unless prohibited by federal law or regulation or by the Constitution of Virginia and notwithstanding any contrary provision of state law, on June 30 of each fiscal year, the State Comptroller shall transfer to the general fund of the state treasury the cash balance from any nongeneral fund account that has a cash balance of less than \$100. This provision shall not apply to institutions of higher education, bond proceeds, or trust accounts. The State Comptroller shall consult with the Director of the Department of Planning and Budget in implementing this provision and, for just cause, shall have discretion to exclude certain balances from this transfer or to restore certain balances that have been transferred.

U.1. The Brunswick Correctional Center operated by the Department of Corrections shall be sold. The Commonwealth may enter into negotiations with (1) the Virginia Tobacco Indemnification and Community Revitalization Commission, (2) regional local governments, and (3) regional industrial development authorities for the purchase of this property as an economic development site.

2. Notwithstanding the provisions of § 2.2-1156, Code of Virginia or any other provisions of law, the proceeds of the sale of the Brunswick Correctional Center shall be paid into the general fund.

V. On a monthly basis, in the month subsequent to collection, the State Comptroller shall transfer all amounts collected for the fund created pursuant to § 17.1-275.12 of the Code of Virginia, to Items 354, 406, and 426 of this act, for the purposes enumerated in Section 17.1-275.12.

W. On or before June 30 each year, the State Comptroller shall transfer \$12,518,587 the first year and \$12,518,587 the second year to the general fund from the \$2.00 increase in the annual vehicle registration fee from the special emergency medical services fund contained in the Department of Health's Emergency Medical Services Program (40200).

X. The provisions of Chapter 6.2, Title 58.1, Code of Virginia, notwithstanding, on or before June 30 each year the State Comptroller shall transfer to the general fund from the proceeds of the Virginia Communications Sales and Use Tax (fund 0926), the Department of Taxation's indirect costs of administering this tax estimated at \$106,451 the first year and \$106,451 the second year.

Y. Any amount designated by the State Comptroller from the June 30, 2020, or June 30, 2021, general fund balance for transportation pursuant to § 2.2-1514B., Code of Virginia, is hereby appropriated.

Z. On or before June 30, of each fiscal year, the State Comptroller shall transfer to the State Health Insurance Fund (Fund 06200) the balance from the Administration of Health Benefits Services Fund (Fund 06220) at the Department of Human Resource Management.

AA. The Department of General Services is authorized to dispose of the following property currently owned by the Department of Corrections in the manner it deems to be in the best interests of the Commonwealth: Pulaski Correctional Center and White Post Detention and Diversion Center. Such disposal may include sale or transfer to other agencies or to local government entities. Notwithstanding the provisions of § 2.2-1156, Code of Virginia, the proceeds from the sale of all or any part of the properties shall be deposited into the general fund.

BB. The State Comptroller shall transfer all revenues collected each year to the general fund from the Firearms Transaction, Concealed Weapons Permit, and Conservator of the Peace Programs at the Department of State Police.

CC. On or before June 30, of each fiscal year, the State Comptroller shall transfer to the Health Insurance Fund - Local (Fund 05200) at the Administration of Health Insurance the balance from the Administration of Local Benefits Services Fund (Fund 05220) at the Department of Human Resource Management.

DD. On or before June 30, of each fiscal year, the State Comptroller shall transfer to the Line of Duty Death and Health Benefits Trust Fund (Fund 07420) at the Administration of Health Insurance the balance from the Administration of Health Benefits Payment - LODA Fund (Fund 07422) at the Department of Human Resource Management.

EE. On or before June 30, of each fiscal year, the State Comptroller shall transfer \$154,743 from Special Funds of the Department of Behavioral Health and Developmental Services (720) to Special Funds at the Office of the State Inspector General (147).

FF. The Department of General Services, with the cooperation and support of the Department of Agriculture and Consumer Services, is authorized to sell, for such consideration and the Governor may approve, a portion of the Eastern Shore Farmers Market, including the Market Office Building at 18491 Garey Road and the Produce Warehouse at 18513 Garey Road, Melfa, Virginia 23410. The Department of Agriculture and Consumer Services, with the recommendation of the Department of General Services, is authorized to grant any easement necessary to facilitate the sale of this portion of the Eastern Shore Farmer's Market.

Notwithstanding the provisions of § 2.2-1156, Code of Virginia, the proceeds from the sale shall first be applied toward remediation options under federal tax law of any outstanding tax-exempt bonds on the property. After deduction of the expenses incurred by the Department of Agriculture and Consumer Services, any proceeds that remain shall be deposited to the general fund. Any conveyance shall be approved by the Governor in a manner set forth in §2.2-1150, Code of Virginia.

GG. On or before June 30 of each fiscal year, the State Comptroller shall transfer to the general fund the portion of the balances of the Disaster Recovery Fund (Fund 02460) and Covid-19 Addtl State Funding (Fund 02019) at the Virginia Department of Emergency Management that was received as a federal cost recovery. The amounts transferred represent repayment of the sum sufficient fund originally appropriated for federally-declared emergencies. The Department of Emergency Management shall report to the State Comptroller the amount of the balance to be transferred by June 1 of each year.

HH. Notwithstanding the provisions of subsection A of § 58.1-662, Code of Virginia, and in addition to clause (i) and (ii) of that subsection, monies in the Communications Sales and Use Tax Trust Fund shall not be allocated to the Commonwealth's counties, cities, and towns until after an amount equal to \$2,000,000 the first year is allocated to the general fund. The State Comptroller shall deposit to the general fund \$2,000,000 on or before June 30, the first year and an additional \$2,000,000 on or before June 30, the second year from the revenues received from the Communications Sales and Use Tax.

II. The transfer of excess amounts in the Regulatory, Consumer Advocacy, Litigation, and Enforcement Revolving Trust Fund to the general fund pursuant to Item 59 of this act is estimated at \$500,000 the first year and \$500,000 the second year.

JJ. On or before June 30, 2021, the State Comptroller shall transfer \$1,000,000 in Speical Funds from the Corrections Special Reserve Fund, pursuant to § 30-19.1:4 of the Code of Viginia, to the capital planning project authorized in Item C-66, Paragraph G of this act.

KK. On or before June 30, 2021, the State Comptroller shall transfer to the general fund an amount estimated at \$275,000 from the Special Fund balances of the Commission on the Virginia Alcohol Safety Action Program.

LL. On or before June 30, 2021, the State Comptroller shall transfer to the general fund, the balance of the Aerospace Manufacturer Workforce Training Grant Fund estimated at \$1,203,000.

§ 3-1.02. Not set out.

§ 3-1.03. Not set out.

§ 3-2.01. Not set out.

§ 3-2.02. Not set out.

§ 3-2.03 LINES OF CREDIT

a. The State Comptroller shall provide lines of credit to the following agencies, not to exceed the amounts shown:

Administration of Health Insurance, Health Benefits Services	\$75,000,000
Administration of Health Insurance, Line of Duty Act	\$10,000,000
Department of Accounts, for the Payroll Service Bureau	\$400,000
Department of Accounts, Transfer Payments	\$5,250,000
Alcoholic Beverage Control Authority	\$80,000,000
Department of Corrections, for Virginia Correctional Enterprises	\$1,000,000
Department of Corrections, for Federal Grant Processing	\$1,000,000
Department of Emergency Management, for Hazardous Material Incident Response	\$150,000
Department of Emergency Management, for Federal Grant Processing	\$500,000
Department of Environmental Quality	\$5,000,000
Department of Human Resource Management, for the Workers' Compensation Self Insurance Trust Fund	\$10,000,000
Department of Behavioral Health and Developmental Services	\$30,000,000
Department of Medical Assistance Services, for the Virginia Health Care Fund	\$12,000,000
Department of Motor Vehicles	\$30,600,000

Department of the Treasury, for the Unclaimed Property Trust Fund	\$5,000,000
Department of the Treasury, for the State Insurance Reserve Trust Fund	\$25,000,000
Virginia Lottery	\$56,000,000
Virginia Information Technologies Agency	\$165,000,000
Virginia Tobacco Settlement Foundation	\$3,000,000
Department of Historic Resources	\$600,000
Department of Fire Programs	\$30,000,000
Compensation Board	\$8,000,000
Department of Conservation and Recreation	\$4,000,000
Department of Military Affairs, for State Active Duty	\$5,000,000
Department of Military Affairs, for Federal Cooperative Agreements	\$21,000,000
Virginia Parole Board	\$50,000
Commonwealth's Attorneys' Services Council	\$200,000
Department of State Police, for the Internet Crimes Against Children Grant	\$3,700,000
Department of State Police, for Federal Grant Processing	\$1,500,000

b. The State Comptroller shall execute an agreement with each agency documenting the procedures for the line of credit, including, but not limited to, applicable interest and the method for the drawdown of funds. The provisions of § 4-3.02 b of this act shall not apply to these lines of credit.

c. The State Comptroller, in conjunction with the Departments of General Services and Planning and Budget, shall establish guidelines for agencies and institutions to utilize a line of credit to support fixed and one-time costs associated with implementation of office space consolidation, relocation and/or office space co-location strategies, where such line of credit shall be repaid by the agency or institution based on the cost savings and efficiencies realized by the agency or institution resulting from the consolidation and/or relocation. In such cases the terms of office space consolidation or co-location strategies shall be approved by the Secretary of Administration, in consultation with the Secretary of Finance, as demonstrating cost benefit to the Commonwealth. In no case shall the advances to an agency or institution exceed \$1,000,000 nor the repayment begin more than one year following the implementation or extend beyond a repayment period of seven years.

d. The State Comptroller is hereby authorized to provide lines of credit of up to \$2,500,000 to the Department of Motor Vehicles and up to \$2,500,000 to the Department of State Police to be repaid from revenues provided under the federal government's establishment of Uniform Carrier Registration.

e. The Virginia Lottery is hereby authorized to use its line of credit to meet cash flow needs for operations at any time during the year and to provide cash to the Virginia Lottery Fund to meet the required transfer of estimated lottery profits to the Lottery Proceeds Fund in the month of June, as specified in provisions of § 3-1.01G. of this act. The Virginia Lottery shall repay the line of credit as actual cash flows become available. The Secretary of Finance is authorized to increase the line of credit to the Virginia Lottery if necessary to meet operating needs.

f. The State Comptroller is hereby authorized to provide a line of credit of up to \$5,000,000 to the Department of Military Affairs to cover the actual costs of responding to State Active Duty. The line of credit will be repaid as the Department of Military Affairs is reimbursed from federal or other funds, other than Department of Military Affairs funds.

g. The Department of Human Resource Management shall repay the local health insurance option program's initial start-up costs, funded through the line of credit authorized in Chapter 836, 2017 Acts of Assembly, in fiscal years 2017 and 2018, over a period not to exceed ten years from the health insurance premiums paid by the local health insurance option program's participants.

h. The Department of Conservation and Recreation may utilize the line of credit authorized in paragraph a. to continue the development of the coastal master plan, including use of a consultant to assist in the plan's development. Any funds spent from the line of credit for this purpose shall be repaid from revenues generated by the Commonwealth's participation in the sale of allowances through the Regional Greenhouse Gas Initiative and deposited to the Virginia Community Flood Preparedness Fund pursuant to § 10.1-603.25, Code of Virginia.

§ 3-3.01. Not set out.

§ 3-3.02. Not set out.

§ 3-4.00 AUXILIARY ENTERPRISES AND SPONSORED PROGRAMS IN INSTITUTIONS OF HIGHER EDUCATION

§ 3-4.01 AUXILIARY ENTERPRISE INVESTMENT YIELDS

A. 1. The educational and general programs in institutions of higher education shall recover the full indirect cost of auxiliary enterprise programs as certified by institutions of higher education to the Comptroller subject to annual audit by the Auditor of Public Accounts. The State Comptroller shall credit those institutions meeting the requirement with the interest earned by the investment of funds of their auxiliary enterprise programs.

2. The University of Virginia's College at Wise is authorized to suspend the transfer of the recovery of the full indirect cost of auxiliary enterprise programs to the educational and general program for the 2020-2022 biennium.

3. Institutions of higher education shall have the authority to reduce the recovery of the full indirect cost of auxiliary enterprise programs to the educational and general program for the 2020-2022 biennium as a result of the significant financial impact on auxiliary enterprise programs caused by the COVID-19 pandemic.

4. a. Institutions of higher education shall have the authority to use available fund balances from other fund sources, to include educational and general program reserves, to support operations, increased costs or revenue reductions, for auxiliary enterprise programs for the 2020-2022 biennium. However, with the exception of transfer payments, educational and general program reserves may not be used to directly support intercollegiate athletics.

b. Any use of available fund balances pursuant to these temporary provisions shall be subject to approval by the Board of Visitors of the institution, provided that the Board has also reviewed the measures of financial status included in the most recent Auditor of Public Account Higher Education Comparative Report. Prior to any transfer, the institution shall provide the approval resolution to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees.

B. No interest shall be credited for that portion of the fund's cash balance that represents any outstanding loans due from the State Treasurer. The provisions of this section shall not apply to the capital projects authorized under Items C-36.21 and C-36.40 of Chapter 924, 1997 Acts of Assembly.

§ 3-5.01. Not set out.

§ 3-5.02. Not set out.

§ 3-5.03. Not set out.

§ 3-5.04. Not set out.

§ 3-5.05. Not set out.

§ 3-5.06. Not set out.

§ 3-5.07. Not set out.

§ 3-5.08. Not set out.

§ 3-5.09. Not set out.

§ 3-5.10. Not set out.

§ 3-5.11. Not set out.

§ 3-5.12. Not set out.

§ 3-5.13. Not set out.

§ 3-5.14. Not set out.

§ 3-5.15. Not set out.

§ 3-5.16. Not set out.

§ 3-5.17. Not set out.

§ 3-5.18. Not set out.

§ 3-5.19 LAND PRESERVATION TAX CREDIT CLAIMED

Notwithstanding § 58.1-512 or any other provision of law, effective for the taxable year beginning on and after January 1, 2017, but before January 1, ~~2020~~2023, the amount of the Land Preservation Tax Credit that may be claimed by each taxpayer, including amounts carried over from prior taxable years, shall not exceed \$20,000.

§ 3-5.20. Not set out.

§ 3-5.21 CIGARETTE TAX, TOBACCO PRODUCTS TAX AND TAX ON LIQUID NICOTINE

A. Notwithstanding any other provision of law, the cigarette tax imposed under subsection A of § 58.1-1001 of the Code of Virginia shall be 3.0 cents on each cigarette sold, stored or received on and after July 1, 2020.

B. Notwithstanding any other provision of law, the rates of the tobacco products tax imposed under § 58.1-1021.02 of the Code of Virginia in effect on June 30, 2020 shall be doubled beginning July 1, 2020 for taxable sales or purchases occurring on and after such date.

C. Notwithstanding any other provision of law, the tobacco products tax imposed under § 58.1-1021.02 of the Code of Virginia shall be imposed on liquid nicotine at the rate of \$0.066 per milliliter beginning July 1, 2020 for taxable sales or purchases occurring on and after such date.

D. Notwithstanding any other provision of law, the tobacco products tax imposed under § 58.1-1021.02 of the Code of Virginia shall be imposed on any heated tobacco product at the rate of 2.25 cents per stick beginning January 1, 2021 for taxable sales or purchases occurring on and after such date.

DE. The Tax Commissioner shall establish guidelines and rules for (i) transitional procedures in regard to the increase in the cigarette tax, (ii) implementation of the increased tobacco products tax rates, and (iii) implementation of the tobacco products tax on liquid nicotine pursuant to the provisions of this act. The development of such guidelines and rules by the Tax Commissioner shall be exempt from the provisions of the Administrative Process Act (Code of Virginia § 2.2-4000 et seq.)

F. Notwithstanding any other provision of law, beginning January 1, 2021, for the purposes of the Tobacco Products Tax, a Distributor, as defined in § 58.1-1021.01, shall be deemed to have sufficient activity within the Commonwealth to require registration under § 58.1-1021.04:1, if such distributor:

1. Receives more than \$100,000 in gross revenue, or other minimum amount as may be required by federal law, from sales of tobacco products in the Commonwealth in the previous or current calendar year, provided that in determining the amount of a dealer's gross revenues, the sales made by all commonly controlled persons as defined in subsection D of § 58.1-612 shall be aggregated; or

2. Engages in 200 or more separate tobacco products sales transactions, or other minimum amount as may be required by federal law, in the Commonwealth in the previous or current calendar year, provided that in determining the total number of a dealer's retail sales transactions, the sales made by all commonly controlled persons as defined in subsection D of § 58.1-612 shall be aggregated.

§ 3-5.22. Not set out.

§ 3-6.01. Not set out.

§ 3-6.02. Not set out.

§ 3-6.03. Not set out.

§ 3-6.04. Not set out.

PART 4: GENERAL PROVISIONS
§ 4-0.00 OPERATING POLICIES

§ 4-0.01 OPERATING POLICIES

- a. Each appropriating act of the General Assembly shall be subject to the following provisions and conditions, unless specifically exempt elsewhere in this act.
- b. All appropriations contained in this act, or in any other appropriating act of the General Assembly, are declared to be maximum appropriations and conditional on receipt of revenue.
- c. The Governor, as chief budget officer of the state, shall ensure that the provisions and conditions as set forth in this section are strictly observed.
- d. Public higher education institutions are not subject to the provisions of § 2.2-4800, Code of Virginia, or the provisions of the Department of Accounts' Commonwealth Accounting Policies and Procedures manual (CAPP) topic 20505 with regard to students who are veterans of the United States armed services and National Guard and are in receipt of federal educational benefits under the G.I. Bill. Public higher education shall establish internal procedures for the continued enrollment of such students to include resolution of outstanding accounts receivable.
- e. The provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia) shall not apply to grants made in support of the 2019 Commemoration to non-profit entities organized under § 501 (c)(3) of the Internal Revenue Code.
- f. 1. The State Council of Higher Education for Virginia shall establish a policy for granting undergraduate course credit to entering freshman students who have taken one or more Advanced Placement, Cambridge Advanced (A/AS), College-Level Examination Program (CLEP), or International Baccalaureate examinations by August 1, 2017. The policy shall:
 - a) Outline the conditions necessary for each public institution of higher education to grant course credit, including the minimum required scores on such examinations;
 - b) Identify the course credit or other academic requirements of each public institution of higher education that the student satisfies by achieving the minimum required scores on such examinations; and
 - c) Ensure, to the extent possible, that the grant of course credit is consistent across each public institution of higher education and each such examination.
2. The Council and each public institution of higher education shall make the policy available to the public on its website.
 - g. 1. Notwithstanding any other provision of law, any public body, including any state, local, regional, or regulatory body, or a governing board as defined in § 54.1-2345 of the Code of Virginia, *or any joint meeting of such entities*, may meet by electronic communication means without a quorum of the public body or any member of the governing board physically assembled at one location when the Governor has declared a state of emergency in accordance with § 44-146.17, provided that (i) the nature of the declared emergency makes it impracticable or unsafe for the public body or governing board to assemble in a single location; (ii) the purpose of meeting is to discuss or transact the business statutorily required or necessary to continue operations of the public body or common interest community association as defined in § 54.1-2345 of the Code of Virginia and the discharge of its lawful purposes, duties, and responsibilities; (iii) a public body shall make available a recording or transcript of the meeting on its website in accordance with the timeframes established in §§ 2.2-3707 and 2.2-3707.1 of the Code of Virginia; and (iv) the governing board shall distribute minutes of a meeting held pursuant to this subdivision to common interest community association members by the same method used to provide notice of the meeting.
 2. A public body or governing board convening a meeting in accordance with this subdivision shall:
 - a) Give notice to the public or common interest community association members using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the public body or governing board conducting the meeting;
 - b) Make arrangements for public access or common interest community association members access to such meeting through electronic means including, to the extent practicable, videoconferencing technology. If the means of communication allows, provide the public or common interest community association members with an opportunity to comment; and
3. Public bodies must otherwise comply with the provisions of § 2.2-3708.2 of the Code of Virginia. The nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held shall be stated in the minutes of the public body or governing board.
- h. *Notwithstanding § 2.2-1510 B., Code of Virginia, the Chairs of the House Appropriations and Senate Finance and*

Appropriations Committees, during a state of emergency as declared by the Governor, shall hold at least one, but up to four, public hearings, on the budget bill the Governor submits for the 2021 Regular Session and may hold such hearings through electronic means, if deemed necessary, to ensure the safety of all participants

§ 4-1.01. Not set out.

§ 4-1.02. Not set out.

§ 4-1.03. Not set out.

§ 4-1.04. Not set out.

§ 4-1.05. Not set out.

§ 4-1.06. Not set out.

§ 4-1.07. Not set out.

§ 4-2.01. Not set out.

§ 4-2.02. Not set out.

§ 4-2.03. Not set out.

§ 4-3.01. Not set out.

§ 4-3.02. Not set out.

§ 4-3.03. Not set out.

§ 4-4.01. Not set out.

§ 4-4.02. Not set out.

§ 4-5.01. Not set out.

§ 4-5.02. Not set out.

§ 4-5.03. Not set out.

§ 4-5.04. Not set out.

§ 4-5.05. Not set out.

§ 4-5.06. Not set out.

§ 4-5.07 LEASE, LICENSE OR USE AGREEMENTS

a. Agencies shall not acquire or occupy real property through lease, license or use agreement until the agency certifies to the Director, Department of General Services, that (i) funds are available within the agency's appropriations made by this act for the cost of the lease, license or use agreement and (ii) except for good cause as determined by the Department of General Services, the volume of such space conforms with the space planning procedures for leased facilities developed by the Department of General Services and approved by the Governor. The Department of General Services shall acquire and hold such space for use by state departments, agencies and institutions within the Executive Branch and may utilize brokerage services, portfolio management strategies, strategic planning, transaction management, project and construction management, and lease administration strategies consistent with industry best practices as adopted by the Department from time to time. These provisions may be waived in writing by the Director, Department of General Services. However, these provisions shall not apply to institutions of higher education that

have met the conditions prescribed in subsection B of § 23.1-1006, Code of Virginia.

b. Agencies acquiring personal property in accordance with § 2.2-2417, Code of Virginia, shall certify to the State Treasurer that funds are available within the agency's appropriations made by this act for the cost of the lease.

c. *The Governor is authorized to enter into a Memorandum of Understanding with the United States Department of Agriculture, United States Forest Service ("USFS"), in a form approved by the Office of the Attorney General, regarding a template for use by any agency of the Commonwealth of Virginia (the "Commonwealth") of USFS land by lease, license, or permit. The template may allocate liability, including indemnification, for the use of USFS land between the USFS and the Commonwealth, which liability may be secured by a separate insurance policy procured by the Division of Risk Management, which may charge the cost thereof to the agencies using USFS lands.*

§ 4-5.08. Not set out.

§ 4-5.09. Not set out.

§ 4-5.10. Not set out.

§ 4-5.11 SEAT OF GOVERNMENT TRAFFIC AND PEDESTRIAN SAFETY

In order to implement and maintain traffic and pedestrian operational safety and security enhancements and secure the seat of government, the Commonwealth Transportation Board shall, not later than January 1, 2020, add to the state primary highway system, pursuant to § 33.2-314, Code of Virginia, those portions of the rights-of-way located in the City of Richmond identified as Bank Street from 9th Street to 14th Street, 10th Street from Main Street to Bank Street, 12th Street from Main Street to Bank Street, and Governor Street from Main Street to Bank Street and, pursuant to the responsibilities of the Department of General Services (DGS) (§ 2.2-1129) and the Division of Capitol Police (DCP) (§ 30-34.2:1), DGS and DCP shall control those rights-of-way and pedestrian and vehicular traffic thereon. The rights-of-way so transferred shall be in addition to the 50 miles per year authorized to be transferred under § 33.2-314(A). *The City of Richmond shall transfer fee ownership of the rights-of-way identified in this section to DGS by deed or other instrument, as determined by DGS.*

§ 4-6.01. Not set out.

§ 4-6.02. Not set out.

§ 4-6.03. Not set out.

§ 4-6.04. Not set out.

§ 4-6.05. Not set out.

§ 4-6.06. Not set out.

§ 4-7.01. Not set out.

§ 4-8.00 REPORTING REQUIREMENTS

§ 4-8.01 GOVERNOR

a. General:

1. The Governor shall submit the information specified in this section to the Chairmen of the House Appropriations and Senate Finance Committees on a monthly basis, or at such intervals as may be directed by said Chairmen, or as specified elsewhere in this act. The information on agency operating plans and expenditures as well as agency budget requests shall be submitted in such form, and by such method, including electronically, as may be mutually agreed upon. Such information shall be preserved for public inspection in the Department of Planning and Budget.

2. The Governor shall make available annually to the Chairmen of the Senate Finance, House Finance, and House Appropriations Committees a report concerning the receipt of any nongeneral funds above the amount(s) specifically appropriated, their sources, and the amounts for each agency affected.

3. a) It is the intent of the General Assembly that reporting requirements affecting state institutions of higher education be reduced or consolidated where appropriate. State institutions of higher education, working with the Secretary of Education and Workforce, Secretary of Finance, and the Director, Department of Planning and Budget, shall continue to identify specific

reporting requirements that the Governor may consider suspending.

b) Reporting generally should be limited to instances where (1) there is a compelling state interest for state agencies to collect, use, and maintain the information collected; (2) substantial risk to the public welfare or safety would result from failing to collect the information; or (3) the information collected is central to an essential state process mandated by the Code of Virginia.

c) Upon the effective date of this act, and until its expiration date, the following reporting requirements are hereby suspended or modified as specified below:

Agency	Report Title of Descriptor	Authority	Action
Department of Accounts	Intercollegiate Athletics Receipts & Disbursements	Code of Virginia § 23.1-102.	Suspend reporting.
Department of Accounts	Prompt Pay Summary Report	Agency Directive	Change reporting from monthly to quarterly.
Department of General Services	Usage of State-Assigned and State-Owned Vehicles Report	Agency Directive -- Executive Order 89 (2005)	Suspend reporting.
Department of General Services	Gas Report/Repair Charge	Agency Directive--Executive Order 89 (2005)	Suspend reporting.
Department of Human Resource Management	Report of Personnel Development Service	Agency Directive	Suspend reporting.
Department of Human Resource Management	Human Capital Report (Full-Time, Part-Time, Temporary, Contractual employees funded by the Commonwealth)	Code of Virginia § 2.2-1201. A. 14.	Change reporting from annually to monthly.
Department of Human Resource Management	State Employee Workers' Compensation Program	Work-related injuries and illnesses report -- goals, strategies, and results	Agency Directive -- Executive Order 94 (2005)
Department of Human Resource Management	State Employee Workers' Compensation Program	Agency Directive -- Executive Order 94 (2005)	Suspend reporting.
Governor's Office	Small, Women-and Minority-owned Businesses (SWaM)	Executive Directive	Change reporting from weekly to monthly.
Secretary of Commerce and Trade	Recruitment of National and Regional Conferences Report	Agency Directive -- Executive Order 14 (2006)	Suspend reporting.

d) The Department of Planning and Budget (DPB) and the State Council of Higher Education for Virginia (SCHEV) shall work jointly to attempt to consolidate various reporting requirements pertaining to the estimates and projections of nongeneral fund revenues in institutions of higher education. The purpose of this effort shall be aimed at developing a common form for use in collecting nongeneral fund data for DPB's six-year nongeneral fund revenue estimate submission and SCHEV's annual survey of nongeneral fund revenue from institutions of higher education.

4.a) ~~Notwithstanding any other provision of law or of any provision of this Act,~~ *Except for the reports required under Item 479.10 of this act,* the Governor may delay or defer the submission of any report or study that is required by the Code of Virginia or by this Act of a state entity, including agencies, boards, commissions, and authorities, and that is due prior to June 30, 2021, if in the opinion of the Governor, meeting the reporting deadline is either not possible or is impractical due to impacts of the COVID-19 pandemic on the reporting entity. Reporting entities seeking approval of the Governor to grant such a delay must submit a written request to the Governor no less than 30 days prior to the reporting deadline. Upon receiving approval from the Governor, the reporting entity shall provide the parties designated to receive the report with notice of an approved delay. This notice shall be in lieu of the required report until such time as the required report is submitted. Any report receiving approval for delayed submission shall be submitted as soon as the reporting entity can resume normal business operations and can complete the work necessary to compile the report; however, no report shall be submitted later than 12 months from the original reporting requirement.

b) The Governor may establish guidelines for the submission and approval process described in paragraph a) above.

b. Operating Appropriations Reports:

1. Status of Adjustments to Appropriations. Such information must include increases and decreases of appropriations or allotments,

transfers and additional revenues. A report of appropriation transfers from one agency to another made pursuant to § 4-1.03 of this act shall be made available via electronic means to the Chairmen of the House Appropriations and Senate Finance Committees, and the public by the tenth day of the month following that in which such transfer occurs, unless otherwise specified in § 4-1.03.

2. Status of each sum sufficient appropriation. The information must include the amount of expenditures for the period just completed and the revised estimates of expenditures for the remaining period of the current biennium, as well as an explanation of differences between the amount of the actual appropriation and actual and/or projected appropriations for each year of the current biennium.

3. Status of Economic Contingency Appropriation. The information must include actions taken related to the appropriation for economic contingency.

4. Status of Withholding Appropriations. The information must include amounts withheld and the agencies affected.

5. Status of reductions occurring in general and nongeneral fund revenues in relation to appropriations.

6. Status of approvals of deficits.

c. Employment Reports:

1. Status of changes in positions and employment of state agencies affected. The information must include the number of positions and the agencies affected.

2. Status of the employment by the Attorney General of special counsel in certain highway proceedings brought pursuant to Chapter 10 of Title 33.2, Code of Virginia, on behalf of the Commissioner of Highways, as authorized by § 2.2-510, Code of Virginia. This report shall include fees for special counsel for the respective county or city for which the expenditure is made and shall be submitted within 60 days of the close of the fiscal year (see § 4-5.02 a.3).

3. Changes in the level of compensation authorized pursuant to § 4-6.01 k, Employee Compensation. Such report shall include a list of the positions changed, the number of employees affected, the source and amount of funds, and the nature of the emergency.

4. Pursuant to requirements of § 2.2-203.1, Code of Virginia, the Secretary of Administration, in cooperation with the Secretary of Technology, shall provide a report describing the Commonwealth's telecommuting policies, which state agencies and localities have adopted telecommuting policies, the number of state employees who telecommute, the frequency with which state employees telecommute by locality, and the efficacy of telecommuting policies in accomplishing the provision of state services and completing state functions. This report shall be provided to the Chairmen of the House Committee on Appropriations, the House Committee on Science and Technology, the Senate Committee on Finance, and the Senate Committee on General Laws and Technology each year by October 1.

d. Capital Appropriations Reports:

1. Status of progress of capital projects on an annual basis (see § 4-4.01 o).

2. Notice of all capital projects authorized under § 4-4.01 m (see § 4-4.01 m. 1. b) 4)).

e. Utilization of State Owned and Leased Real Property:

1. By November 15 of each year, the Department of General Services (DGS) shall consolidate the reporting requirements of § 2.2-1131.1 and § 2.2-1153 of the Code of Virginia into a single report eliminating the individual reports required by § 2.2-1131.1 and § 2.2-1153 of the Code of Virginia. This report shall be submitted to the Governor and the General Assembly and include (i) information on the implementation and effectiveness of the program established pursuant to subsection A of § 2.2-1131.1, (ii) a listing of real property leases that are in effect for the current year, the agency executing the lease, the amount of space leased, the population of each leased facility, and the annual cost of the lease; and, (iii) a report on DGS's findings and recommendations under the provisions of § 2.2-1153, and recommendations for any actions that may be required by the Governor and the General Assembly to identify and dispose of property not being efficiently and effectively utilized.

2. By October 1 of each year, each agency that controls leased property, where such leased property is not under the DGS lease administration program, shall provide a report on each leased facility or portion thereof to DGS in a manner and form prescribed by DGS. Specific data included in the report shall identify at a minimum, the number of square feet occupied, the number of employees and contractors working in the leased space, if applicable, and the cost of the lease.

f. Services Reports:

Status of any exemptions by the State Council of Higher Education to policy which prohibits use of funds in this act for the operation of any academic program by any state institution of higher education, unless approved by the Council and included in the Governor's recommended budget, or approved by the General Assembly (see § 4-5.05 b 2).

g. Standard State Agency Abbreviations:

The Department of Planning and Budget shall be responsible for maintaining a list of standard abbreviations of the names of state agencies. The Department shall make a listing of agency standard abbreviations available via electronic means on a continuous basis to the Chairmen of the House Appropriations and Senate Finance Committees, the State Comptroller, the Director, Department of Human Resource Management and the Chief Information Officer, Virginia Information Technologies Agency, and the public.

h. Educational and General Program Nongeneral Fund Administrative Appropriations Approved by the Department of Planning and Budget:

The Secretary of Finance and Secretary of Education, in collaboration with the Director, Department of Planning and Budget, shall report in December and June of each year to the Chairmen of the House Appropriations and Senate Finance Committees on adjustments made to higher education operating funds in the Educational and General Programs (10000) items for each public college and university contained in this budget. The report shall include actual or projected adjustments which increase nongeneral funds or actual or projected adjustments that transfer nongeneral funds to other items within the institution. The report shall provide the justification for the increase or transfer and the relative impact on student groups.

§ 4-8.02. Not set out.

§ 4-8.03. Not set out.

§ 4-9.01. Not set out.

§ 4-9.02. Not set out.

§ 4-9.03. Not set out.

§ 4-9.04. Not set out.

§ 4-11. Not set out.

§ 4-12. Not set out.

§ 4-13. Not set out.

§ 4-14.00 EFFECTIVE DATE

This act is effective ~~on July 1, 2020~~ on its passage as provided in § 1-214, Code of Virginia.

ADDITIONAL ENACTMENTS

23. That the authority and responsibilities of the Secretary of Technology included in the Code of Virginia shall be executed by the Secretary of Administration and the Secretary of Commerce and Trade pursuant to Item 66 and Item 111 of this act. Any authority or responsibilities of the Secretary of Technology not referenced in Item 66 and Item 111 of this act shall be executed by either the Secretary of Administration or the Secretary of Commerce and Trade as determined by the Governor.

34. That any authority or responsibilities of the Innovation and Entrepreneurship Investment Authority and the Center for Innovative Technology not referenced in Item 135 of this Act shall be executed by the Virginia Innovation Partnership Authority and the non-profit entity established in legislation to be considered by the 2020 General Assembly.

45. That § 16.1-69.48:2 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-69.48:2. Fees for services of district court judges and clerks and magistrates in civil cases.

Fees in civil cases for services performed by the judges or clerks of general district courts or magistrates in the event any such services are performed by magistrates in civil cases shall be as provided in this section, and, unless otherwise provided, shall be included in the taxed costs and shall not be refundable, except in case of error or as herein provided.

For all court and magistrate services in each distress, detinue, interrogatory summons, unlawful detainer, civil warrant, notice of motion, garnishment, attachment issued, or other civil proceeding, the fee shall be ~~\$30~~ \$36. No such fee shall be collected (i) in any tax case instituted by any county, city or town or (ii) in any case instituted by a school board for collection of overdue book rental fees. Of the fees collected under this section, \$10 of each such fee collected shall be apportioned to the Courts Technology Fund established under § 17.1-132.

The judge or clerk shall collect the foregoing fee at the time of issuing process. Any magistrate or other issuing officer shall collect the foregoing fee at the time of issuing process, and shall remit the entire fee promptly to the court to which such process is returnable, or to its clerk. When no service of process is had on a defendant named in any civil process other than a notice of motion for judgment, such process may be reissued once by the court or clerk at the court's direction by changing the return day of such process, for which service by the court or clerk there shall be no charge; however, reissuance of such process shall be within three months after the original return day.

The clerk of any district court may charge a fee for making a copy of any paper of record to go out of his office which is not otherwise specifically provided for. The amount of this fee shall be set in the discretion of the clerk but shall not exceed \$1 for the first two pages and \$.50 for each page thereafter.

The fees prescribed in this section shall be the only fees charged in civil cases for services performed by such judges and clerks, and when the services referred to herein are performed by magistrates such fees shall be the only fees charged by such magistrates for the prescribed services.

56. a. In anticipation of the collection of taxes and revenues of the Commonwealth, for fiscal years 2021 and 2022, the Treasury Board is hereby authorized, by and with the consent of the Governor, to sell and issue, pursuant to Article X, Section 9 (a)(2) of the Constitution of Virginia, as the case may be, at one time or from time to time, tax and revenue anticipation notes ("9(a)(2) Notes") of the Commonwealth, including 9(a)(2) Notes issued as commercial paper. The proceeds of such 9(a)(2) Notes, excluding amounts needed to fund issuance costs, reserve funds, and other financing expenses, shall be used exclusively for the purpose of providing funds, together with any other available funds, to help manage the cash flow impact of actual or potential reductions of tax and other revenues or increases in expenses related to or resulting from the COVID-19 pandemic, and including the payment of operating expenses incurred or to be incurred in anticipation of the collection of taxes and revenues by the Commonwealth.

b. In addition, in anticipation of the collection of taxes and revenues of the Commonwealth, and its counties, cities and towns, for fiscal years 2021 and 2022, the Treasury Board is hereby authorized, by and with the consent of the Governor, to sell and issue, pursuant to Article X, Section 9 (d) of the Constitution of Virginia, as the case may be, at one time or from time to time, tax and revenue anticipation notes of the Commonwealth ("9(d) Notes" and together with the 9(a)(2) Notes authorized in the foregoing paragraph, "Notes"), including 9(d) Notes issued as commercial paper. The proceeds of such 9(d) Notes, excluding amounts needed to fund issuance costs, reserve funds, and other financing expenses, shall be used exclusively for the purpose of providing funds, together with any other available funds, to help manage the cash flow impact of actual or potential reductions of tax and other revenues or increases in expenses related to or resulting from the COVID-19 pandemic, and including the payment of operating expenses incurred or to be incurred in anticipation of the collection of taxes and revenues by the Commonwealth and its counties, cities and towns, and to purchase or acquire similar notes issued by, or otherwise to assist, cities, counties and towns of the Commonwealth for such purpose. The Governor is authorized to select the counties, cities and towns to participate in the undertakings authorized hereunder and direct the distribution of 9(d) Note proceeds to the particular counties, cities and town, and shall, after consultation with all interested parties, develop a guidance document governing eligibility and priority criteria.

c. The Treasury Board is authorized to issue Notes hereunder in an aggregate principal amount not exceeding \$500,000,000 for the benefit of the Commonwealth and in an aggregate principal amount not exceeding \$250,000,000 for the benefit of counties, cities and towns, plus in either case amounts needed to fund issuance costs, reserve funds, capitalized interest, and other financing expenses.

d. 9(a)(2) Notes shall mature at such time or times within twelve months from their date or dates, and 9(d) Notes shall mature at such time or times not exceeding two years from their date or dates.

e. The full faith and credit of the Commonwealth shall be pledged to any 9(a)(2) Notes issued under the provisions of this Item. 9(d) Notes issued under the provisions of this item shall not be deemed to constitute a debt of the Commonwealth of Virginia or a pledge of the full faith and credit of the Commonwealth, but such obligations shall be payable solely, subject to appropriation by the General Assembly, from amounts appropriated from time to time by the General Assembly and from amounts paid by counties, cities and towns that issue bonds, notes or obligations with respect to this Item. There is hereby appropriated a sum sufficient to the Treasury Board for the purpose of paying the debt service on the Notes.

f. The Virginia Resources Authority is authorized to purchase and acquire through proceeds of 9(d) Notes bonds, notes or obligations of counties, cities and towns of the Commonwealth issued for the purposes authorized hereunder and establish the interest rates and repayment terms of such bonds, notes or obligations in accordance with a memorandum of agreement with the Treasury Board and the Authority shall recover its reasonable costs and expenses for doing so from the proceeds of such Notes and for its role in the administration and management of such proceeds.

g. Each county, city, and town is hereby authorized to issue bonds, notes or obligations for the purposes set forth in paragraph (b) above. The authority of any county, city, and town to contract and to issue bonds, notes or obligations pursuant to such authorization is in addition to any existing authority to contract and issue bonds, notes or obligations, anything in the laws of the Commonwealth, including any local charter, to the contrary notwithstanding. The provisions of

Virginia Code § 15.2-2659 and § 62.1-216.1 shall apply, mutatis mutandis, with respect to any bond, note or obligation issued by a county, city or town hereunder.

h. The proceeds, including any premium, of the Notes shall be deposited in a special account in the state treasury and, together with the investment income thereon, shall be disbursed by the State Treasurer from time to time for paying all or any part of the expenses or undertakings as set forth in paragraphs (a) and (b) above. The Notes shall be dated and may be made redeemable before their maturity or maturities at such price or prices or within such price parameters, all as may be determined by the Treasury Board, by and with the consent of the Governor, and shall be in such form, shall bear interest at such rate or rates, either at fixed rates or at rates established by formula or other method, and may contain such other provisions, all as determined by the Treasury Board or, when authorized by the Treasury Board, the State Treasurer. The principal of and premium, if any, and the interest on Notes shall be payable in lawful money of the United States of America. Notes may be certificated or uncertificated as determined by the Treasury Board. The Treasury Board may contract for services of such registrars, transfer agents, or other authenticating agents as it deems appropriate to maintain a record of the persons entitled to the Notes. Notes issued in certificated form may be issued under a system of book entry for recording the ownership and transfer of ownership of rights to receive payments on the Notes. The Treasury Board shall fix the authorized denomination or denominations of the Notes and the place or places of payment of certificated Notes, which may be at the Office of the State Treasurer or at any bank or trust company within or without the Commonwealth. The Treasury Board may sell Notes in such manner, by competitive bidding, negotiated sale, or private placement with private lenders or governmental agencies, and for such price or within such price parameters as it may determine, by and with the consent of the Governor, to be in the best interest of the Commonwealth. In the discretion of the Treasury Board, Notes may be issued at one time or from time to time. Certificated Notes shall be signed on behalf of the Commonwealth by the Governor and by the State Treasurer, or shall bear their facsimile signatures, and shall bear the lesser seal of the Commonwealth or a facsimile thereof. If the Notes bear the facsimile signature of the State Treasurer, they shall be signed by such administrative assistant as the State Treasurer shall determine or by such registrar or paying agent as may be designated to sign them by the Treasury Board. If any officer whose signature or facsimile signature appears on any Notes ceases to be such officer before delivery, such signature or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery, and any Note may bear the facsimile signature of, or may be signed by, such persons as at the actual time of execution are the proper officers to sign such Note, although at the date of such Note, such persons may not have been such officers.

i. The Treasury Board is authorized to create debt service and sinking funds for the payments of the principal of, premium, if any, and interest on the Notes and other funds or reserves desirable or required by any purchaser. Pending the application of the proceeds of the Notes to the purpose for which they have been authorized and the application of funds set aside for the purpose to the payment of Notes, they may be invested by the State Treasurer in securities that are legal investments under the laws of the Commonwealth for public funds and sinking funds, as the case may be. Whenever the State Treasurer receives interest from the investment of the proceeds of Notes, such interest shall become a part of the principal of the Notes and shall be used in the same manner as required for principal of the Notes.

7.a. Notwithstanding any other provision of law, upon the declaration by the Governor of a state of emergency pursuant to § 44-146.17, Code of Virginia, in response to a communicable disease of public health threat as defined in § 44-146.16, Code of Virginia, electric companies subject to regulation of the State Corporation Commission ("Commission"), natural gas suppliers subject to the regulation of the Commission, electric and gas municipal utilities, and water suppliers and wastewater service providers, subject to the regulation of Commission or constituting a municipal utility ("utilities") are prohibited from disconnecting service to residential customers for non-payment of bills or fees until the Governor determines that the economic and public health conditions have improved such that the prohibition does not need to be in place, or until at least 60 days after such declared state of emergency ends, whichever is sooner. "Municipal utility" means a utility providing electric, gas, or water or wastewater service that is owned or operated by a city, county, town, authority, or other political subdivision of the Commonwealth. The utilities shall notify all customers who are at least 30 days in arrears of this utility disconnection moratorium, which may be by bill insert or bill notice.

b. No more than 60 days after the enactment of this act, the utilities shall notify all customers who are at least 30 days in arrears of the COVID-19 Relief Repayment Plan (Repayment Plan), which may be by bill insert or bill notice, such notice shall include eligibility, billing information, applicable financial assistance resources, and contact information where customers may file an initial complaint on Repayment Plan related disputes. All utilities within 60 days after the enactment of this act must offer customers a Repayment Plan for past due accounts while the universal prohibition on service disconnections is in effect that includes, at minimum, the following provisions:

1. The Repayment Plan shall not require any new deposits, down payments, fees, late fees, interest charges, or penalties, nor shall such plan accrue any fees, interest, or penalties, including prepayment penalties;

2. The Repayment Plan shall amortize the repayment of a customer's utility debt over a minimum period of 6 months and up to 24 months for each utility. The utility will work with the customer to establish a Repayment Plan that meets the requirements of this clause 7.b. and that the customer determines is sustainable and affordable for them. A customer may satisfy the Repayment Plan in part or in full at any time; and

3. The utilities shall not apply eligibility criteria, such as installment plan history. However, the utilities may require the customer to attest to the utility or to a third party chosen by the utility that the customer has experienced a financial hardship resulting directly

or indirectly from the public health emergency or that they have experienced a hardship to pay during the public health emergency.

4. If a utility reports to a consumer reporting agency or debt collector regarding a consumer who is on a Repayment Plan, the utility shall report the account as "current" in accordance with the Public Law 116-136: Coronavirus Aid, Relief, and Economic Security Act. If the provisions of Public Law 116-136: Coronavirus Aid, Relief, and Economic Security Act expire prior to the end of the universal moratorium established in clause 7.a., the utility may only resume reporting any default on the Repayment Plan at the end of the universal moratorium established in clause 7.a.

5. However, no utility that has received an order exempting it from the provisions of this clause 7.a. shall disconnect from service a customer who is making timely payments under the Repayment Plan at the time of the order and until such time as a customer ceases to make timely payments under the Repayment Plan. A utility that has received an order exempting it from the provisions of this clause 7.a. shall attempt to establish a Repayment Plan with its customers prior to any disconnection of service.

c. Nothing herein shall limit or prevent the utilities or the residential customers from applying or seeking debt relief or mitigation from any available resource, from entering into another payment plan offered by the utility, or from renegotiating the terms of the Repayment Plan.

d. In accordance with the provisions of Item 479.10, paragraph B.5. of this act, utilities shall use any funding allocated from the federal Coronavirus Relief Funds of the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136) to provide direct subsidy payments on behalf of customers whose accounts are over 30 days in arrears, provided such use meets eligibility requirements pursuant to United States Department of the Treasury guidance. In applying these funds to customer accounts, utilities shall prioritize providing financial assistance to customers who are over 60 days in arrears prior to using the funds to assist customers with accounts 31 to 60 days in arrears. To the extent possible, utilities shall use available funding to cover one-hundred percent of the customer's arrearage.

In addition to the funds provided in Item 479.10, paragraph B.2. of this act, where applicable, utilities must accept financial assistance from other utility assistance programs funded with federal Coronavirus Relief Funds from the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136) for customers who are at least 30 days in arrears. To the extent possible, utilities must direct customers in writing to these resources when establishing a Repayment Plan.

e. Notwithstanding anything to the contrary in this clause 7 or any other provision of law, if a utility subject to regulation of the Commission has accounts receivable arrearages for Virginia customers that exceed 2% of an investor-owned electric utility's, or 1% of any other utility's, annual Virginia jurisdictional operating revenues, then the utility may obtain relief from the moratorium established in clause 7.a. by filing an informational letter notice with the clerk of the Commission, stating such facts to demonstrate the exceedance and contemporaneously tendering associated workpapers to the staff of the Commission. The Commission staff shall verify the information as filed by the utility and shall file a verification letter with the Clerk of the Commission. The Commission, upon receipt of a favorable verification letter, shall issue a final order within five days. Upon issuance of an order, a utility shall thereafter be exempt from the moratorium provisions of this clause 7.a.

f. Notwithstanding anything to the contrary in this clause 7 or any other provision of law, if a utility subject to this clause 7 but not subject to regulation of the Commission has accounts receivable arrearages that exceed 1% of the utility's annual operating revenues, then the utility may obtain relief from the moratorium established in clause 7.a. if (i) the utility provides a written analysis stating such facts to demonstrate the exceedance to staff of the governing body, (ii) the utility contemporaneously makes available for public inspection associated workpapers verifying such facts to staff of the governing body, and (iii) the governing body verifies the exceedance, provides public notice, takes public comment on, and votes to approve that the exceedance is accurate in an open public meeting. In the event of an affirmative vote of the utility's governing body, the utility shall thereafter be exempt from the moratorium provisions of this clause 7.a.

g. The Commission shall allow for the timely recovery of bad debt obligations, reasonable late payment fees suspended, and prudently incurred implementation costs resulting from a Repayment Plan for electric, gas, water, or wastewater utilities, including through a rate adjustment clause or through base rates, however, the Commission shall exclude from recovery all costs associated with any jurisdictional customer balances forgiven by a Phase II utility pursuant to paragraph j. below. The Commission may apply any applicable earnings test in the Commission rules governing utility rate applications and annual informational filings when assessing the recovery of such costs. The Commission shall also require the utilities subject to regulation by the Commission to submit information on the status of customer accounts, including (a) the number and value of outstanding aged account balances, categorized by customer type; (b) the number and value of associated collections from customers, categorized by customer type; (c) the number and value of associated additions to aged accounts receivable balances, categorized by customer type; (d) the number and value of aged accounts receivable balances, net of collections and additions; (e) the number, total value, and average debt of accounts that are participating in the Repayment Plan, or another repayment plan as set forth by the utility; (f) the number of accounts removed from the Repayment Plan, or another repayment plan as set forth by the utility, categorized by reason; (g) the amount of and average debt still remaining for customer accounts removed from the Repayment Plan or another repayment plan as set forth by the utility; (h) the carrying costs of the debt for accounts participating in a repayment plan and any associated administrative costs incurred; (i) the number, total value, and

average debt of customer accounts receiving direct assistance by the funds provided in Item 479.10, paragraph B.2. of this act, categorized by days in arrears and customer account type; (j) the cumulative level of customer arrearages by locality; and (k) any cost recorded as regular asset authorized by that certain order of the Commission in Case Number PUR-2020-00074. The Commission shall provide the Chairs of the House Committees on Labor and Commerce and Appropriations, the Senate Committees on Commerce and Labor and Finance and Appropriations, and the Secretary of Commerce and Trade an aggregated anonymized report by utility containing such compiled information by December 31, 2020, within 90 days of the expiration of the universal prohibition established in clause 7.a., and annually, on or before December 31st, thereafter for the following two years. The report due on December 31, 2020 shall cover the period from March 16, 2020 through December 15, 2020. The report due within 90 days of the end of the universal prohibition established in clause 7.a. shall cover the period from December 16, 2020 to the end of the universal prohibition established in clause 7.a. Annual reports shall cover the period from the end of the universal prohibition established in clause 7.a. to December 16th of the year the report is due.

h. Utilities not subject to regulation by the Commission shall submit information on the status of customer accounts to the Commission on Local Government managed by the Department of Housing and Community Development, including (a) the number and value of accounts that are at least 30 days in arrears; (b) the number and value of accounts that are at least 60 days in arrears; (c) the number, total value, and average debt of accounts that are participating in the Repayment Plan, or another repayment plan as set forth by the utility; (d) the number of accounts removed from the Repayment Plan, or another repayment plan as set forth by the utility, categorized by reason; (e) the amount of and average debt still remaining for accounts removed from the Repayment Plan or another repayment plan as set forth by the utility; (f) the carrying costs of the debt for accounts participating in a repayment plan and any associated administrative costs incurred; (g) the number, total value, and average debt of accounts offset by the funds provided in Item 479.10, paragraph B.2. of this act and local programs using Coronavirus Relief Funds, categorized by days in arrears, customer account type, and Coronavirus Relief Fund type; and, (h) the cumulative level of customer arrearages by locality. The Commission on Local Government shall provide the Chairs of the House Committees on Labor and Commerce and Appropriations, the Senate Committees on Commerce and Labor and Finance and Appropriations, and the Secretary of Commerce and Trade an aggregated anonymized report by utility containing such compiled information by December 31, 2020, within 90 days of the expiration of the universal prohibition established in clause 7.a., and annually, on or before December 31st, thereafter for the following two years. The report due on December 31, 2020 shall cover the period from March 16, 2020 through December 15, 2020. The report due within 90 days of the end of the universal prohibition established in clause 7.a. shall cover the period from December 16, 2020 to the end of the universal prohibition established in clause 7.a. Annual reports shall cover the period from the end of the universal prohibition established in clause 7.a. to December 16th of the year the report is due.

i. The reports required in paragraphs g. and h. of this clause 7 are not eligible for deferral or delay as permitted under Item 4-8.01, a.4.a. of this act.

j. Within 60 days after the enactment of this act, a Phase II Utility shall forgive all such utility's jurisdictional customer balances more than 30 days in arrears as of September 30, 2020.

1. In the utility's 2021 triennial review, any forgiven amounts shall be excluded from the utility's cost of service for purposes of determining any test period earnings and determining any future rates of the utility. In determining any customer bill credits, in the utility's 2021 triennial review, the Commission shall first offset any forgiven amounts against the total earnings for the 2017 through 2020 test periods that are determined to be above the utility's authorized earnings band. Such offset shall be made prior to any offset to customer bill credits by customer credit reinvestment offsets.

2. Each Phase II Utility shall, no later than December 31, 2020, submit a report to the Governor, the Chairs of the House Committees on Labor and Commerce and Appropriations, and the Senate Committees on Commerce and Labor and Finance and Appropriations, and the Chair of the Commission on Electric Utility Regulation, detailing all actions by it pursuant to this act to forgive customer balances.

8.a. Notwithstanding any other provision of law, upon the declaration by the Governor of a state of emergency pursuant to § 44-146.17 of the Code of Virginia in response to a communicable disease of public health threat as defined in § 44-146.16 of the Code of Virginia, no landlord shall terminate a residential tenancy, or take any action to obtain possession of a dwelling unit, for non-payment of rent through December 31, 2020, unless such eligible tenant refuses to apply for Virginia Rent and Mortgage Relief Program assistance and refuses to cooperate with the landlord in applying for rental assistance through the Virginia Rent and Mortgage Relief Program. Such landlords and tenants must also comply with the following:

1. For an owner who owns more than four rental dwelling units or more than a 10 percent interest in more than four rental dwelling units, whether individually or through a business entity, in the Commonwealth, if rent is unpaid when due, the landlord shall serve upon the tenant, pursuant to § 55.1-1202, a written notice informing the tenant of the total amount due and owed. The written notice shall also inform the tenant that if the tenant provides to the landlord a signed statement certifying that the tenant has experienced additional expenses or a loss of income due to the declared state of emergency, the tenant may, but is not required to, enter into a payment plan under which the tenant shall be required to pay the total amount due and owed in equal monthly installments over a period of the lesser of six months or the time remaining under the rental agreement. The total amount due and owed under a payment plan shall not include any late fees, and no late fees shall be assessed during any time period in which a tenant is making timely payments under a payment plan. If the tenant fails to pay in full, enter into a written payment plan with the landlord, or pay any installment required by the plan, the landlord may not terminate the tenancy nor take any action to obtain

possession of the dwelling unit until the provisions of subsection 8.b. are effectuated on January 1, 2021. However, during the time the provisions of this subsection 8.a. are in effect, the landlord may proceed to obtain possession of the premises as provided in § 55.1-1251 in the event that the tenant refuses to apply for Virginia Rent and Mortgage Relief Program assistance and refuses to cooperate with the landlord in applying for rental assistance through the Virginia Rent and Mortgage Relief Program, as described in subsection 8.a.2. below. Nothing in this subsection shall preclude a tenant from availing himself of any other rights or remedies available to him under the law, nor shall the tenant's eligibility to participate or participation in any rent relief program offered by a nonprofit organization or under the provisions of any federal, state, or local law, regulation, or action prohibit the tenant from taking advantage of the provisions of this subsection.

2. If rent is unpaid when due, or if a payment under the terms of a payment plan is unpaid when due, the landlord shall serve upon the tenant, pursuant to § 55.1-1202, a written notice informing the tenant of the Virginia Rent and Mortgage Relief Program and information on how to reach 2-1-1 Virginia to determine any additional federal, state, and local rent relief programs. The written notice shall also inform the tenant that the owner, landlord, or owner's licensed agent will apply for rental assistance with the Virginia Rent and Mortgage Relief Program on behalf of the tenant, or the landlord will cooperate with the tenant's application for rental assistance with the Virginia Rent and Mortgage Relief Program, or with another federal, state, or local rent relief program, by providing required documentation for such application, including the W-9 IRS form and any supporting affidavit. If the tenant refuses to apply for Virginia Rent and Mortgage Relief Program assistance and refuses to cooperate with the landlord in applying for rental assistance through the Virginia Rent and Mortgage Relief Program, the landlord may proceed to obtain possession of the premises as provided in § 55.1-1251 for non-payment of rent, during such time the provisions of 8.a. are in effect. Before January 1, 2021, a landlord may not terminate a tenancy nor take action to obtain possession of a dwelling unit based solely on failure to receive written approval from the Virginia Rent and Mortgage Relief Program or any other federal, state, or local rent relief program. After the provisions of subsection 8.b. are effectuated on January 1, 2021, the landlord may terminate the tenancy or take action to obtain possession of the dwelling unit based on failure to receive written approval from the Virginia Rent and Mortgage Relief Program or any other federal, state, or local rent relief program, but only in compliance with the applicable provisions of subsection 8.b.3. For any application by the owner, landlord, owner's licensed agent, or the tenant to the Virginia Rent and Mortgage Relief Program or any other federal, state, or local rent relief program, the administrator of the Virginia Rent and Mortgage Relief Program or the administrator of any other federal, state, or local rent relief program shall work diligently to process such application within fourteen days of submission of such application.

b. Beginning January 1, 2021, notwithstanding any other provision of law, upon the declaration by the Governor of a state of emergency pursuant to § 44-146.17 of the Code of Virginia in response to a communicable disease of public health threat as defined in § 44-146.16 of the Code of Virginia, no landlord shall terminate a residential tenancy, or take any action to obtain possession of a dwelling unit, for non-payment of rent due to lost income or additional expenses resulting from the declared state of emergency until such time the declared state of emergency ends, except as follows:

1. For an owner who owns four or fewer rental dwelling units in the Commonwealth, if rent is unpaid when due and the tenant fails to pay rent within fourteen days after written notice is served on him, pursuant to § 55.1-1202, notifying the tenant of his nonpayment and of the landlord's intention to obtain possession of the premises if the rent is not paid within the fourteen-day period, the landlord may proceed to obtain possession of the premises as provided in § 55.1-1251, provided that the landlord also complies with subsection 3. below.

2. For an owner who owns more than four rental dwelling units or more than a 10 percent interest in more than four rental dwelling units, whether individually or through a business entity, in the Commonwealth, if rent is unpaid when due, the landlord shall serve upon the tenant, pursuant to § 55.1-1202, a written notice informing the tenant of the total amount due and owed. The written notice shall also inform the tenant that if the tenant provides to the landlord a signed statement certifying that the tenant has experienced additional expenses or a loss of income due to the declared state of emergency, the tenant may, but is not required to, enter into a payment plan under which the tenant shall be required to pay the total amount due and owed in equal monthly installments over a period of the lesser of six months or the time remaining under the rental agreement. The total amount due and owed under a payment plan shall not include any late fees, and no late fees shall be assessed during any time period in which a tenant is making timely payments under a payment plan. The written notice shall also inform the tenant that if the tenant fails to either pay the total amount due and owed or enter into the payment plan offered, or an alternative payment arrangement acceptable to the landlord, within fourteen days of receiving the written notice from the landlord, the landlord may proceed to obtain possession of the premises as provided in § 55.1-1251. If the tenant fails to pay in full or enter into a written payment plan with the landlord within fourteen days of when the notice is served on him, the landlord may proceed to obtain possession of the premises as provided in § 55.1-1251, provided that the landlord also complies with subsection 3. below. If the tenant enters into a payment plan and, after the plan becomes effective, fails to pay any installment required by the plan within fourteen days of its due date, the landlord may proceed to obtain possession of the premises as provided in § 55.1-1251, provided that he has sent the tenant a new notice, pursuant to § 55.1-1202, advising the tenant of the landlord's intention to obtain possession of the premises unless the tenant pays the total amount due and owed as stated on the notice within fourteen days of receipt and provided that the landlord complies with subsection 3. below. The option of entering into a payment plan or alternative payment arrangement pursuant to this subdivision may only be utilized once during the time period of the rental agreement. Nothing in this subsection shall preclude a tenant from availing himself of any other rights or remedies available to him under the law, nor shall the tenant's eligibility to participate or participation in any rent relief program offered by a nonprofit organization or under the provisions of any federal, state, or local law,

regulation, or action prohibit the tenant from taking advantage of the provisions of this subsection.

3. If rent is unpaid when due, or if a payment under the terms of a payment plan is unpaid when due, the landlord shall serve upon the tenant, pursuant to § 55.1-1202, a written notice informing the tenant of the Virginia Rent and Mortgage Relief Program and information on how to reach 2-1-1 Virginia to determine any additional federal, state, and local rent relief programs. The written notice shall also inform the tenant that the owner, landlord, or owner's licensed agent will apply for rental assistance with the Virginia Rent and Mortgage Relief Program on behalf of the tenant, or the landlord will cooperate with the tenant's application for rental assistance with the Virginia Rent and Mortgage Relief Program, or with another federal, state, or local rent relief program, by providing required documentation for such application, including the W-9 IRS form and any supporting affidavit. Unless the tenant has communicated to the landlord that they are applying for rental assistance funds, the landlord shall apply for rental assistance on behalf of the tenant to the Virginia Rent and Mortgage Relief program, or another federal, state, or local rental assistance program no later than fourteen days from the time the written notice is served. If the tenant refuses to apply for rental assistance and refuses to cooperate with the landlord in applying for rental assistance through the Virginia Rent and Mortgage Relief Program, or with another federal, state, or local rent relief program, the landlord may take action to obtain possession of a dwelling unit for non-payment of rent as provided in § 55.1-1251. If the landlord or the tenant does not receive written approval from the Virginia Rent and Mortgage Relief Program or any other federal, state, or local rent relief program within forty-five days of when the application for assistance is made by the tenant or the landlord, the landlord may proceed to obtain possession of the premises as provided in § 55.1-1251. For any subsequent application by the owner, landlord, owner's licensed agent, or the tenant to the Virginia Rent and Mortgage Relief Program or any other federal, state, or local rent relief program, the administrator of the Virginia Rent and Mortgage Relief Program or the administrator of any other federal, state, or local rent relief program shall work diligently to process such application within fourteen days of submission of such application. If the landlord or tenant does not receive written approval from the Virginia Rent and Mortgage Relief program or any other federal, state, or local rent relief program within fourteen days of submission of the subsequent application, the landlord may proceed to obtain possession of the premises as provided in § 55.1-1251. If the tenant does not qualify for the Virginia Rent and Mortgage Relief Program or any other federal, or state rent relief program, or there are no longer funds available from these sources, then the provisions of this subsection, 8.b.3. do not apply.

c. If a landlord reports to a consumer reporting agency or debt collector regarding a tenant who is participating in the repayment plan or receiving assistance from a federal, state, or local rent relief program, the landlord shall report the account as "current" in accordance with the Public Law 116-136: Coronavirus Aid, Relief, and Economic Security Act.

d. If a tenant is complying with a written payment plan with the landlord or has resolved any non-payment of rent, the landlord cannot take any action to obtain possession of a dwelling unit for non-payment of rent.

e. Nothing in this section relieves either the landlord or the tenant from their obligations to maintain the dwelling as those obligations are set forth in Article 2 and Article 3 of Chapter 12 of Title 55.1.

f. Nothing in this section shall void any judgment for possession validly obtained by a landlord prior to the effective date of this section; however, the court shall not issue a writ of execution thereunder, following the effective date, unless it complies with the provisions of this Section 8.

9. That §§ 8.01-3, 24.2-306, 24.2-309.2, 30-263, 30-264, and 30-265 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 30 a chapter numbered 62 consisting of sections numbered 30-391 through 30-400 as follows:

§ 8.01-3. Supreme Court may prescribe rules; effective date and availability; indexed, and annotated; effect of subsequent enactments of General Assembly.

A. The Supreme Court, subject to §§ 17.1-503 and 16.1-69.32, may, from time to time, prescribe the forms of writs and make general regulations for the practice in all courts of the Commonwealth; and may prepare a system of rules of practice and a system of pleading and the forms of process and may prepare rules of evidence to be used in all such courts. This section shall be liberally construed so as to eliminate unnecessary delays and expenses.

B. The Supreme Court, subject to § 30-399, shall enact rules and procedures as may be necessary for implementing the requirements of Article II, Section 6-A of the Constitution of Virginia, empowering the Supreme Court to establish congressional or state legislative districts as provided for in that section.

~~B-C.~~ New rules and amendments to rules shall not become effective until 60 days from adoption by the Supreme Court, and shall be made available to all courts, members of the bar, and the public.

~~C-D.~~ The Virginia Code Commission shall publish and cause to be properly indexed and annotated the rules adopted by the Supreme Court, and all amendments thereof by the Court, and all changes made therein pursuant to subsection ~~D~~ E.

~~D-E.~~ The General Assembly may, from time to time, by the enactment of a general law, modify or annul any rules adopted or amended pursuant to this section. In the case of any variance between a rule and an enactment of the General Assembly such variance shall be construed so as to give effect to such enactment.

~~E-F.~~ Any amendment or addition to the rules of evidence shall be adopted by the Supreme Court on or before November 15 of any year and shall become effective on July 1 of the following year unless the General Assembly modifies or annuls any such amendment or addition by enactment of a general law. Notwithstanding the foregoing, the Supreme Court, at any time, may amend the rules to conform with any enactment of the General Assembly and correct unmistakable printer's errors, misspellings, unmistakable errors to statutory cross-references, and other unmistakable errors in the rules of evidence.

~~F-G.~~ When any rule contained in the rules of evidence is derived from one or more sections of the Code of Virginia, the Supreme Court shall include a citation to such section or sections in the title of the rule.

§ 24.2-306. Changes not to be enacted within 60 days of general election; notice requirements.

A. No change in any local election district, precinct, or polling place shall be enacted within 60 days next preceding any general election. Notice shall be published prior to enactment in a newspaper having general circulation in the election district or precinct once a week for two successive weeks. The published notice shall state where descriptions and maps of proposed boundary and polling place changes may be inspected.

B. Notice of any adopted change in any election district, town, precinct, or polling place other than in the location of the office of the general registrar shall be mailed to all registered voters whose election district, town, precinct, or polling place is changed at least 15 days prior to the next general, special, or primary election in which the voters will be voting in the changed election district, town, precinct, or polling place. Notice of a change in the location of the office of the general registrar shall be given by posting on the official website of the county or city, by posting at not less than 10 public places, or by publication once in a newspaper of general circulation in the county or city within not more than 21 days in advance of the change or within seven days following the change.

C. Each county, city, and town shall comply with the applicable requirements of law, including §§ 24.2-304.3 and ~~30-264~~ 30-395, and send copies of enacted changes, including a Geographic Information System (GIS) map showing the new boundaries of the districts or precincts, to the local electoral board, the Department, and the Division of Legislative Services. Any county, city, or town that does not have GIS capabilities may request the Department of Elections to create on its behalf a GIS map showing the boundaries of the new districts or precincts, and the Department of Elections shall create such a map.

§ 24.2-309.2. Election precincts; prohibiting precinct changes for specified period of time.

No county, city, or town shall create, divide, abolish, or consolidate any precincts, or otherwise change the boundaries of any precinct, effective during the period from February 1, 2019, to May 15, 2021, except as (i) provided by law upon a change in the boundaries of the county, city, or town, (ii) the result of a court order, (iii) the result of a change in the form of government, or (iv) the result of an increase or decrease in the number of local election districts other than at-large districts. Any ordinance required to comply with the requirements of § 24.2-307 shall be adopted on or before February 1, 2019.

If a change in the boundaries of a precinct is required pursuant to clause (i), (ii), (iii), or (iv), the county, city, or town shall comply with the applicable requirements of law, including §§ 24.2-304.3 and ~~30-264~~30-395, and send copies of the ordered or enacted changes to the State Board of Elections and the Division of Legislative Services.

This section shall not prohibit any county, city, or town from adopting an ordinance revising precinct boundaries after January 1, 2021. However, no revisions in precinct boundaries shall be implemented in the conduct of elections prior to May 15, 2021.

§ 30-263. Joint Reapportionment Committee; membership; terms; quorum; compensation and expenses.

A. The Joint Reapportionment Committee (*the Joint Committee*) is established in the legislative branch of state government. The *Joint Committee* shall consist of five members of the Committee on Privileges and Elections of the House of Delegates and three members of the Committee on Privileges and Elections of the Senate appointed by the respective chairmen of the two committees. Members shall serve terms coincident with their terms of office.

B. The Joint Committee shall elect a chairman and vice-chairman from among its membership. A majority of the members of the *Joint Committee* shall constitute a quorum. The meetings of the *Joint Committee* shall be held at the call of the chairman or whenever the majority of the members so request.

C. The Joint Committee shall supervise activities required for the tabulation of population for the census and for the timely reception of precinct population data for reapportionment; ~~and perform such other duties and responsibilities and exercise such supervision as may promote the orderly redistricting of congressional, state legislative, and local election districts.~~

D. Members shall receive such compensation as provided in § 30-19.12 and shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Office of the Clerk of the House of Delegates and the Office of Clerk of the Senate for their respective members.

§ 30-264. Staff to Joint Reapportionment Committee.

~~A:~~ The Division of Legislative Services (~~the Division~~) shall serve as staff to the Joint Reapportionment Committee. ~~The Director of the Division, or his designated representative, shall serve as the state liaison with the United States Bureau of the Census on matters relating to the tabulation of the population for reapportionment purposes pursuant to United States Public Law 94-171. The governing bodies, electoral boards, and registrars of every county and municipality shall cooperate with the Division in the exchange of all statistical and other information pertinent to preparation for the census.~~

~~B:~~ The Division shall maintain the current election district and precinct boundaries of each county and city as a part of the General Assembly's computer-assisted mapping and redistricting system. Whenever a county or city governing body adopts an ordinance that changes an election district or precinct boundary, the local governing body shall provide a copy of its ordinance, along with Geographic Information System (GIS) maps and other evidence documenting the boundary, to the Division.

~~C:~~ The provisions of Article 2 (§ 24.2-302 et seq.) of Chapter 3 of Title 24.2, including the statistical reports referred to in that article, shall be controlling in any legal determination of a district boundary.

§ 30-265. Reapportionment of congressional and state legislative districts; United States Census population counts.

For the purposes of redrawing the boundaries of the congressional, state Senate, and House of Delegates districts after the United States Census for the year 2020 and every 10 years thereafter, the ~~General Assembly~~ *Virginia Redistricting Commission established pursuant to Chapter 62 of Title 30* shall use the population data provided by the United States Bureau of the Census, as adjusted by the Division of Legislative Services pursuant to § 24.2-314. The census data used for this apportionment purpose shall not include any population figure which is not allocated to specific census blocks within the Commonwealth, even though that population may have been included in the apportionment population figures of the Commonwealth for the purpose of allocating United States House of Representatives seats among the states.

CHAPTER 62.

VIRGINIA REDISTRICTING COMMISSION.

§ 30-391. Virginia Redistricting Commission.

A. The Virginia Redistricting Commission is established in the legislative branch of state government. It shall be convened in the year 2020 and every 10 years thereafter for the purpose of establishing districts for the United States House of Representatives and for the Senate and the House of Delegates of the General Assembly.

B. As used in this chapter:

"Census data" means the population data received from the United States Bureau of the Census pursuant to P.L. 94-171.

"Commission" means the Virginia Redistricting Commission established pursuant to this chapter.

"Committee" means the Redistricting Commission Selection Committee established pursuant to § 30-393.

"Partisan public office" means (i) an elective or appointive office in the executive or legislative branch or in an independent establishment of the federal government; (ii) an elective office in the executive or legislative branch of the government of the Commonwealth, or an office that is filled by appointment and is exempt from the Virginia Personnel Act (§ 2.2-2900 et seq.); or (iii) an office of a county, city, or other political subdivision of the Commonwealth that is filled by an election process involving nomination and election of candidates on a partisan basis.

"Political party office" means an elective office in the national or state organization of a political party, as defined in § 24.2-101.

§ 30-392. Membership; terms; vacancies; chairman; quorum; compensation and expenses.

A. The Virginia Redistricting Commission shall consist of 16 commissioners that include eight legislative commissioners and eight citizen commissioners as follows: two commissioners shall be members of the Senate of Virginia, representing the political party having the highest number of members in the Senate and appointed by the President pro tempore of the Senate; two commissioners shall be members of the Senate, representing the political party having the next highest number of members in the Senate and appointed by the leader of that political party; two commissioners shall be members of the House of Delegates, representing the political party having the highest number of members in the House of Delegates and appointed by the Speaker of the House of Delegates; two commissioners shall be members of the House of Delegates, representing the political party having the next highest number of members in the House of Delegates and appointed by the leader of that political party; and eight citizen commissioners who shall be selected by the Redistricting Commission Selection Committee pursuant to § 30-394. No appointing authority shall appoint himself to serve as a legislative commissioner or a citizen commissioner.

B. Legislative commissioners selected to serve as commissioners of the Commission shall be appointed by the respective authorities no later than December 1 of the year ending in zero and shall continue to serve until their successors are appointed. In making its appointments, the appointing authorities shall endeavor to have their appointees reflect the racial, ethnic, geographic, and gender diversity of the Commonwealth. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointment, such that the proper partisan balance of the Commission is

maintained.

C. Citizen commissioners selected to serve as commissioners of the Virginia Redistricting Commission shall be selected by the Redistricting Commission Selection Committee as provided in § 30-394. In making its selections, the Committee shall ensure the citizen commissioners are, as a whole, representative of the racial, ethnic, geographic, and gender diversity of the Commonwealth. Citizen commissioners shall be appointed no later than January 15 of the year ending in one and shall continue to serve until their successors are appointed. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled by the Commission selecting a replacement from the list submitted pursuant to subsection E of § 30-394 from which the commissioner being replaced was selected and shall require an affirmative vote of a majority of the commissioners, including at least one commissioner representing or affiliated with each political party.

D. Legislative commissioners shall receive such compensation as provided in § 30-19.12, and citizen commissioners shall receive such compensation as provided in § 2.2-2813 for their services. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. All such compensation and expense payments shall come from existing appropriations to the Commission.

E. By February 1 of the year ending in one, the Commission shall hold a public meeting at which it shall select a chairman from its membership. The chairman shall be a citizen commissioner and shall be responsible for coordinating the work of the Commission. A majority of the commissioners appointed, which majority shall include a majority of the legislative commissioners and a majority of the citizen commissioners, shall constitute a quorum.

F. All meetings and records of the Commission shall be subject to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), except as provided in subsection E of § 30-394. All records and documents of the Commission, or any individual or group performing delegated functions of or advising the Commission, related to the Commission's work, including internal communications and communications from outside parties, shall be considered public information.

G. Commissioners, staff of the Commission, and any other advisor or consultant to the Commission shall not communicate with any person outside the Commission about matters related to reapportionment or redistricting outside of a public meeting or hearing. Written public comments submitted to the Commission, staff of the Commission, or any other advisor or consultant to the Commission shall not be a violation of this subsection.

H. In the event the Commission hires a lawyer or law firm, the Commission as an entity shall be considered the client of the lawyer or the law firm. No individual commissioner or group of commissioners shall be considered to be the client of the lawyer or the law firm.

§ 30-393. Redistricting Commission Selection Committee; chairman; quorum; compensation and expenses.

A. There shall be a Redistricting Commission Selection Committee established for the purpose of selecting the citizen commissioners of the Virginia Redistricting Commission. This committee shall consist of five retired judges of the circuit courts of Virginia.

B. By November 15 of the year ending in zero, the Chief Justice of the Supreme Court of Virginia shall certify to the Speaker of the House of Delegates, the leader in the House of Delegates of the political party having the next highest number of members in the House of Delegates, the President pro tempore of the Senate of Virginia, and the leader in the Senate of Virginia of the political party having the next highest number of members in the Senate of Virginia a list of at least 10 retired judges of the circuit courts of Virginia who are willing to serve on the Committee, and no retired judge who is a parent, spouse, child, sibling, parent-in-law, child-in-law, or sibling-in-law of, or a cohabitating member of a household with, a member of the Congress of the United States or of the General Assembly shall be included in such list. In compiling this list, the Chief Justice shall give consideration to the racial, ethnic, geographic, and gender diversity of the Commonwealth. These members shall each select a judge from the list and shall promptly, but not later than November 20, communicate their selection to the Chief Justice, who shall immediately notify the four judges selected. In making their selections, the members shall give consideration to the racial, ethnic, geographic, and gender diversity of the Commonwealth. Within three days of being notified of their selection, the four judges shall select, by a majority vote, a judge from the list prescribed herein to serve as the fifth member of the Committee, who shall serve as the chairman of the Committee.

A majority of the Committee members, which majority shall include the chairman, shall constitute a quorum.

The judges of the Committee shall serve until their successors are appointed. If a judge cannot, for any reason, complete his term, the remaining judges shall select a replacement from the list prescribed herein.

C. Members of the Committee shall receive compensation for their services and shall be allowed all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2- 2813 and 2.2-2825. The compensation and expenses of members and all other necessary expenses of the Committee shall be provided from existing appropriations to the Commission.

D. All meetings and records of the Committee shall be subject to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), except as provided in subsection E of § 30-394.

E. Notwithstanding the provisions of § 1-210 regarding the computation of time, if an act required by this section is to be performed on a Saturday, Sunday, or legal holiday, or any day or part of a day on which the government office where the act to be performed is closed, the act required shall be performed on the first business day immediately preceding the Saturday, Sunday, or legal holiday, or day on which the government office is closed.

§ 30-394. Citizen commissioners; application process; qualifications; selection.

A. Within three days following the selection of the fifth member of the Committee, the Committee shall adopt an application and process by which residents of the Commonwealth may apply to serve on the Commission as citizen commissioners. The Division of Legislative Services shall assist the Committee in the development of the application and process.

The application for service on the Commission shall require applicants to provide personal contact information and information regarding the applicant's race, ethnicity, gender, age, date of birth, education, and household income. The application shall require an applicant to disclose, for the period of three years immediately preceding the application period, the applicant's (i) voter registration status; (ii) preferred political party affiliation, if any, and any political party primary elections in which he has voted; (iii) history of any partisan public offices or political party offices held or sought; (iv) employment history, including any current or prior employment with the Congress of the United States or one of its members, the General Assembly or one of its members, any political party, or any campaign for a partisan public office, including a volunteer position; and (v) relevant leadership experience or involvements with professional, social, political, volunteer, and community organizations and causes.

The application shall require an applicant to disclose information regarding the partisan activities and employment history of the applicant's parent, spouse, child, sibling, parent-in-law, child-in-law, or sibling-in-law, or any person with whom the applicant is a cohabitating member of a household, for the period of three years immediately preceding the application period.

The Committee may require applicants to submit three letters of recommendation from individuals or organizations.

The application process shall provide for both paper and electronic or online applications. The Committee shall cause to be advertised throughout the Commonwealth information about the Commission and how interested persons may apply.

B. To be eligible for service on the Commission, a person shall have been a resident of the Commonwealth and a registered voter in the Commonwealth for three years immediately preceding the application period. He shall have voted in at least two of the previous three general elections. No person shall be eligible for service on the Commission who:

- 1. Holds, has held, or has sought partisan public office or political party office;*
- 2. Is employed by or has been employed by a member of the Congress of the United States or of the General Assembly or is employed directly by or has been employed directly by the United States Congress or by the General Assembly;*
- 3. Is employed by or has been employed by any federal, state, or local campaign;*
- 4. Is employed by or has been employed by any political party or is a member of a political party central committee;*
- 5. Is a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 or a lobbyist's principal as defined in § 2.2-419 or has been such a lobbyist or lobbyist's principal in the previous five years; or*
- 6. Is a parent, spouse, child, sibling, parent-in-law, child-in-law, or sibling-in-law of a person described in subdivisions 1 through 5, or is a cohabitating member of a household with such a person.*

C. The application period shall begin no later than December 1 of the year ending in zero and shall end four weeks after the beginning date. During this period, interested persons shall submit a completed application and any required documentation to the Division of Legislative Services. All applications shall be reviewed by the Division of Legislative Services to ensure an applicant's eligibility for service pursuant to subsection B, and any applicant who is ineligible for service shall be removed from the applicant pool.

The Division of Legislative Services shall make available the application for persons to use when submitting a paper application and shall provide electronic access for electronic submission of applications.

D. Within two days of the close of the application period, the Division of Legislative Services shall provide to the Speaker of the House of Delegates, the leader in the House of Delegates of the political party having the next highest number of members in the House of Delegates, the President pro tempore of the Senate of Virginia, and the leader in the Senate of Virginia of the political party having the next highest number of members in the Senate of Virginia the applications and documentation submitted by those applicants who are eligible for service on the Commission pursuant to subsection B and submitted complete applications, including any required documentation.

E. By January 1 of the year ending in one, those persons receiving the applications pursuant to subsection D shall each submit to the Committee a list of at least 16 citizen candidates for service on the Commission. In selecting citizen candidates, they shall give consideration to the racial, ethnic, geographic, and gender diversity of the Commonwealth.

They shall notify the Division of Legislative Services of the citizen candidates submitted to the Committee for consideration, and the

Division of Legislative Services shall promptly provide to the Committee the applications and documentation for each citizen candidate being considered. Only the applications and documentation for each citizen candidate shall be maintained as public records.

F. Within two weeks of receipt of the lists of citizen candidates and related materials pursuant to subsection E, but no later than January 15, the Committee shall select, by a majority vote in a public meeting, two citizen members from each list submitted. In making its selections, the Committee shall ensure the citizen commissioners are, as a whole, representative of the racial, ethnic, geographic, and gender diversity of the Commonwealth. The Committee shall promptly notify those eight citizens of their selection to serve as a citizen commissioner of the Commission.

No member of the Committee shall communicate with a member of the General Assembly or the United States Congress, or any person acting on behalf of a member of the General Assembly or the United States Congress, about any matter related to the selection of citizen commissioners after receipt of the lists submitted pursuant to subsection E.

G. Notwithstanding the provisions of § 1-210 regarding the computation of time, if an act required by this section is to be performed on a Saturday, Sunday, or legal holiday, or any day or part of a day on which the government office where the act to be performed is closed, the act required shall be performed on the first business day immediately preceding the Saturday, Sunday, or legal holiday, or day on which the government office is closed.

§ 30-395. Staff to Virginia Redistricting Commission; census liaison.

A. The Division of Legislative Services shall provide staff support to the Commission. Staff shall perform those duties assigned to it by the Commission. The Director of the Division of Legislative Services, or his designated representative, shall serve as the state liaison with the United States Bureau of the Census on matters relating to the tabulation of the population for reapportionment purposes pursuant to P.L. 94-171. The governing bodies, electoral boards, and registrars of every county and municipality shall cooperate with the Division of Legislative Services in the exchange of all statistical and other information pertinent to preparation for the census.

B. The Division of Legislative Services shall maintain the current election district and precinct boundaries of each county and city as a part of the Commission's computer-assisted mapping and redistricting system. Whenever a county or city governing body adopts an ordinance that changes an election district or precinct boundary, the local governing body shall provide a copy of its ordinance, along with Geographic Information System (GIS) maps and other evidence documenting the boundary, to the Division of Legislative Services.

C. The provisions of Article 2 (§ 24.2-302 et seq.) of Chapter 3 of Title 24.2, including the statistical reports referred to in that article, shall be controlling in any legal determination of a district boundary.

§ 30-396. Public participation in redistricting process.

A. All meetings and hearings held by the Commission shall be adequately advertised and planned to ensure the public is able to attend and participate fully. Meetings and hearings shall be advertised in multiple languages as practicable and appropriate.

B. Prior to proposing any plan for districts for the United States House of Representatives, the Senate, or the House of Delegates and prior to voting to submit such plans to the General Assembly, the Commission shall hold at least three public hearings in order to receive and consider comments from the public. Public hearings may be held virtually and any public hearings that are held in person shall be conducted in different parts of the Commonwealth.

C. The Commission shall establish and maintain a website or other equivalent electronic platform. The website shall be available to the general public and shall be used to disseminate information about the Commission's activities. The website shall be capable of receiving comments and proposals by citizens of the Commonwealth. Prior to voting on any proposed plan, the Commission shall publish the proposed plans on the website.

D. All data used by the Commission in the drawing of districts shall be available to the public on its website. Such data, including census data, precinct maps, election results, and shapefiles, shall be posted within three days of receipt by the Commission.

§ 30-397. Proposal and submission of plans for districts.

A. The Commission shall submit to the General Assembly plans for districts for the Senate and the House of Delegates of the General Assembly no later than 45 days following the receipt of census data.

To be submitted as a proposed plan for districts for members of the Senate, a plan shall receive affirmative votes of at least six of the eight legislative commissioners, including at least three of the four legislative commissioners who are members of the Senate, and at least six of the eight citizen commissioners.

To be submitted as a proposed plan for districts for members of the House of Delegates, a plan shall receive affirmative votes of at least six of the eight legislative commissioners, including at least three of the four legislative commissioners who are members

of the House of Delegates, and at least six of the eight citizen commissioners.

B. The Commission shall submit to the General Assembly plans for districts for the United States House of Representatives no later than 60 days following the receipt of census data or by the first day of July of that year, whichever occurs first.

To be submitted as a proposed plan for districts for members of the United States House of Representatives, a plan shall receive affirmative votes of at least six of the eight legislative commissioners and at least six of the eight citizen commissioners.

C. If the Commission fails to submit a plan for districts by the deadline set forth in subsection A or B, the Commission shall have 14 days following its initial failure to submit a plan to the General Assembly. If the Commission fails to submit a plan for districts to the General Assembly by this date, the districts shall be established by the Supreme Court of Virginia pursuant to § 30-399.

D. All plans submitted pursuant to this section shall comply with the criteria and standards set forth in § 24.2-304.04.

§ 30-398. Consideration of plans by the General Assembly; timeline.

A. All plans for districts for the Senate and the House of Delegates shall be embodied in and voted on as a single bill.

B. All bills embodying plans for districts for the United States House of Representatives, the Senate, or the House of Delegates shall be voted on by the General Assembly in accordance with the provisions of Article IV, Section 11 of the Constitution of Virginia, except no amendments shall be permitted. All bills embodying a plan that are approved by both houses shall become law without the signature of the Governor and, pursuant to Article II, Section 6 of the Constitution of Virginia, shall take effect immediately.

C. Within 15 days of receipt of any plan for districts, the General Assembly shall take a vote on a bill embodying such plan. If the General Assembly fails to adopt the bill by this deadline, the Commission shall submit a new plan for districts within 14 days of the General Assembly's failure to adopt the bill. Within seven days of receipt of such plan, the General Assembly shall take a vote on the bill embodying the plan, and if the General Assembly fails to adopt the plan by this deadline, the districts shall be established by the Supreme Court of Virginia pursuant to § 30-399.

D. If the Commission submits a plan for districts pursuant to subsection C of § 30-397, the General Assembly shall take a vote on such plan within seven days of its receipt. If the General Assembly fails to adopt the plan by this deadline, the districts shall be established by the Supreme Court of Virginia pursuant to § 30-399.

§ 30-399. Establishment of districts by the Supreme Court of Virginia.

A. In the event the Commission fails to submit a plan for districts by the deadline set forth in subsection A or B of § 30-397, or the General Assembly fails to adopt a plan for districts by the deadline set forth in subsection C or D of § 30-398, the Supreme Court of Virginia (the Court) shall be responsible for establishing the districts.

B. The Court shall, not later than March 1 of a year ending in one, enact rules and procedures as may be necessary for implementing the requirements of Article II, Section 6-A of the Constitution of Virginia, empowering the Court to establish congressional or state legislative districts as provided for in that section. In enacting such rules and procedures, the Court shall follow the provisions of this section.

C. Public participation in the Court's redistricting deliberations shall be permitted. Such public participation may be through briefings, written submissions, hearings in open court, or any other means as may be prescribed by the Court.

D. The Division of Legislative Services shall make available staff support and technical assistance to the Court to perform those duties as may be requested or assigned to it by the Court.

E. Any plan for congressional or state legislative districts established by the Court shall adhere to the standards and criteria for districts set forth in Article II, Section 6 of the Constitution of Virginia and § 24.2-304.04.

F. The Court shall appoint two special masters to assist the Court in the establishment of districts. The two special masters shall work together to develop any plan to be submitted to the Court for its consideration.

Within one week of the Commission's failure to submit plans or the General Assembly's failure to adopt plans, the leaders in the House of Delegates having the highest and next highest number of members in the House of Delegates and the leaders in the Senate of Virginia having the highest and next highest number of members in the Senate of Virginia shall each submit to the Court a list of three or more nominees, along with a brief biography and resume for each nominee, including the nominee's particular expertise or experience relevant to redistricting. The Court shall then select, by a majority vote, one special master from the lists submitted by the legislative leaders of the political party having the highest number of members in their respective chambers and one special master from the lists submitted by the legislative leaders of the political party having the next highest number of members in their respective chambers. The persons appointed to serve as special masters shall have the requisite qualifications and experience to serve as a special master and shall have no conflicts of interest. In making its appointments, the Court shall consider any relevant redistricting experience in the Commonwealth and any practical or academic experience in the field of redistricting. The Court shall be reimbursed by the Commonwealth for all costs, including fees and expenses, related to the appointment or work of the special master from funds appropriated for this purpose.

G. Any justice who is a parent, spouse, child, sibling, parent-in-law, child-in-law, or sibling-in-law of, or a cohabitating member of a household with, a member of the Congress of the United States or of the General Assembly shall recuse himself from any decision made pursuant to this section, and no senior justice designated pursuant to § 17.1-302 shall be assigned to the case or matter to serve in his place.

§ 30-400. Remedial redistricting plans.

If any congressional or state legislative district established pursuant to this chapter or the provisions of Article II, Sections 6 and 6-A of the Constitution of Virginia is declared unlawful or unconstitutional, in whole or in part, by order of any state or federal court, the Commission shall be convened to determine and propose a redistricting plan to remedy the unlawful or unconstitutional district.

10. *That an emergency exists and the provisions of Enactment 9 of this act shall become effective on November 15, 2020, contingent upon the passage of an amendment to the Constitution of Virginia on the Tuesday after the first Monday in November 2020, establishing the Virginia Redistricting Commission by amending Section 6 of Article II and adding in Article II a new section numbered 6-A. If such amendment is not approved by the voters, the provisions of this act shall not become effective.*

6911. *That the provisions of the first, second, third, fourth, and fifth sixth, seventh, and eighth enactments of this act shall expire at midnight on June 30, 2022.*

712. *That the provisions of the fourth enactment/fifth, ninth, and tenth enactments of this act shall have no expiration date.*

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CERTIFICATION OF THE ACTS OF ASSEMBLY

2020 SPECIAL SESSION I

I, Suzette P. Denslow, Clerk of the House of Delegates and Keeper of the Rolls of the Commonwealth, do hereby certify that the 2020 Special Session I of the General Assembly of the Commonwealth of Virginia, at which the Acts of Assembly herein printed were enacted, convened on Tuesday, August 18, 2020, and adjourned sine die on Monday, November 9, 2020, and the Reconvened Session, pursuant to Section 6 of Article IV of the Constitution of Virginia, convened on Wednesday, December 16, 2020, and adjourned sine die on Wednesday, December 16, 2020.

Suzette P. Denslow
Clerk of the House of Delegates
and
Keeper of the Rolls of the Commonwealth

Note: Except as otherwise provided therein, all Acts of the 2020 Special Session I of the General Assembly, including the Reconvened Session, became effective at the first moment of March 1, 2021.

The Acts contained in Chapters 44-54 became law without the signature of the Governor on November 9, 2020, pursuant to Section 6 (c) (iii) of Article V of the Constitution of Virginia.

The Acts contained in Chapters 55-56 were signed by the Governor on November 18, 2020, all having been returned to the Governor during the Special Session I, pursuant to Section 6 (c) (iii) of Article V of the Constitution of Virginia.

**RESOLUTIONS OF THE GENERAL ASSEMBLY
2020 SPECIAL SESSION I**

HOUSE JOINT RESOLUTION NO. 5010

Confirming various appointments by the Speaker of the House of Delegates.

Agreed to by the House of Delegates, September 4, 2020

Agreed to by the Senate, October 1, 2020

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly confirm the following appointments made by the Speaker of the House of Delegates:

1. Appointments to the **Tobacco Region Revitalization Commission** pursuant to § 3.2-3102 of the Code of Virginia:

The Honorable Lashrece D. Aird of Petersburg, Virginia 23803, Member, for a term coincident with the term for which she has been elected to the House of Delegates.

The Honorable James E. Edmunds, II, of Halifax, Virginia 24558, Member, for a term coincident with the term for which he has been elected to the House of Delegates.

The Honorable Chris L. Hurst of Montgomery, Virginia 24060, Member, for a term coincident with the term for which he has been elected to the House of Delegates.

The Honorable Terry G. Kilgore of Scott, Virginia 24251, Member, for a term coincident with the term for which he has been elected to the House of Delegates.

The Honorable Sam Rasoul of Roanoke, Virginia 24017, Member, for a term coincident with the term for which he has been elected to the House of Delegates.

The Honorable Roslyn C. Tyler of Sussex, Virginia 23867, Member, for a term coincident with the term for which she has been elected to the House of Delegates.

2. Appointment to the **Virginia Commonwealth University Health System Authority Board of Directors** pursuant to § 23.1-2402 of the Code of Virginia:

The Honorable Lamont Bagby of Henrico, Virginia 23059, Member, to serve an unexpired term beginning April 1, 2020, and ending June 30, 2022.

3. Appointments to the **Virginia Conflict of Interest and Ethics Advisory Council** pursuant to § 30-355 of the Code of Virginia:

The Honorable M. Keith Hodges of Middlesex, Virginia 23175, Member, for a term coincident with the term for which he has been elected to the House of Delegates.

The Honorable Vivian E. Watts of Fairfax, Virginia 22003, Member, for a term coincident with the term for which she has been elected to the House of Delegates.

HOUSE RESOLUTION NO. 501

Commending Ruth Stokes Boatwright.

Agreed to by the House of Delegates, August 24, 2020

WHEREAS, there arise within many places of the Commonwealth, not least within the hamlets and counties of the great Southside, individuals of deep roots who embody the virtues and best traditions of their communities and by them enrich the civic life of their neighbors and fellow citizens; and

WHEREAS, in Powhatan County, such an individual and such a citizen is Ruth Stokes Boatwright; and

WHEREAS, the daughter of William Ivy and Eva Denoon Stokes, Ruth (née Stokes) Boatwright was born in her parents' home on Trenholm Road and has spent the entirety of her 83 years in the Trenholm community; and

WHEREAS, Ruth Stokes graduated from Powhatan High School in 1955, where she played on the girls' basketball team, and to this day she "loves basketball and doesn't miss a game when her granddaughter, Charlie, is playing," in the words of her daughter Amy Boatwright Potter; and

WHEREAS, shortly after high school, at a dance at Sunnyside, Ruth Stokes met Freddie Boatwright, with whom she would be married only 66 days later; in May 2020, the couple commemorated their 64th wedding anniversary; and

WHEREAS, in 1962, Ruth Boatwright began working at a local insurance agency, where she subsequently became an equal partner in 1981, and, though semi-retired in 2007, she still works three days a week in the firm of Richardson-Harris-Boatwright Insurance Agency, Inc.; and

WHEREAS, a devoted wife, mother, and businesswoman, Ruth Boatwright has also extended her devotion to Muddy Creek Baptist Church, in whose fellowship she has been a member her entire life, and to numerous civic associations of benefit to the people of Powhatan; and

WHEREAS, Ruth Boatwright has long been a member and board member of the Powhatan Chamber of Commerce, serving one term as president of the organization; and

WHEREAS, Ruth Boatwright helped to organize the 200th anniversary celebration of Powhatan in 1977; and

WHEREAS, throughout the 1980s, Ruth Boatwright served on the board of Huguenot Academy; and

WHEREAS, Ruth Boatwright has supported Powhatan's Relay for Life since its inception in 1995 and continues to co-chair her team and raise funds for the nonprofit benefiting the American Cancer Society; and

WHEREAS, Ruth Boatwright worked on the organizational committee that conceived and inaugurated the Festival of the Grape, first held in 2002 and now the largest annual public gathering in Powhatan; and

WHEREAS, Ruth Boatwright was among several citizens who were instrumental in saving from destruction the Powhatan Village Building, which has long since become a principal meeting place for business and civic groups and the Powhatan County Board of Supervisors; and

WHEREAS, Ruth Boatwright was instrumental, too, in saving and especially in later refurbishing the Powhatan War Memorial Building; and

WHEREAS, again in the words of her daughter, Amy Boatwright Potter, Ruth Boatwright "loves veterans more than anything and has been honoring them for 27 years now"; and

WHEREAS, Ruth Boatwright first organized a "Veterans Musical Show" at Muddy Creek Baptist Church in 1993; the Powhatan Veterans Musical Show became so popular that it was moved in 1995 to the Village Building and later to the much larger auditorium of Powhatan High School; and

WHEREAS, Ruth Boatwright has for many years curated a collection of photographs of Powhatan's veterans, now numbering over 700 pictures that are used to decorate the "Veterans Musical Show" and to honor veterans in Powhatan Today; and

WHEREAS, Ruth Boatwright expanded her programs for veterans and the community by establishing an annual program on Courthouse Square that has continued into a second decade; and

WHEREAS, Ruth Boatwright, again to honor veterans, organizes each month a "World War Round Table" meeting, securing a guest speaker and ensuring that guests are provided refreshments; and

WHEREAS, Ruth Boatwright collected local stories and worked with proofreaders to prepare and publish the Powhatan County Heritage Book; and

WHEREAS, for more than 20 years, Ruth Boatwright organized the National Day of Prayer program in Powhatan, arranging for numerous individuals to offer prayers for local and national governments, schools, and children of the community; and

WHEREAS, Ruth Boatwright, though in her ninth decade of a joyful life of faith, love, and service, has mastered the operations of Facebook, regularly informing a large online audience of those in Powhatan in need of prayer; and

WHEREAS, Ruth and Freddie Boatwright have relished every opportunity to share their love and wisdom with their three children, Leslie Boatwright Lingenfelter, Dennis Warren Boatwright, and Amy Boatwright Potter; six grandchildren, Ladonna Sewell, Brandon Scott Lingenfelter, Jordan Blake Lingenfelter, Emily Grace Boatwright, William Fredrick Potter, and Ivy Charles Potter; and five great-grandchildren, Mason, Tyler, Reed, Sophia, and Callen; now, therefore, be it

RESOLVED by the House of Delegates, That Ruth Stokes Boatwright hereby be commended for a life of exemplary devotion to her family, her church, her community, and her business; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ruth Stokes Boatwright as an expression of the House of Delegates' admiration for a long and admirable life lived in faith, love, and service to the people of Powhatan.

HOUSE RESOLUTION NO. 502

Commending the Gate City High School girls' basketball team.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, the Gate City High School girls' basketball team secured the Virginia High School League Class 2 state title on March 12, 2020; and

WHEREAS, earlier in the season, the Gate City High School Blue Devils faced several tough non-district opponents and finished third in the Mountain 7 District and second in Region 2D, but overcame the Region 2D champions, the Union High School Bears, in the state tournament; and

WHEREAS, in the state tournament final, held at the Siegel Center in Richmond, the Gate City Blue Devils defeated the Luray High School Bulldogs by a score of 64-54; and

WHEREAS, after a tense start to the game, the Gate City Blue Devils held a narrow lead at halftime, then pulled ahead with a critical 16-6 run in the third quarter; and

WHEREAS, the Gate City Blue Devils' state championship victory was a total team effort, with nine players scoring points, led by junior Sarah Thompson with 19 points, eight rebounds, four assists, and one block; and

WHEREAS, the Gate City Blue Devils achieved success with the leadership and guidance of the team's coaches and staff members, as well as the enthusiastic support of parents, friends, and the entire Gate City High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Gate City High School girls' basketball team hereby be commended on winning the Virginia High School League Class 2 state championship in March 2020; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kelly Smith Houseright, head coach of the Gate City High School girls' basketball team, as an expression of the House of Delegates' admiration for the team's resilience and composure under pressure.

HOUSE RESOLUTION NO. 503

Celebrating the life of Rosetta Ann Walton Harris.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, Rosetta Ann Walton Harris, the longtime vice mayor of the Town of Bridgewater, who made history as one of the first women to serve on the Bridgewater Town Council, died on June 25, 2020; and

WHEREAS, Rosetta Harris graduated from duPont Manual High School in Louisville, Kentucky, in 1953 and later studied at the University of Louisville and Bob Jones University; in 1971, she relocated to the Bridgewater area and worked at both the former Dominion Bank and with James Madison University's athletics department; and

WHEREAS, in 1986, Rosetta Harris won a seat on the Bridgewater Town Council, joining Nancy Trout as the first women to be elected to the town's governing body; she would ultimately serve on the Bridgewater Town Council for 28 years, including 20 years as the town's vice mayor, before retiring in 2016; and

WHEREAS, one of Rosetta Harris' first major accomplishments on the town council was the establishment of the Bridgewater Community Center, which was completed in 1996 and has since served as an important gathering place for the citizens of Bridgewater; she made her mark in the town's civic affairs by initiating the design and adoption of the Bridgewater flag; and

WHEREAS, as the head of Bridgewater's community relations committee for many years, Rosetta Harris was responsible for establishing several civic ceremonies and rituals that the town continues to enjoy today, including its "Summer's End" Labor Day celebration, its annual Christmas tree lighting, and the popular Oakdale Park Summer concert series, which has since been named the Harris Summer Concert Series in her honor; and

WHEREAS, Rosetta Walton Harris served the Commonwealth admirably on both the state and local level through her work with the Virginia Association for Family and Community Education, serving on the association's board for 12 years and as its president from 1989 to 1991; her steadfast commitment to the organization is memorialized today through the Rockingham County chapter's Rosetta Walton Harris Scholarship; and

WHEREAS, to honor her years of service on behalf of the citizens of Bridgewater; a local park was named the "Dinkel-Harris Gateway to Bridgewater" upon her retirement in 2016; additionally, the Bridgewater Ruritan Club named Rosetta Harris its Citizen of the Year in 2001, commemorating her outsized impact on the community; and

WHEREAS, guided throughout her life by her deep and abiding faith, Rosetta Harris enjoyed worship and fellowship with her community for many years at Bridgewater Church of the Brethren, where she served as Christian education director, deacon, and a member of both the personnel and communications committees; and

WHEREAS, Rosetta Harris will be dearly remembered and fondly missed by her children, Kevin and Dana, and their families; her sisters, Nina, Cynthia, and Yvonne; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Rosetta Ann Walton Harris, a beloved civic leader of Bridgewater who inspired countless individuals through her kind and generous spirit; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Rosetta Ann Walton Harris as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 504

Commending Larry Landes.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, after 14 years of service, Larry Landes retired as principal of Fort Defiance High School at the conclusion of the 2019-2020 academic year; and

WHEREAS, an Augusta County native, Larry Landes followed in the footsteps of his father, Kenneth, who served as the first principal of Fort Defiance High School in 1962; and

WHEREAS, after graduating from Madison College and conducting graduate work at Virginia Commonwealth University, Larry Landes began his career in education as a teacher and athletics coach in Hopewell; and

WHEREAS, Larry Landes gained experience as school administrator in Hopewell, then returned to Augusta County in 1993 as principal of Hugh K. Cassell Elementary School and subsequently Wilson Memorial High School; and

WHEREAS, Larry Landes built trust and camaraderie among the faculty and staff of Fort Defiance High School, encouraging an atmosphere of teamwork and maintaining a strong focus on giving students the tools and support they needed; and

WHEREAS, Larry Landes inspired countless young people to achieve success both in and out of the classroom and was a frequent presence at school sporting events and other extracurricular functions; and

WHEREAS, during his long tenure as principal, Larry Landes ably adapted to changes in the makeup of the community and the effects of technology on both students and the learning process overall; and

WHEREAS, during the COVID-19 pandemic, Larry Landes recognized that many young people are dependent on school lunches and helped deliver nutritious meals to students' homes; after his well-earned retirement, he plans to continue serving the community by working with Special Olympics Virginia and the Tim Tebow Foundation; now, therefore, be it

RESOLVED by the House of Delegates, That Larry Landes hereby be commended on the occasion of his retirement as principal of Fort Defiance High School; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Larry Landes as an expression of the House of Delegates' admiration for his service to young people in Augusta County.

HOUSE RESOLUTION NO. 505

Celebrating the life of the Honorable Bonnie Lineweaver Paul.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, the Honorable Bonnie Lineweaver Paul, an active community leader and respected attorney who ably represented residents of the Blue Ridge Mountains in the Virginia House of Delegates for two terms, died on May 24, 2020; and

WHEREAS, a native of Harrisonburg, Bonnie Paul graduated as valedictorian of Harrisonburg High School and earned a bachelor's degree in art history from Wilson College in Pennsylvania; she subsequently worked as an assistant to the curator of the Virginia Museum of Fine Arts; and

WHEREAS, in the 1960s, Bonnie Paul relocated to a military base in Thailand while her husband was deployed to Vietnam and demonstrated her commitment to lifelong learning by establishing a library on the base; and

WHEREAS, after returning to the Commonwealth, Bonnie Paul taught art history at what is now James Madison University and pursued an interest in government as founder of a local League of Women Voters and a Virginia representative to the 1980 Republican National Convention; and

WHEREAS, desirous to be of further service to the Commonwealth, Bonnie Paul ran for and was elected to the Virginia House of Delegates in 1975, becoming the first woman from the Shenandoah Valley to serve as a member of the body; and

WHEREAS, during her time as a state lawmaker, Bonnie Paul introduced and supported important pieces of legislation to benefit all Virginians and offered her unique insights to committees and commissions; and

WHEREAS, Bonnie Paul went on to earn a law degree from Washington and Lee University and practiced law in Charlottesville before opening her own practice in Harrisonburg, where she served the community for 30 years; and

WHEREAS, Bonnie Paul offered her wisdom and expertise to the James Madison University Board of Visitors, the Harrisonburg-Rockingham Historical Society, the Women's Health Center at Rockingham Memorial Hospital, and many other nonprofit organizations; and

WHEREAS, Bonnie Paul nurtured her passion for the arts throughout her life, painting watercolor scenes of the beautiful mountain vistas around the home she personally designed; in 2010, she researched, organized, and designed an engaging exhibition on fraktur folk art, an elaborate form of illuminated art related to the calligraphic fraktur script; and

WHEREAS, Bonnie Paul will be fondly remembered and greatly missed by her children, Penelope, John, and Thomas, and their families; her sister, Debra; and numerous other family members, friends, and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of the Honorable Bonnie Lineweaver Paul, a respected attorney and former state legislator who made numerous contributions to communities in the Blue Ridge Mountains; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Bonnie Lineweaver Paul as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 506

Celebrating the life of Bijan C. Ghaisar.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, Bijan C. Ghaisar, a beloved son, brother, and friend in Fairfax County, died on November 27, 2017; and

WHEREAS, a native of Northern Virginia, Bijan Ghaisar was the youngest child of Iranian immigrants; he graduated from Langley High School, where he was a hardworking member of the lacrosse and football teams and was well-liked by his peers; and

WHEREAS, Bijan Ghaisar continued his education at the University of Alabama, then transferred to Virginia Commonwealth University, where he earned a bachelor's degree in accounting and was a member of Pi Kappa Alpha fraternity; and

WHEREAS, after college, Bijan Ghaisar lived in Tysons Corner and worked at his father's accounting and management consulting firm, Caesar & Associates, in McLean; and

WHEREAS, an advocate for peace, nonviolence, and social justice, Bijan Ghaisar enjoyed debating current events and hoped to make the world a better place through activism and his sense of optimism; and

WHEREAS, well-known for his contagious laugh and big smile, Bijan Ghaisar made countless friends throughout his life and was admired for his kindness and jovial personality; and

WHEREAS, Bijan Ghaisar will be fondly remembered and greatly missed by his parents, James and Kelly; sister, Negeen, and her family; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Bijan C. Ghaisar; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Bijan C. Ghaisar as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 507

Celebrating the life of Bishop Gerald O. Glenn.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, Bishop Gerald O. Glenn, the founding pastor of New Deliverance Evangelistic Church and a beloved member of the North Chesterfield community, died on April 11, 2020; and

WHEREAS, a pillar of the faith community in the Richmond region, Gerald Glenn inspired the members of his congregation with his passionate sermons and touched countless lives through his commitment to philanthropy and servant leadership; and

WHEREAS, Gerald Glenn served as a chaplain with the Chesterfield County Police Department and offered his wisdom and expertise to a statewide task force on preventing crime in minority neighborhoods; and

WHEREAS, Gerald Glenn will be fondly remembered and greatly missed by his wife of 40 years, Marcietia; his children, Quincye, Gerald, Jr., Mar-Gerie, Kathryn, Amanda, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Bishop Gerald O. Glenn, a highly admired spiritual leader who made numerous contributions to the North Chesterfield community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Bishop Gerald O. Glenn as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 508

Celebrating the life of Javon Malik Prather.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, Javon Malik Prather, a resident of Springfield, Virginia, and a member of the Maryland Army National Guard, died in March 2020; and

WHEREAS, Javon Prather had served as a member of the Maryland Army National Guard for nearly four years and held the rank of specialist in B Company, 1st Battalion, 175th Infantry Regiment; and

WHEREAS, during the course of his service, Javon Prather had been awarded the National Defense Service Medal, the Army Reserve Component Overseas Training Ribbon, and the Army Service Ribbon; and

WHEREAS, Javon Prather will be fondly remembered and greatly missed by his wife, Janelle; his stepdaughter, Amaya; his parents, Shavon and Khari; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Javon Malik Prather; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Javon Malik Prather as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 509

Celebrating the life of William Parker Jenkins, Jr.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, William Parker Jenkins, Jr., a native of the Northern Neck and a beloved member of the Virginia Beach community, died on June 18, 2020; and

WHEREAS, devoted to serving both his country and his community, William “Bill” Parker Jenkins, Jr., was a veteran of the United States Air Force and a member of the Virginia Beach Police Department, where he served from 2002 to 2011, retiring as a master police officer; and

WHEREAS, Bill Jenkins safeguarded the residents of Northumberland County as a member of the Fairfields Volunteer Fire Department for 12 years; and

WHEREAS, a fourth-generation fisherman, Bill Jenkins helped his father’s charter fishing business as a child and by the age of 23 had a captain’s license to run his own cruises; and

WHEREAS, Bill Jenkins acquired his first commercial fishing boat in 1996 and relocated to Virginia Beach six years later; over nearly two decades, he provided countless individuals with extraordinary fishing experiences that they will remember fondly for years to come; and

WHEREAS, along with his wife, Helen, Bill Jenkins owned and operated Captain’s Choice Seafood in Virginia Beach, where he applied his decades of experience on the water to provide customers with the freshest seafood and spices around; and

WHEREAS, a beloved member of the Virginia Beach fishing community, Bill Jenkins served as an advisor to the Chesapeake Bay Advisory Committee and was a steadfast and reliable advocate for local watermen interests; and

WHEREAS, Bill Jenkins will be dearly remembered and fondly missed by his loving wife, Helen; his children, Brandon, Brent, Rachel, Emma, and Collin, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of William Parker Jenkins, Jr., who was an inspiration to many through his kindness, generosity, and service to others; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of William Parker Jenkins, Jr., as an expression of the House of Delegates’ respect for his memory.

HOUSE RESOLUTION NO. 510

Commending Lloyd J. Vye.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, Lloyd J. Vye was born during the depths of the Great Depression, living in California while his father worked as director of education for the Civil Conservation Corps; and

WHEREAS, after his father was killed in a railroad accident, Lloyd J. “Bud” Vye moved east, completed high school, and then attended Springfield College, where he played basketball and was named All New England at the institution where the game was invented; he subsequently earned a master’s degree at New York University; and

WHEREAS, Bud Vye served in the United States Army as an artillery officer at Fort Riley, Kansas, making the All 5th Army basketball team; and

WHEREAS, Bud Vye worked for 14 years with the Philadelphia Department of Recreation, rising to the level of deputy commissioner and manager of Veterans Stadium, then the home of the Philadelphia Phillies and the Philadelphia Eagles; and

WHEREAS, after leaving that job, Bud Vye became vice president of a retail chain that later was acquired by Best Products, bringing him to Richmond as maintenance manager for the company; it was there that his boss introduced him to bicycling while he was in his fifties; and

WHEREAS, Bud Vye became very active in bicycling, serving as advocacy director for the Richmond Area Bicycling Association and advocacy director for the Virginia Bicycling Federation; and

WHEREAS, Bud Vye was recognized by the Alliance for Biking & Walking as the National Advocate of the Year for 2009 and received a Governor’s Transportation Safety Award in 2015 for his lifetime achievements; and

WHEREAS, Bud Vye was a member of the Citizens Transportation Advisory Committee of the Richmond Regional Planning District Commission for nearly 30 years; and

WHEREAS, Bud Vye was heavily involved in the effort to plan and construct the Virginia Capital Trail, and he was a passionate advocate for bicyclist and pedestrian safety legislation for almost three decades; now, therefore, be it

RESOLVED by the House of Delegates, That Lloyd J. Vye hereby be commended for his many years of exemplary service to the citizens of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lloyd J. Vye as an expression of the House of Delegates’ admiration for his extraordinary dedication to increasing the health, safety, and recreational benefit of citizens who walk and bicycle in the Commonwealth.

HOUSE RESOLUTION NO. 511

Celebrating the life of Benito Loyola, Sr.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, Benito Loyola, Sr., an entrepreneur, small business owner, and a beloved husband and father, died on July 24, 2020; and

WHEREAS, a native of Cuba, Benito Loyola attended the Cuban Naval Academy and joined the Cuban Navy in the 1950s; he continued to serve after the Cuban Revolution and was deployed to Africa alongside Soviet forces; and

WHEREAS, while on his second such deployment, Benito Loyola decided to flee the Communist regime and mutinied along with three other officers; despite being captured and sentenced to death, he escaped again and made it to Europe by hiding in the cargo hold of a freighter; and

WHEREAS, Benito Loyola was granted political asylum in the United States and provided vital intelligence on Cuban and Soviet military operations; he established a small business in Hoboken, New Jersey, and secretly sent money to his family in Cuba until they were able to escape two years later; and

WHEREAS, Benito Loyola subsequently relocated to Miami, where he opened a plumbing business with his wife as secretary and his children helping out during the summers; and

WHEREAS, Benito Loyola shared his passion for lifelong learning with young people as a school administrator, serving as superintendent of Miami-Dade County Public Schools for many years; and

WHEREAS, a man of deep and abiding faith, Benito Loyola enjoyed fellowship and worship with the congregation of St. Timothy Catholic Church, where he was ordained as a deacon in 1993; and

WHEREAS, Benito Loyola will be fondly remembered and greatly missed by his loving wife of 61 years, Teresa; his children, Benito Loyola, Jr., of Virginia Beach and Lilliam Solis, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Benito Loyola, Sr., a patriotic American who made many contributions to his community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Benito Loyola, Sr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 512

Celebrating the life of Steven John Perez, M.D.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, Steven John Perez, M.D., a retired United States Air Force officer and a highly respected physician who served two United States presidents and touched countless lives in the Annandale area, died on May 7, 2020; and

WHEREAS, born in London, England, to a military family, Steven "Steve" John Perez, M.D., traveled often in his early life and ultimately graduated from Sacramento State University in California; he went on to earn a medical degree from the University of Southern California and completed his residency in Phoenix, Arizona; and

WHEREAS, Steve Perez served his country as a flight surgeon and a medical director in the United States Air Force Medical Service Corps, with postings in Japan and Spain, then served as a personal physician to Presidents Ronald Reagan and George H.W. Bush from 1986 to 1990; and

WHEREAS, after retiring from the United States Air Force as a colonel, Steve Perez worked in private practice in San Antonio, Texas, for many years, then relocated to Virginia, where he opened the Medical Center of Annandale in 1995; and

WHEREAS, Steve Perez earned a reputation as a kind and empathetic caregiver who addressed his patients' concerns clearly and candidly while putting them at ease with his good-humored bedside manner; he helped ensure the health and wellness of the entire community by providing services to uninsured patients at no cost, even accepting fresh produce or other items as payment; and

WHEREAS, Steve Perez inspired a new generation of medical professionals through his work as an associate professor at the University of Virginia, as well as by mentoring students at Georgetown University and George Washington University; and

WHEREAS, Steve Perez will be fondly remembered and greatly missed by his wife, Margie; his sons, Ted, Benny, Jonny, and their families; his stepson, Ian; and numerous other family members, friends, and former patients; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Steven John Perez, M.D.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Steven John Perez, M.D., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 513

Celebrating the life of William Bruce Wingo.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, William Bruce Wingo, a champion for the preservation of the Commonwealth's natural and historic resources and a true Virginia gentleman, died on June 2, 2020; and

WHEREAS, a native of Norfolk, Bruce Wingo graduated from Maury High School and attended Greensboro College; he served in the United States Army National Guard and the United States Army Reserve for more than two decades and volunteered with law enforcement in Chesterfield County for many years, becoming president of the Virginia Auxiliary Police Association; and

WHEREAS, after serving the Commonwealth as a member of the clerk's offices for both the Virginia House of Delegates and the Senate of Virginia and a member of the Virginia Chamber of Commerce, Bruce Wingo was selected as executive director of the Virginia Railway Association; and

WHEREAS, Bruce Wingo offered his expertise to many historical societies and became the resident vice president of government relations for Virginia for the Norfolk Southern Corporation; and

WHEREAS, during his long tenure with the Department of Conservation and Historic Resources, now the Department of Conservation and Recreation, Bruce Wingo enabled and encouraged countless Virginians to enjoy the Commonwealth's historical sites, parks, and other outdoor spaces; and

WHEREAS, from 1988 through 1991, Bruce Wingo served on the Outdoor Recreation Advisory Board, overseeing programs related to Recreational Trail Grants, Land and Water Conservation Act Grants, Recreational Access Road Grants, and Virginia Outdoor Fund Grants; and

WHEREAS, beginning in 1991, Bruce Wingo served for 12 years as chair of the Virginia Board of Conservation and Recreation, providing exceptional stewardship of Virginia's natural and recreational resources; and

WHEREAS, Bruce Wingo's leadership was instrumental in the acquisition of bonds and other funding to support a major restoration of the Department of Conservation and Recreation's existing facilities and unparalleled expansion to new lands and facilities; and

WHEREAS, Bruce Wingo was a founding member of the Wildlife Foundation of Virginia and served on the organization's board from 1997 until the time of his passing; and

WHEREAS, from 1999 through 2003, Bruce Wingo served on the Chippokes Plantation Farm Foundation, which administers the Farm and Forestry Museum of the Chippokes Plantation State Park; and

WHEREAS, Bruce Wingo played a vital role in securing several gifts from the Norfolk Southern Corporation to the Commonwealth, including property at Staunton River Battlefield Park and Natural Tunnel State Park, and the entire 57-mile trail known as the New River Trail State Park, which now attracts more than one million visitors per year; and

WHEREAS, Bruce Wingo will be fondly remembered and greatly missed by his daughter, Sarah, and her family, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of William Bruce Wingo, who made numerous contributions to the preservation of Virginia's natural and cultural resources; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of William Bruce Wingo as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 514

Amending and readopting Rule 4 of the Rules of the House of Delegates, pertaining to conducting a session of the House, or a committee or other legislative branch public body meeting, by electronic communication means during a disaster or other emergency.

Agreed to by the House of Delegates, August 24, 2020

RESOLVED by the House of Delegates, That Rule 4 of the Rules of the House of Delegates is amended and readopted as follows:

I. Organization.

The Speaker.

Rule 4. The Speaker will have a general direction of the House Chamber with power, in case of disturbance or disorderly conduct in such part thereof as may be appropriated to spectators, to have the same cleared. Representatives of news media, wishing to report the proceedings of the House, may be admitted by the Speaker, who will assign them to such places in the House Chamber as shall not interfere with the convenience of the members.

In the event of a disaster, natural or otherwise, or other emergency circumstance, the Speaker may convene the House in a location other than the House Chamber, *or direct that a session of the House be conducted by electronic communication means. In addition, if a motion to reconvene to a session date and time to be conducted by electronic communication means is adopted by the House, such session of the House shall be conducted by electronic communication means.* "Electronic

communication means” means the use of technology having electrical, digital, magnetic, wireless, optical, telephonic, electromagnetic, or similar capabilities to transmit or receive information.

During the pendency of such disaster or other emergency circumstance, a session of the House may be conducted by electronic communication means without any requirement that a quorum be physically assembled in a single location.

A member participating in a session of the House conducted by electronic communication means shall be deemed to be in attendance for purposes of the quorum requirements under Article IV, Section 8 of the Constitution of Virginia or any other provision of the Constitution, regardless of where the member is physically located. A member participating in a session of the House conducted by electronic communication means shall be deemed to be present for any voting requirement under the Constitution of Virginia and may vote on any matter taken up by the House, regardless of where the member is physically located. A member participating by electronic communication means shall not be required to open her physical location to the public or the media.

The Clerk, at the direction of the Speaker, shall determine the methods of electronic communication for any session of the House conducted by electronic communication means, provided that such methods are designed to enable each member participating by electronic communication means to participate as the proceedings are occurring.

Sessions of the House conducted by electronic communication means shall be made digitally available to the public.

To protect the public health and safety during such disaster or other emergency circumstance, the Speaker and Clerk may limit access to the physical location from which the Speaker is presiding to members of the General Assembly and such other persons they deem essential for the proceedings.

Notwithstanding Rule 18(e) or any other Rule, during the pendency of such disaster or other emergency circumstance, the chairman of any standing committee, subcommittee, joint subcommittee, interim study committee, or other legislative branch public body may conduct a meeting by electronic communication means under the same conditions and requirements and with the same powers enumerated above, and without any requirement that a quorum be physically assembled in a single location. Any member of such standing committee, subcommittee, joint subcommittee, interim study committee, or other legislative branch public body participating in the meeting by electronic communication means shall be deemed to be in attendance for purposes of any quorum requirement and may vote on any matter taken up at the meeting.

Whenever a session of the House or any meeting of a standing committee, subcommittee, joint subcommittee, interim study committee, or other legislative branch public body is conducted by electronic communication means, voting viva voce by response to the call of names shall not be required.

HOUSE RESOLUTION NO. 515

Authorizing the Speaker of the House of Delegates or the House of Delegates to provide for a session of the House to be conducted by electronic communication means during the 2020 Special Session I of the General Assembly.

Agreed to by the House of Delegates, August 18, 2020

RESOLVED by the House of Delegates, That during the 2020 Special Session I of the General Assembly, summoned by proclamation of the Governor on July 17, 2020, to begin August 18, 2020, (i) the Speaker of the House of Delegates may direct that any session of the House be conducted by electronic communication means without a quorum physically assembled at one location pursuant to paragraph g. 1. of Section 4-0.01 of Chapter 1289 of the Acts of Assembly of 2020, or (ii) the House of Delegates may by motion adopted provide that the next session of the House be conducted by electronic communication means without a quorum physically assembled at one location pursuant to such paragraph.

HOUSE RESOLUTION NO. 516

Salaries, contingent and incidental expenses, and per diem to be paid during 2020 Special Session I.

Agreed to by the House of Delegates, August 18, 2020

RESOLVED by the House of Delegates, That the Comptroller is directed to issue his warrants on the Treasurer, payable from the contingent fund of the House to accomplish the work of the House of Delegates during the 2020 Special Session I of the General Assembly. Necessary payments to cover salaries of temporary employees, as well as contingent and incidental expenses, will be certified by the Clerk or her designee; and, be it

RESOLVED FINALLY, That members of the House shall receive session per diem for any day they attend a scheduled session of the House during the 2020 Special Session I of the General Assembly at which an attendance roll call is taken. Session per diem shall not be allowed for legislative assistants. Session per diem shall not be allowed for members of the House during a recess of the special session. However, members may receive compensation while the House is in recess, as provided in § 30-19.12 of the Code of Virginia and in the 2020-2022 Appropriation Act, as follows: (i) members of any standing committee of the General Assembly; (ii) members of any committee of conference; or (iii) members of any legislative committee, commission, or council established by the General Assembly.

HOUSE RESOLUTION NO. 517

Limiting legislation to be considered by the 2020 Special Session I of the General Assembly and establishing a schedule for the conduct of business coming before such Special Session.

Agreed to by the House of Delegates, August 18, 2020

RESOLVED by the House of Delegates, That during the 2020 Special Session I of the General Assembly, summoned by proclamation of the Governor on July 17, 2020, to begin August 18, 2020, except with the unanimous consent of the house in which the legislation is offered, no bill, joint resolution, or resolution shall be offered in either house during the Special Session other than those relating to (i) police reform and criminal and social justice reforms; (ii) impacts on health, education, state and local government operations, business, and the Commonwealth's economy from the Coronavirus Disease 2019 (COVID-19); (iii) Budget Bills; (iv) single-house commending or memorial resolutions; (v) the rules of procedure or schedule of business of the General Assembly, either of its houses, or any of its committees; or (vi) appointments subject to the confirmation of the General Assembly or either house;

RESOLVED FURTHER, after adoption of this resolution, no member may introduce more than three bills. The following shall not count against such limit: (i) legislation relating to the rules of procedure or schedule of business of the General Assembly, either of its houses, or any of its committees, (ii) any bill introduced with unanimous consent of the House, and (iii) bills or joint resolutions requested in writing by the Governor;

RESOLVED FURTHER, That after the Special Session is convened for the first time, the House may recess from time-to-time until reconvened with at least 48 hours' notice by the call of the Speaker of the House of Delegates;

RESOLVED FURTHER, No engrossment of the Budget Bill shall be required. A report shall be issued concurrently with the report of the conference committee that identifies the following by item number, narrative description, and dollar amount: (i) any nonstate agency appropriation, (ii) any item in the conference report that was not included in a general appropriation bill as passed by either the House or the Senate, and (iii) any item that represents legislation that failed in either house during the 2020 Regular Session or the Special Session described hereunder; and, be it

RESOLVED FINALLY, That for purposes of this resolution:

“Budget Bill” means a general appropriation bill introduced in each house that proposes amendments to Chapter 1289 of the Acts of Assembly of 2020, the general appropriation act in effect for the period July 1, 2020, through June 30, 2022.

HOUSE RESOLUTION NO. 518

Commending Paul D. Koonce.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, Paul D. Koonce, an esteemed businessman and civic leader, has served the Commonwealth admirably for many years as a member of the Jamestown-Yorktown Foundation Board of Trustees and as president of 2019 Commemoration, Inc.; and

WHEREAS, prior to his retirement in 2020, Paul Koonce was at the forefront of the Virginia energy industry for nearly four decades, serving in several prominent executive positions with Dominion Energy throughout his career; and

WHEREAS, from 2010 through 2019, Paul Koonce served as a member of the Jamestown-Yorktown Foundation Board of Trustees, where he was instrumental to the Commonwealth's efforts to educate the public through living history displays at the Jamestown Settlement and the American Revolution Museum at Yorktown; and

WHEREAS, in recent years, Paul Koonce served as president of 2019 Commemoration, Inc., the public-private partnership developed to organize the Commonwealth's official recognition of several major historic events that occurred in Virginia more than 400 years ago, including the establishment of the state's first representative legislative assembly and the arrival of the first Africans to English North America; and

WHEREAS, Virginia's 2019 Commemoration, American Evolution, featured more than 20 exhibitions, programs, and signature events to bolster the Commonwealth's education, tourism, and economic development initiatives and to increase awareness of Virginia's significance to the founding and history of the United States; and

WHEREAS, Paul Koonce helped raise \$4.3 million in private donations to fund the 2019 Commemoration, American Evolution, elevating the Commonwealth's celebration of the ideals of democracy, diversity, and opportunity as they are embodied by the historical events of 1619; and

WHEREAS, as a result of Paul Koonce's indefatigable efforts, the Jamestown-Yorktown Foundation and Commemoration 2019, Inc., have successfully fulfilled their missions to educate and serve the public; now, therefore, be it

RESOLVED by the House of Delegates, That Paul D. Koonce, an accomplished executive and a tireless civic leader dedicated to championing Virginia's history, hereby be commended for his years of service to the Jamestown-Yorktown Foundation and 2019 Commemoration, Inc.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Paul D. Koonce as an expression of the House of Delegates' admiration for his outstanding contributions to the Commonwealth.

HOUSE RESOLUTION NO. 519

Celebrating the life of Frederick Antony Ravi Kumar Zacharias.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, Frederick Antony Ravi Kumar Zacharias, a prolific author and admired religious scholar who touched countless lives as founder of Ravi Zacharias International Ministries, died on May 19, 2020; and

WHEREAS, a native of India, Ravi Zacharias grew up in Delhi, where he was once told that he would never travel far in his lifetime; after attempting suicide as a teenager, he found strength in his Christian faith and resolved to inspire others to do the same throughout the world; and

WHEREAS, in 1966, Ravi Zacharias immigrated to Canada with his family and subsequently graduated from Ontario Bible College; in the summer of 1971, he traveled to Vietnam, where he ministered to United States soldiers, as well as to captive members of the Viet Cong; and

WHEREAS, the value of Ravi Zacharias' experiences in Vietnam would later become the foundation of his commitment to ministry in areas of high risk, such as Nigeria, Pakistan, North Africa, South Africa, the Middle East, and Russia shortly after the fall of the Soviet Union; and

WHEREAS, Ravi Zacharias relocated to the United States, where he earned a master's degree from Trinity International University in Illinois, then embarked upon several years of travel, teaching and preaching to communities throughout the country; and

WHEREAS, gaining the attention of the Reverend Billy Graham, Ravi Zacharias was invited to speak at the inaugural International Conference for Itinerant Evangelists in 1983 and shared his perspectives on the importance of respecting the worldviews of others to facilitate better understanding of the Gospel message; and

WHEREAS, the following year, Ravi Zacharias founded Ravi Zacharias International Ministries (RZIM) near Atlanta, Georgia, with a mission to defend the intellectual credibility of Christianity and help individuals seek truth on questions of the origins and meaning of life, morality, and destiny; the organization expanded to locations in 17 countries on five continents and grew to employ nearly 100 speakers; and

WHEREAS, over the course of his career, Ravi Zacharias earned several honorary doctorates and authored numerous popular books on Christian philosophy and apologetics, which have been translated into multiple languages; his long-running radio program *Let My People Think* is syndicated to 2,000 stations in 32 countries and has achieved millions of downloads as a podcast; and

WHEREAS, in 2004, Ravi Zacharias and RZIM expanded training opportunities through the creation of the Oxford Centre for Christian Apologetics, which has served hundreds of students from 50 countries, and launched a humanitarian outreach division, Wellspring International, which works with local partners to meet the needs of vulnerable women and children around the world; and

WHEREAS, Ravi Zacharias established the RZIM Academy online learning program in 2014 and the Zacharias Institute training facility in 2017 to continue to inspire and empower believers; and

WHEREAS, Ravi Zacharias will be fondly remembered and greatly missed by his wife of 48 years, Margie; his children, Sarah, Naomi, and Nathan, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Frederick Antony Ravi Kumar Zacharias, a religious scholar who touched many lives in the Commonwealth and throughout the United States and the world; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Frederick Antony Ravi Kumar Zacharias as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 520

Celebrating the life of Clayton Dale Duvall.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, Clayton Dale Duvall, an accomplished accountant, distinguished government executive, and beloved member of the Culpeper community, died on June 10, 2020; and

WHEREAS, a native of Washington state, Dale Duvall studied at Washington State University and Gonzaga University before graduating from Kinman Business University; and

WHEREAS, starting his career as a certified public accountant, Dale Duvall supported his industry as a member of the American Institute of Certified Public Accountants and the Washington Society of Certified Public Accountants; and

WHEREAS, Dale Duvall was a managing partner of Morris, Lee & Company, an accounting firm in the Pacific Northwest, and specialized in fiscal and operational management in the fields of engineering and construction; and

WHEREAS, Dale Duvall greatly bolstered Ronald Reagan's path to the presidency in 1980, managing the politician's successful campaigns in Washington, Idaho, Oregon, and Montana; after the election, he moved to the Washington, D.C.,

area to serve on the President-elect's transition team and later assumed several senior leadership positions in the federal government; and

WHEREAS, in the latter half of his career, Dale Duvall served as vice president and treasurer of the Overseas Private Investment Corporation, commissioner of the Bureau of Reclamation at the Department of the Interior, and principal deputy assistant secretary for acquisition and facilities at the Department of Veteran Affairs; and

WHEREAS, raised on a farm in Washington, Dale Duvall embraced the pastoral life of his youth when he retired in 2003 and settled on a farm in Culpeper; he quickly became a leading member of his newfound community, ultimately serving as president of the Museum of Culpeper History while supporting various other historic preservation groups; and

WHEREAS, in recognition of his citizen service and unflinching efforts to preserve and celebrate local history, Dale Duvall was awarded the Culpeper Colonel Award by Culpeper County in 2015; and

WHEREAS, preceded in death by his daughter, Wendy, Dale Duvall will be dearly remembered and fondly missed by his loving wife of 36 years, Jewell; his children, Nanette, Steve, Bradley, and Scott, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Clayton Dale Duvall, an esteemed accountant and government executive who touched countless lives through his leadership and service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Clayton Dale Duvall as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 521

Commending the Honorable Edward T. Scott.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, the Honorable Edward T. Scott, a respected entrepreneur in Henry County, ably served the Commonwealth as a member of the Virginia House of Delegates for 12 years; and

WHEREAS, a native of Culpeper and a graduate of Virginia Polytechnic Institute and State University, Edward "Ed" T. Scott pursued a career in sales and management at a farm supply cooperative; and

WHEREAS, desirous to be of further service to the community and the Commonwealth, Ed Scott ran for and was elected to the Virginia House of Delegates in 2003 and represented the residents of the Counties of Madison and Orange and part of the County of Culpeper in the 30th District until 2016; and

WHEREAS, during his tenure as a state lawmaker, Ed Scott introduced and supported numerous important pieces of legislation to benefit all Virginians, taking a special interest in environmental issues; and

WHEREAS, Ed Scott offered his leadership and expertise to the Committee on Agriculture, Chesapeake and Natural Resources, and served on the Committees on Appropriations, Science and Technology, and Transportation; and

WHEREAS, in 2008, Ed Scott helped establish a small business in Locust Grove, of which he currently serves as president, that designs, installs, and maintains environmentally friendly wastewater systems; and

WHEREAS, Ed Scott earned the admiration of his colleagues for his commitment to practical solutions to problems and efforts to build bipartisan consensus; he served the Commonwealth with distinction and exemplified the ideals of the citizen-legislator; now, therefore, be it

RESOLVED by the House of Delegates, That the Honorable Edward T. Scott hereby be commended for his contributions to the Virginia Piedmont and the entire Commonwealth as a public servant; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable Edward T. Scott as an expression of the House of Delegates' admiration for his service.

HOUSE RESOLUTION NO. 522

Commending FOODE.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, FOODE in Fredericksburg has served the Fredericksburg community during the COVID-19 pandemic despite potential hazards; and

WHEREAS, FOODE has retained its employees during the COVID-19 pandemic, providing stability during an extraordinary economic downturn; and

WHEREAS, during the ongoing crisis, FOODE has provided food to numerous members of the Fredericksburg community and offered safe accommodations to people in need; and

WHEREAS, Beth Black, Joy Crump, and Jeremy Harrison, owners of FOODE, have exemplified sound leadership, compassion, and care for the restaurant's workers and community during the COVID-19 pandemic; now, therefore, be it

RESOLVED by the House of Delegates, That FOODE hereby be commended for its service to the Fredericksburg residents during the COVID-19 pandemic; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to FOODE as an expression of the House of Delegates' admiration for its commitment to its employees and the community.

HOUSE RESOLUTION NO. 523

Commending Juan More Taco.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, in the spring and summer of 2020, Juan More Taco in Fredericksburg stayed open during the COVID-19 pandemic to serve the community despite potential hazards; and

WHEREAS, Juan More Taco has retained its employees during the COVID-19 pandemic, providing stability during an extraordinary economic downturn; and

WHEREAS, during the ongoing crisis, Juan More Taco has provided free food to numerous members of the Fredericksburg community, including seniors and health care workers; and

WHEREAS, Maria Martin, owner of Juan More Taco, has exemplified sound leadership, compassion, and care for the restaurant's workers and community during the COVID-19 pandemic; now, therefore, be it

RESOLVED by the House of Delegates, That Juan More Taco hereby be commended for its service to the Fredericksburg residents during the COVID-19 pandemic; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Juan More Taco as an expression of the House of Delegates' admiration for its commitment to its employees and the community.

HOUSE RESOLUTION NO. 524

Commending Cooking Autism, Inc.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, in 2020, Cooking Autism, Inc., adapted its programs to continue serving young people in the Stafford County community during the COVID-19 pandemic; and

WHEREAS, Cooking Autism has inspired and cared for students with neurological challenges, including autism, since 2018; and

WHEREAS, Cooking Autism provides support for classes to teach students how to build important life skills and better express themselves through cooking; and

WHEREAS, during the COVID-19 pandemic, Cooking Autism has held virtual cooking classes for students homebound by lockdowns; and

WHEREAS, Morgan and April Burch, founders of Cooking Autism, Inc., have exemplified sound leadership, compassion, and care for the volunteers and the community during the COVID-19 pandemic; now, therefore, be it

RESOLVED by the House of Delegates, That Cooking Autism, Inc., hereby be commended for its service to the Stafford County residents during the COVID-19 pandemic; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Cooking Autism, Inc., as an expression of the House of Delegates' admiration for its commitment to its volunteers and the community.

HOUSE RESOLUTION NO. 525

Commending Soulific Seafood.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, in the spring and summer of 2020, Soulific Seafood continued operating during the COVID-19 pandemic to serve the Fredericksburg community despite potential hazards; and

WHEREAS, Soulific Seafood has offered food to alleviate hunger in vulnerable communities during the COVID-19 pandemic; and

WHEREAS, Soulific Seafood visited local communities in the Fredericksburg area to deliver food and necessities to residents in need; and

WHEREAS, Marcus Bevels, owner of Soulific Seafood, has exemplified sound leadership, compassion, and care for volunteers and the community during the COVID-19 pandemic; now, therefore, be it

RESOLVED by the House of Delegates, That Soulific Seafood hereby be commended for its service to the Fredericksburg residents during the COVID-19 pandemic; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Soulific Seafood as an expression of the House of Delegates' admiration for its commitment to its volunteers and the community.

HOUSE RESOLUTION NO. 526

Commending Stafford Food Security, Inc.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, in the spring and summer of 2020, Stafford Food Security, Inc., continued operating during the COVID-19 pandemic to serve the Fredericksburg and Stafford County communities despite potential hazards; and

WHEREAS, thanks to generous donations and the hard work of volunteers, Stafford Food Security has helped ensure that members of the community in need do not go hungry during the crisis; and

WHEREAS, Stafford Food Security has diligently kept up deliveries of food and necessities to members of the Fredericksburg area; and

WHEREAS, Tim White, founder of Stafford Food Security, Inc., has exemplified sound leadership, compassion, and care for the volunteers and the community during the COVID-19 pandemic; now, therefore, be it

RESOLVED by the House of Delegates, That Stafford Food Security, Inc., hereby be commended for its service to the Fredericksburg residents during the COVID-19 pandemic; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Stafford Food Security, Inc., as an expression of the House of Delegates' admiration for its commitment to its volunteers and the community.

HOUSE RESOLUTION NO. 527

Celebrating the life of Michael Thomas Elliot.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, Michael Thomas Elliot, a respected pastor and community leader in Stafford County, died on August 1, 2020; and

WHEREAS, Michael Elliot pursued a career in law enforcement and retired as a supervisory special agent in the Federal Bureau of Investigation in 2007; and

WHEREAS, Michael Elliot subsequently became the executive director of Stafford Emergency Relief through Volunteer Efforts (S.E.R.V.E.) in 2017; and

WHEREAS, during his tenure as executive director of S.E.R.V.E., Michael Elliot was a trusted mentor to many volunteers and helped the organization fulfill its mission to provide nutritious food and emergency assistance to community members in need; and

WHEREAS, Michael Elliot was well-known by family and friends as an incomparable storyteller, who relished every opportunity to share parables and impart wise life lessons; and

WHEREAS, a man of deep and abiding faith, Michael Elliot offered spiritual leadership to others as a pastor and actively supported the congregation of Mount Ararat Baptist Church; and

WHEREAS, Michael Elliot will be fondly remembered and greatly missed by his wife, Linda; his children, Caitlin, Zachary, and Taihlor, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Michael Thomas Elliot, a civic and religious leader who made many contributions to the Stafford County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Michael Thomas Elliot as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 528

Commending Pimenta.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, in the spring and summer of 2020, the Jamaican restaurant Pimenta in Fredericksburg stayed open during the COVID-19 pandemic to serve the community despite potential hazards; and

WHEREAS, Pimenta has retained its employees during the COVID-19 pandemic, providing stability during an extraordinary economic downturn; and

WHEREAS, during the ongoing crisis, Pimenta has provided food to numerous members of the Fredericksburg community; and

WHEREAS, Ray and Jackie Simmonds, owners of Pimenta, have exemplified sound leadership, compassion, and care for the restaurant's workers and community during the COVID-19 pandemic; now, therefore, be it

RESOLVED by the House of Delegates, That Pimenta hereby be commended for its service to the Fredericksburg residents during the COVID-19 pandemic; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Pimenta as an expression of the House of Delegates' admiration for its commitment to its employees and the community.

HOUSE RESOLUTION NO. 529

Celebrating the life of Tracy Lee Taliaferro.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, Tracy Lee Taliaferro, an esteemed health care executive and beloved member of the Prince George County community, died on April 18, 2020; and

WHEREAS, born in Anderson, South Carolina, Tracy Taliaferro was raised in Prince George County from the age of seven and would later graduate from Virginia State University; and

WHEREAS, beginning his career as a certified respiratory therapy practitioner, Tracy Taliaferro served patients at the former Petersburg General Hospital, now Southside Regional Medical Center, from 1980 to 1996; and

WHEREAS, earning his law degree from the T.C. Williams School of Law at the University of Richmond in 1996, Tracy Taliaferro further pursued opportunities to serve others and help his community; and

WHEREAS, a guardian ad litem for children and elderly adults, Tracy Taliaferro took great care to ensure vulnerable individuals were protected from the threat of physical and mental abuse and financial exploitation; and

WHEREAS, dedicating his career to providing patients and their families with compassionate end-of-life care, Tracy Taliaferro served on the Board of Directors of the Crater Community Hospice in Petersburg since 2001, serving twice as its chair, and ultimately leading the organization as its chief executive officer as of 2017; and

WHEREAS, Tracy Taliaferro supported his community's emergency response services as a life member, volunteer, and legal advisor to the Prince George County Emergency Crew and as a member of the Critical Incident Stress Management team of the Old Dominion Emergency Medical Services Alliance; and

WHEREAS, ever motivated to protect others, particularly the most vulnerable in society, Tracy Taliaferro was a member of the Tri-Cities Chapter of Bikers Against Child Abuse, an organization committed to ensuring a safe environment for abused children; and

WHEREAS, guided throughout life by his deep and abiding faith, Tracy Taliaferro enjoyed worship and fellowship with his community at Monumental Baptist Church in Petersburg for many years; and

WHEREAS, Tracy Taliaferro will be dearly remembered and fondly missed by his loving wife, Debra; his mother, Barbara; his sister, Lynn; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Tracy Lee Taliaferro, a distinguished health care professional who touched countless lives through his unwavering commitment to serve others; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Tracy Lee Taliaferro as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 530

Celebrating the life of William Russell Batten, Sr.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, William Russell Batten, Sr., a beloved husband, father, and grandfather who made many contributions to the Smithfield community, died on July 17, 2020; and

WHEREAS, Russell Batten was a talented athlete in his youth, playing on the football and baseball teams at Smithfield High School; and

WHEREAS, Russell Batten pursued a long and fulfilling career with the Town of Smithfield and served his fellow residents as superintendent of public works; and

WHEREAS, in the course of his professional duties, Russell Batten oversaw enhancements and renovations to critical infrastructure in the town; and

WHEREAS, after his well-earned retirement, Russell Batten enjoyed playing golf and spending more time with his cherished family and friends; and

WHEREAS, Russell Batten will be fondly remembered and greatly missed by his wife of 50 years, Emily; his children, Lori, Bill, and Brent, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of William Russell Batten, Sr., a highly admired member of the Smithfield community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of William Russell Batten, Sr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 531

Celebrating the life of Harold Dewitt Brown.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, Harold Dewitt Brown, the longtime sheriff of Surry County, beloved for his commitment to his community, died on April 1, 2020; and

WHEREAS, a graduate of L.P. Jackson High School and the Crater Criminal Justice Training Academy, Harold Brown was a member of the Surry County Sheriff's Office from 1979 until his retirement on May 1, 2010; and

WHEREAS, devoting his career to law enforcement, Harold Brown bravely risked his life daily to ensure the safety and protection of others; after being shot in the line of duty in 1990, he returned to the force and continued serving for over two decades; and

WHEREAS, in 1991, Harold Brown became the first African American to serve as the sheriff of Surry County, a position he would hold for many years while leading the county's law-enforcement efforts with the utmost compassion and professionalism; and

WHEREAS, during his tenure as sheriff, Harold Brown greatly enhanced the ability of the Surry County Sheriff's Office to police its jurisdiction, coordinating with federal and state drug task forces and securing grants that allowed the department to hire more officers and acquire better equipment; and

WHEREAS, with an eye toward safeguarding the youth of his community, Harold Brown initiated both the Drug Abuse Resistance Education (DARE) program and the "Class Action" anti-crime program in area schools, helping the young men and women of Surry County to stay out of trouble and pursue healthy, productive lives; and

WHEREAS, under Harold Brown's leadership, the Surry County Sheriff's Office became a round-the-clock police force and bolstered its 9-1-1 response services, better enabling the department to be there for the residents of Surry County in their time of need; and

WHEREAS, through the unwavering kindness and respect he showed the citizens he served, Harold Brown became a mentor and a role model to many and a cherished fixture in the Surry County community; and

WHEREAS, preceded in death by his son, Stacey, Harold Brown will be dearly remembered and fondly missed by his wife, Nannie; his daughter, Stella; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Harold Dewitt Brown, an esteemed leader of Surry County who dedicated his life to the well-being of others; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Harold Dewitt Brown as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 532

Celebrating the life of Captain Michael Francis Ott, Jr., USN, Ret.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, Captain Michael Francis Ott, Jr., USN, Ret., a distinguished veteran and beloved member of the Virginia Beach community, died on July 10, 2020; and

WHEREAS, born in Youngstown, Ohio, Michael "Mike" Francis Ott, Jr., was raised in Richmond, where he attended Benedictine High School; and

WHEREAS, after graduating with a bachelor's degree in political science from the United States Naval Academy in 1988, Mike Ott received his commission in the United States Navy; and

WHEREAS, Mike Ott would further his education by earning a master's degree in information technology from the Naval Postgraduate School and a master's degree in defense studies from King's College in London; and

WHEREAS, serving on active duty for 31 years, Mike Ott primarily supported the United States' expeditionary and amphibious forces and led various units at sea; he was previously stationed in both Honolulu, Hawaii, and London, but spent more than two decades at what is now the Joint Expeditionary Base-Little Creek in Virginia Beach; and

WHEREAS, concluding his naval career as commodore of Naval Beach Group Two, Mike Ott oversaw a staff of more than 1,800 individuals and had the responsibility to equip and certify over 40 landing crafts while training more than 600 sailors; and

WHEREAS, greatly admired and respected by his fellow servicemen and officers, Mike Ott was recognized with several distinctions throughout his career, including the Legion of Merit, the Meritorious Service Medal, the Navy and Marine Corps Commendation Medal, the Navy and Marine Corps Achievement Medal, and other assorted unit, campaign, and service medals; and

WHEREAS, a proud and devoted family man, Mike Ott was a reliable presence at his sons' sporting events over the years and supported them in every endeavor they pursued; and

WHEREAS, Mike Ott will be dearly remembered and fondly missed by his loving wife of 32 years, Shawn; his children, Michael, Nathan, Andrew, and Dayton; his mother, Sheila; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Captain Michael Francis Ott, Jr., USN, Ret., an honored veteran who led and inspired countless individuals through his courage, kindness, and generosity; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Captain Michael Francis Ott, Jr., USN, Ret., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 533

Commending Ricky Gardner.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, Ricky Gardner, an esteemed law-enforcement officer with the Bedford County Police Department who has served his community for more than 40 years, retired in 2020; and

WHEREAS, a lifelong resident of Bedford County and graduate of Liberty High School, Ricky Gardner began serving his community at a young age when he joined both the Bedford Life Saving Crew and the Virginia National Guard; and

WHEREAS, Ricky Gardner enlisted with the Bedford County Police Department in October 1979; initially a deputy, he was promoted to the position of criminal investigator in 1984; and

WHEREAS, a graduate of the Virginia Forensics Science Academy in Richmond, Ricky Gardner demonstrated a strong knowledge of investigatory practices through his close involvement with several high-profile cases in the 1980s and 1990s; and

WHEREAS, a proven leader, Ricky Gardner was promoted to lieutenant in 1998 and to captain of field services and administration in 2002; he would ultimately rise to the rank of major in 2006, the department's second-in-command; and

WHEREAS, through his dedication and commitment to his work, Ricky Gardner leaves a legacy of excellence and integrity that will inspire the community and fellow law-enforcement officers for years to come; now, therefore, be it

RESOLVED by the House of Delegates, That Ricky Gardner, major of the Bedford County Police Department who protected and served the citizens of Bedford with grace, kindness, and compassion for more than four decades, hereby be commended on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ricky Gardner as an expression of the House of Delegates' gratitude and admiration for his contributions to Bedford County and the Commonwealth.

HOUSE RESOLUTION NO. 534

Commending the COVID-19 Sewing Taskforce for Hampton Roads.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, the COVID-19 Sewing Taskforce for Hampton Roads, a grassroots effort led by generous local volunteers, produced and distributed thousands of masks throughout the region during the COVID-19 pandemic; and

WHEREAS, the COVID-19 Sewing Taskforce for Hampton Roads was established in April 2020 by a group of friends who recognized shortages of personal protective equipment and wanted to support local medical professionals by sewing and donating face masks; and

WHEREAS, affectionately known by members as "MaskForce," the COVID-19 Sewing Taskforce for Hampton Roads grew to include more than 1,400 dedicated volunteers and produced more than 40,480 masks; and

WHEREAS, the COVID-19 Sewing Taskforce for Hampton Roads organized volunteers into work groups with different tasks to increase efficiency and set up six distribution centers for the completed masks throughout the region; and

WHEREAS, the COVID-19 Sewing Taskforce for Hampton Roads coordinated with local civic organizations, clubs, sewing groups, businesses, media outlets, and religious organizations to raise awareness and generate support for its critical mission; and

WHEREAS, in the first phase of production, the COVID-19 Sewing Taskforce for Hampton Roads made more than 19,400 masks for health care workers, including hospital-tested masks made from surgical draping that could be sterilized and reused and masks with clear front panels to allow deaf patients to read caregivers' lips; the organization also made masks for Eastern Virginia Medical School, senior living facilities, physician's offices, and home health care providers; and

WHEREAS, during the second phase of production, the COVID-19 Sewing Taskforce for Hampton Roads expanded its distribution of masks to vulnerable community members, including food bank recipients, cancer patients, public housing residents, homeless individuals, social services case workers, Community Services Board members, and many others; and

WHEREAS, in May 2020, as masks once again became available through the normal supply chain, the COVID-19 Sewing Taskforce for Hampton Roads concluded its work; in total, the organization supported the needs of 81 organizations in 12 cities in only a few weeks; now, therefore, be it

RESOLVED by the House of Delegates, That the COVID-19 Sewing Taskforce for Hampton Roads hereby be commended for its work to address shortages of personal protective equipment for health care workers during the COVID-19 pandemic; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the COVID-19 Sewing Taskforce for Hampton Roads as an expression of the House of Delegates' admiration for the organization's generosity and dedication to the well-being of their fellow community members.

HOUSE RESOLUTION NO. 535

Celebrating the life of Bishop Willie Roger Logan.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, Bishop Willie Roger Logan, who offered his spiritual leadership and wisdom to the Fredericksburg community for many years, died on May 14, 2020; and

WHEREAS, a native of Halifax County, Willie Roger (W.R.) Logan relocated to Alexandria with his family in 1955 and subsequently graduated from Parker-Gray High School, where he was a member of the basketball team; and

WHEREAS, W.R. Logan began to cultivate his deep and joyful faith at a young age, and while in Alexandria, he joined Antioch Church of Christ of the Bible Way Church of Our Lord Jesus Christ World-Wide; and

WHEREAS, W.R. Logan answered the call to ministry at the age of 19 and made many contributions to the Antioch Church of Christ community over the course of nearly 25 years; he played an instrumental role in renovations of the church building, served as head of the finance department, and worked with young people as a Sunday school superintendent; and

WHEREAS, W.R. Logan ministered to individuals incarcerated at Lorton Correctional Complex as a Bible study teacher; and

WHEREAS, a few years after graduating from Washington Bible College in Washington, D.C., W.R. Logan and his family moved to Fredericksburg to start Grace Redemption Church in 1979; and

WHEREAS, in 1999, W.R. Logan was appointed as an assistant to the bishop of Northern Virginia District 1 of the Bible Way Church, followed by consecration as a district elder; in 2004, he was honored by his appointment as bishop of the district; and

WHEREAS, W.R. Logan will be fondly remembered and greatly missed by his wife of 58 years, Rosa; his children, Anthony, Angelo, Victor, Ivan, and Chrystie, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Bishop Willie Roger Logan, a respected spiritual leader in Fredericksburg; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Bishop Willie Roger Logan as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 536

Commending the Division of Capitol Police.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, in May and June 2020, the Division of Capitol Police took appropriate measures to protect the historic resources in and around the Virginia State Capitol and Capitol Square and ensure the safety of members of the public and state employees; and

WHEREAS, on May 29, 2020, demonstrations in downtown Richmond to protest the death of George Floyd turned violent, resulting in damage to multiple businesses, buildings, and vehicles throughout the city; and

WHEREAS, the following night, members of the Division of Capitol Police responded to large crowds gathering around Ninth and Grace Streets, and two officers sustained injuries when they were struck with thrown objects; and

WHEREAS, the Division of Capitol Police and the Department of General Services (DGS) made the decision to close Capitol Square to the public after the Virginia Capitol Visitor's Entrance, the Virginia Supreme Court Building, and the Washington Building were vandalized and a window was broken in the Barbara Johns Building, which houses the Office of the Attorney General; and

WHEREAS, as unrest continued, the Division of Capitol Police monitored the situation and strove to ensure overall public safety in the area; working in conjunction with DGS, the agency ultimately reopened Capitol Square on June 15, 2020; now, therefore, be it

RESOLVED by the House of Delegates, That the Division of Capitol Police hereby be commended for its service in protecting the Virginia State Capitol and Capitol Square in May and June 2020; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Colonel Anthony S. Pike, chief of the Division of Capitol Police, as an expression of the House of Delegates' admiration for the agency's commitment to safeguarding the grounds around Capitol Square and protecting the lives of visitors and state employees.

HOUSE RESOLUTION NO. 537

Commending Disabled American Veterans.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, in 2020, Disabled American Veterans celebrates 100 years of serving veterans of the United States Armed Forces, their families and survivors, and communities; and

WHEREAS, Disabled American Veterans (DAV) was founded by World War I veterans on September 25, 1920, and was chartered by the United States Congress on June 17, 1932; the organization is dedicated to a single purpose: empowering veterans to lead high-quality lives with respect and dignity; and

WHEREAS, DAV accomplishes its mission by ensuring veterans and their families have access to the full range of benefits available to them, by advocating for the interests of America's injured heroes, and by educating the public about the needs of veterans transitioning back to civilian life; and

WHEREAS, DAV provides free, professional assistance to veterans and their families in obtaining benefits and services provided by the United States Department of Veterans Affairs (VA) and other agencies; and

WHEREAS, DAV provides outreach concerning its programs and services to disabled veterans and their families and to all members of the American public; and

WHEREAS, DAV represents the interests of disabled veterans, their families, and their widowed spouses and orphans before the federal government, as well as state and local governments; and

WHEREAS, DAV has fought tirelessly for equal access to critical VA caregiver benefits and services for several disabled veterans of all generations, resulting in legislation to expand eligibility to those injured prior to September 11, 2001, as part of the VA MISSION Act; and

WHEREAS, DAV co-presents the National Disabled Veterans Winter Sports Clinic and the National Disabled Veterans TEE Tournament; has organized the nationwide DAV Transportation Network to provide free transportation for veterans to VA medical appointments; operates an active Charitable Service Trust funding the needs of local providers assisting at-risk local veterans; has built an active volunteer corps offering thousands of hours of service to veterans and communities; offers veterans, transitioning military members, and spouses access to employers through its nationwide job fair program; and provides emergency assistance to veterans in need through the DAV Disaster Relief Program; and

WHEREAS, in addition to its many programs for veterans, DAV operates the Jesse Brown Memorial Youth Scholarship Program to contribute to the lives of young Americans; and

WHEREAS, the DAV Department of Virginia and its chapters across the Commonwealth demonstrate their unending commitment to ill and injured veterans of all generations and conflicts; now, therefore, be it

RESOLVED by the House of Delegates, That Disabled American Veterans hereby be commended for its legacy of service to veterans on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Disabled American Veterans as an expression of the House of Delegates' admiration for the organization's contributions to American society, national security, and the welfare of military veterans and their families.

HOUSE RESOLUTION NO. 538

Commending Lorna L. Parkins.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, Lorna L. Parkins, vice president of the engineering and consulting firm Michael Baker International, was inducted into the American Institute of Certified Planner's College of Fellows in 2020; and

WHEREAS, the American Institute of Certified Planners is the professional institute of the American Planning Association, and induction into its College of Fellows is the highest honor the organization bestows upon its members; and

WHEREAS, working in both the public and private sectors over the past 30 years, Lorna Parkins has performed numerous feasibility studies, long-range models, and quantitative analyses for transportation projects throughout the Mid-Atlantic region; and

WHEREAS, with an eye to the lasting impacts of transportation planning decisions, Lorna Parkins arduously studies the relationships between transportation, land use, and economic development, utilizing data-driven analysis to support innovation and sustainability across various projects; and

WHEREAS, by incorporating community impact assessments in her studies, Lorna Parkins has bolstered awareness of social and environmental factors in the transportation investments she has overseen; and

WHEREAS, with concern for the effect transportation projects have on communities, Lorna Parkins has effectively argued in favor of transit planning that improves residents' access to jobs, leading to increased transit ridership despite national trends to the contrary; and

WHEREAS, a leader in her industry for the past three decades, Lorna Parkins has been a mentor and role model to other women in her field throughout her career; her advocacy has led to more accommodating policies in the workplace and improved the retention of female planning professionals; and

WHEREAS, through her tireless commitment to responsible transportation planning, Lorna Parkins has ensured the Commonwealth's growth and development will be mindful of citizens and their communities for years to come; now, therefore, be it

RESOLVED by the House of Delegates, That Lorna L. Parkins, an esteemed transportation planner with Michael Baker International, hereby be commended on the occasion of her induction into the American Institute of Certified Planner's College of Fellows; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lorna L. Parkins as an expression of the House of Delegates' admiration for her remarkable achievement and best wishes for the future.

HOUSE RESOLUTION NO. 539

Commending Kurt John.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, Kurt John of Fairfax, the chief cybersecurity officer of Siemens USA, was appointed to the Virginia Innovation Partnership Authority in July 2020; and

WHEREAS, a highly experienced technology professional, Kurt John oversees cybersecurity strategy, governance, and implementation for Siemens' American markets, coordinating cybersecurity for the company's products, solutions, services, and infrastructure; and

WHEREAS, as a member of the Siemens Cybersecurity Board, Kurt John works to address global challenges and evaluate new opportunities for the company in the evolving field of cybersecurity; and

WHEREAS, Kurt John has been responsible for cybersecurity assurance projects as part of the Siemens Leadership Development program, and he has provided transparency and improvement recommendations to the Siemens Managing Board; and

WHEREAS, as a member of the Virginia Innovation Partnership Authority, Kurt John will use his unique insights to help the entity fulfill its mission to bolster economic and technological development in the Commonwealth by attracting and retaining high-technology jobs and businesses; now, therefore, be it

RESOLVED by the House of Delegates, That Kurt John hereby be commended on his selection as a member of the Virginia Innovation Partnership Authority; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kurt John as an expression of the House of Delegates' admiration for his contributions to the field of cybersecurity and willingness to serve the Commonwealth.

HOUSE RESOLUTION NO. 540

Commending the Virginia Hospital & Healthcare Association, Virginia's hospitals, and hospital workers.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, the COVID-19 pandemic has impacted every aspect of life throughout the United States, the Virginia Hospital & Healthcare Association, Virginia's hospitals, and hospital workers have been on the frontlines of the struggle to protect and defend public health during this unprecedented crisis; and

WHEREAS, between March and August 2020, more than 101,000 people in the Commonwealth tested positive for COVID-19, and while hospitals in Virginia treated and discharged more than 13,000 COVID-19 patients during that period, at least 2,300 Virginians tragically died from the deadly virus in that same period; and

WHEREAS, the Virginia Hospital & Healthcare Association (VHHA), an alliance of 110 hospitals and 26 health delivery systems in the Commonwealth, has played a leading role in the response to the COVID-19 pandemic by working with members and stakeholders to ensure coordination and efficient communication during a rapidly evolving crisis; and

WHEREAS, Virginia's hospitals have ably adapted to the crisis by addressing workforce challenges, expanding treatment capacity, managing supply chain interruptions, delivering direct care, and pioneering new innovations to meet patients' needs; and

WHEREAS, early in the COVID-19 pandemic, Virginia's hospitals implemented drive-through testing sites to reduce exposure and preserve hospital space for seriously ill patients; many hospitals and health systems developed in-house testing capabilities by April 2020 and now conduct more than 20 percent of the Commonwealth's overall testing; and

WHEREAS, to ensure accurate and timely information, Virginia's hospitals partnered with the VHHA to launch an online data dashboard that collects and aggregates vital clinical intelligence from around the Commonwealth to provide up-to-date statistics on the COVID-19 pandemic; and

WHEREAS, the VHHA and Virginia's hospitals have consistently worked with long-term care providers to address the lasting effects of the disease and ensure continuity of care for individuals with persistent health challenges unrelated to the COVID-19 pandemic or individuals in need of mental health or substance abuse treatment and throughout the crisis have provided partnership and support to long-term care providers; and

WHEREAS, the VHHA and Virginia's hospitals have coordinated with other local, state, and national agencies to prepare for and respond to a wide range of emergency situations related to the COVID-19 pandemic, as well as unrelated events that place further strain on the health care delivery system in the Commonwealth and across the nation; and

WHEREAS, during the COVID-19 pandemic, the VHHA has facilitated collaboration with Virginia's first responders through the Virginia Healthcare Emergency Management Program, which is composed of six regional coalitions that plan and prepare for emergencies and disasters; and

WHEREAS, doctors, nurses, hospital administrative and janitorial staff members, and other health care professionals have taken significant risks and made personal sacrifices to fulfill their duties, including those who have contracted the virus while treating patients and many others who have needed to isolate themselves from family and loved ones to avoid spreading the virus; and

WHEREAS, Virginia's hospitals and health delivery systems have nimbly evaluated and updated emergency protocols, plans, and procedures to ensure that the Commonwealth is well-prepared for potential future waves of infection and hospitalization surges; now, therefore, be it

RESOLVED by the House of Delegates, That the Virginia Hospital & Healthcare Association, Virginia's hospitals, and hospital workers hereby be commended for their outstanding coordination and exceptional service on behalf of all Virginians during the COVID-19 pandemic; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to representatives of the Virginia Hospital & Healthcare Association, Virginia's hospitals, and hospital workers as an expression of the House of Delegates' admiration for their unyielding commitment to the health and safety of their fellow Virginians and gratitude for their heroic efforts to fight the COVID-19 pandemic.

HOUSE RESOLUTION NO. 541

Confirming nominations by the Speaker of the House of Delegates to the House Ethics Advisory Panel.

Agreed to by the House of Delegates, September 4, 2020

RESOLVED by the House of Delegates, That the House confirm the following nominations made by the Speaker of the House of Delegates to the House Ethics Advisory Panel pursuant to § 30-112 of the Code of Virginia:

The Honorable Jan Brodie of Williamsburg, Virginia 23185, Member, for a term of four years beginning July 1, 2020, and ending June 30, 2024.

The Honorable Paula Miller of Norfolk, Virginia 23503, Member, for a term of four years beginning July 1, 2020, and ending June 30, 2024.

Cedric Rucker of Fredericksburg, Virginia 22401, Member, for a term of four years beginning July 1, 2020, and ending June 30, 2024.

William Tunner of Richmond, Virginia 23226, Member, for a term of four years beginning July 1, 2020, and ending June 30, 2024.

The Honorable Margaret Vanderhye of McLean, Virginia 22101, Member, for a term of four years beginning July 1, 2020, and ending June 30, 2024.

HOUSE RESOLUTION NO. 542

Commending Marquita Moore.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, Marquita Moore of North Chesterfield was recently honored as the 2020 Virginia Direct Support Professional of the Year for her work to foster environments that allow each individual she supports to feel valued, and for her work as a daily advocate for those she supports, helping them to cultivate healthy, meaningful relationships with their family members; and

WHEREAS, Virginia's workforce of direct support professionals (DSP) constitutes the backbone of the Commonwealth's community services delivery system, ensuring that individuals with disabilities lead a fulfilling life in the community through a diverse range of services; and

WHEREAS, DSPs like Marquita Moore offer individuals with disabilities a wide range of supports so that the people they care for can live with family or peers in the community, including daily living activities, medicine administration, employment, and social activity engagement; and

WHEREAS, the American Network of Community Options and Resources annually recognizes DSP of the Year award recipients throughout the nation for their excellence in providing long-term supports and services to individuals living with intellectual and developmental disabilities; and

WHEREAS, Marquita Moore, currently working for ResCare Community Living Services, has over eight years of experience as a DSP; she exhibits outstanding patience with and provides exceptional encouragement to each individual she serves; her discipline in addressing every situation is balanced and positive, and her personal interactions inspire positive living and working environments; now, therefore, be it

RESOLVED by the House of Delegates, That Marquita Moore hereby be commended for her commitment to individuals with disabilities in Virginia on the occasion of her selection as the 2020 Virginia Direct Support Professional of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Marquita Moore as an expression of the House of Delegates' admiration of her service to the citizens of the Commonwealth.

HOUSE RESOLUTION NO. 543

Celebrating the life of Pierre Nkepnang.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, Pierre Nkepnang, a thoughtful humanitarian and devoted family man of Gainesville, died on June 11, 2020; and

WHEREAS, Pierre Nkepnang was born in Bafang, Cameroon, on January 1, 1954, to Ngongang Jean Nkepnang and Yoni Pauline Nkepnang; he was a devoted husband to his wife, Charlotte Nkepnang, and loving brother to his sister and brother; and

WHEREAS, Pierre Nkepnang began his career as director of international relations for Chase Manhattan Bank in Cameroon before transitioning to a career path providing international humanitarian relief and development aid; and

WHEREAS, Pierre Nkepnang served the international community through his work as a program director and development specialist and in several management positions with national governmental organizations and international relief organizations, such as Freedom from Hunger in Mali, Save the Children, World Vision International, Care International, and Mercy Corps; and

WHEREAS, Pierre Nkepnang's humanitarian pursuits led him to work in and visit many countries around the world, including the Philippines, Haiti, Senegal, Mali, and many inland nations within the African Union; and

WHEREAS, Pierre Nkepnang's dedication to international relief work was inspired by the struggles and barriers he experienced during his childhood in Cameroon; he was a firm believer of being a selfless citizen of the world and considered sponsoring children through humanitarian programs to be one of the greatest achievements of his life; and

WHEREAS, Pierre Nkepnang was an empathetic and supportive listener who was open, sensitive, and insightful to the opinion and circumstances of others; he had a warm sense of humor in the way he always joked with and supported his children, showing them to never take life's problems and hurdles too seriously; and

WHEREAS, Pierre Nkepnang did everything he could to make sure his children were able to travel everywhere they wanted, including taking them on a vacation to Disney World when they were young and to his native Cameroon to connect with their family's roots and culture; and

WHEREAS, Pierre Nkepnang was fiercely loyal and devoted to those he loved, especially his children, Rose, Dean, and Gilles, and his partner in life, Charlotte; he was a man of both deep character and peace who effused the values of patience, kindness, and modesty; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Pierre Nkepnang, a dedicated humanitarian worker and beloved member of the Gainesville community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Rose Kepnang as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 544

Commemorating the 100th anniversary of the adoption of the Nineteenth Amendment to the Constitution of the United States.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, an organized movement to enfranchise women in the United States began in July 1848 at a convention in Seneca Falls, New York; and

WHEREAS, over a period of more than 70 years, brave and courageous suffragists sacrificed their personal lives, their financial resources, and time with their families to gain equal rights for their fellow women, especially the right to vote; and

WHEREAS, women and men of all races and creeds supported the movement for women to gain the constitutional right to have an equal voice in making the laws that govern them; and

WHEREAS, the women's suffrage movement led to the passage of the Nineteenth Amendment to the Constitution of the United States in 1919, with ratification by the last state necessary on August 18, 1920; and

WHEREAS, Secretary of State Bainbridge Colby certified the ratification soon thereafter on August 26, which has since become known as the annual Women's Equality Day; and

WHEREAS, the 100th anniversary of women gaining the right to vote in the United States offers an opportunity to appreciate the impact these historic accomplishments have had on citizen engagement in the electoral process and on civic life at local, state, and national levels; now, therefore, be it

RESOLVED by the House of Delegates, That the 100th anniversary of the adoption of the Nineteenth Amendment to the Constitution of the United States hereby be commemorated on August 26, 2020; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation as an expression of the House of Delegates' appreciation for the historical significance of this event and the contributions of generations of women to democracy in the United States.

HOUSE RESOLUTION NO. 545

Celebrating the life of the Honorable George Earl Lovelace.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, the Honorable George Earl Lovelace of Locust Grove, a consummate public servant who served on the Vienna Town Council for many years and became the first African American to represent a Northern Virginia district in the Virginia House of Delegates since the Reconstruction era, died on March 22, 2020; and

WHEREAS, George Lovelace grew up in Evansville, Indiana, and graduated from Lincoln University; he later earned a master's degree from The George Washington University; and

WHEREAS, George Lovelace served his country as a member of the United States Army Signal Corps during the Vietnam War; he subsequently completed postings in Europe and Turkey and at the Pentagon before retiring as a lieutenant colonel in 1979; and

WHEREAS, after his honorable military service, George Lovelace pursued a career in information technology management and consulting, working with Corporation Services Company, Boeing, Electronic Data Systems, and the General Services Administration; and

WHEREAS, George Lovelace was elected to the Vienna Town Council in 1982 and worked diligently to enhance the quality of life for his fellow residents for the next 14 years; and

WHEREAS, desirous to be of further service to the community and the Commonwealth, George Lovelace ran for and was elected to the Virginia House of Delegates during a special election in 1996 and represented the residents of the 35th District for one year; and

WHEREAS, George Lovelace returned to the Vienna Town Council in 2003 and represented the community before several boards and commissions, including the Fairfax County Small Business Commission and the Fairfax County Park Authority Board, until his retirement in 2010; and

WHEREAS, George Lovelace volunteered his time and expertise as a court-appointed special advocate for neglected and abused children and as a mediator in Spotsylvania County and Washington, D.C.; he was a longtime member of the Lake of the Woods Lions Club and Saint Isidore the Farmer Catholic Church, where he shared his passion for song with the congregation as a cantor; and

WHEREAS, throughout his career, George Lovelace served the Town of Vienna, Fairfax County, and the Commonwealth with the utmost dedication and distinction; and

WHEREAS, George Lovelace will be fondly remembered and greatly missed by his wife Donaldda; his daughters, Dawn and Donaldda, and their families; and numerous other family members, friends, and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of the Honorable George Earl Lovelace, a distinguished public servant who made many contributions to the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable George Earl Lovelace as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 546

Commending the Ampersand Pantry Project.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, the Ampersand Pantry Project, a nonprofit food pantry in Loudoun County, has provided tens of thousands of free meals to the community since the onset of the COVID-19 pandemic; and

WHEREAS, the Ampersand Pantry Project was founded in February 2020 at 650 Edwards Ferry Road in Leesburg; it was initially intended to serve as a community donation box where people could both pick up and leave food, diapers, hygienic products, and other important staples; and

WHEREAS, shortly after its founding, the economic fallout from the COVID-19 pandemic realigned the organization's mission; since April 16, 2020, the organization has provided free lunches and diapers to those in need, an effort that simultaneously combats hunger and supports local restaurants and other small businesses; and

WHEREAS, operating out of the drive through window of a former Taste Freeze building, the Ampersand Pantry Project adheres to social distancing guidelines while serving over 350 lunches a day, seven days a week; and

WHEREAS, several local restaurants and businesses, including Deli South and Merone's Catering, have offered to provide thousands of meals at reduced rates, enabling the Ampersand Pantry Project to place larger orders and serve more; and

WHEREAS, the Ampersand Pantry Project has already raised over \$115,000 and served more than 36,000 meals, providing an invaluable lifeline to the community during these difficult times; and

WHEREAS, by heroically rising to the challenges presented by the COVID-19 pandemic, the volunteers of the Ampersand Pantry Project exemplify what makes the Commonwealth a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That the Ampersand Pantry Project, a nonprofit food pantry in Leesburg, hereby be commended for its effort to fight hunger and support businesses through the COVID-19 crisis; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Peter Burnett, founder of the Ampersand Pantry Project, as an expression of the House of Delegates' admiration for his organization's remarkable achievements and its selfless service on behalf of citizens of the Commonwealth.

HOUSE RESOLUTION NO. 547

Celebrating the life of Lorna M. Breen, M.D.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, Lorna M. Breen, M.D., a highly admired medical professional who treated patients in one of the worst affected areas of New York City during the COVID-19 pandemic, died on April 26, 2020, in Charlottesville; and

WHEREAS, Lorna Breen followed in the footsteps of both her parents in the medical field, attending Cornell University before earning a master's degree in anatomy and a medical degree from the Virginia Commonwealth University School of Medicine, then subsequently working as an emergency medical technician; and

WHEREAS, in 2004, Lorna Breen joined the New York-Presbyterian medical system; she became the medical director of the emergency department at New York-Presbyterian Allen Hospital, a 200-bed hospital in Manhattan that, at one point during the pandemic, was treating 170 COVID-19 patients; and

WHEREAS, a respected and highly effective leader, Lorna Breen worked to acquire essential supplies and protective equipment and to mitigate the physical and emotional toll of the pandemic on her staff members; and

WHEREAS, Lorna Breen's supreme personal sacrifices helped ensure that COVID-19 cases at New York-Presbyterian Allen Hospital were managed as efficiently and effectively as possible, saving numerous lives; even after she tested positive for the virus, she was driven by her devotion to both her patients and her staff members to return to work shortly after recovering; and

WHEREAS, outside of her professional career, Lorna Breen brought joy to others through her magnetic personality, and she was a talented skier, salsa dancer, and cellist; she enjoyed fellowship and worship with the community at Redeemer Presbyterian Church in New York City; and

WHEREAS, Lorna Breen will be fondly remembered and greatly missed by numerous family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Lorna M. Breen, M.D., a courageous, dedicated physician and a beloved daughter, sister, and friend; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Lorna M. Breen, M.D., as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 548

Commending the Loudoun Arts Film Festival.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, the Loudoun Arts Film Festival, a community event that promotes independent filmmaking, creative expression, and immersive entertainment, will be held in August and September 2020; and

WHEREAS, organized by Loudoun Arts with support from local businesses and volunteers, the Loudoun Arts Film Festival will highlight the diversity of the Loudoun County community and engage audiences by curating unique and compelling films; and

WHEREAS, the organizers of the Loudoun Arts Film Festival have worked diligently to address the challenges of holding the event during the COVID-19 pandemic and create a safe and enjoyable atmosphere; and

WHEREAS, the Loudoun Arts Film Festival will feature digital components beginning on August 27 and seven drive-in screenings, hosted by 50 West Vineyards and sponsored by Artistic Fuel and the Artistic Fuel Foundation, on September 10-13 and September 17-19; now, therefore, be it

RESOLVED by the House of Delegates, That the Loudoun Arts Film Festival hereby be commended for its work to promote and support innovative and engaging independent filmmakers; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Loudoun Arts Film Festival as an expression of the House of Delegates' admiration for the event's contributions to cultural life in Loudoun County.

HOUSE RESOLUTION NO. 549

Commending the organizers of the "I Can't Breathe" walk in Winchester.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, in June 2020, more than 500 people attended the "I Can't Breathe" walk in Winchester to protest the death of George Floyd, raise awareness of police brutality, and demonstrate support for social justice; and

WHEREAS, the "I Can't Breathe" walk was organized by Terrance Wilson, Ashliegh Cristine Moyocoyotzin, Ashley Arnold, Samuel Tanner, La Tasha Dozia, Victoria Kidd, and Andrew Mudd and sponsored by Tina Stevens-Culbreath and Rodney Culbreath, founders of the nonprofit I'm Just Me Movement; and

WHEREAS, the "I Can't Breathe" walk began at the Shenandoah Valley Civil War Museum and proceeded through downtown Winchester; after the walk, more than 30 speakers, including religious leaders, elected officials, community activists, and local residents, addressed the need for police and societal reform; and

WHEREAS, the "I Can't Breathe" walk was attended by people of many races, creeds, and backgrounds and built a strong sense of peace, unity, and purpose; now, therefore, be it

RESOLVED by the House of Delegates, That the organizers of the "I Can't Breathe" event in Winchester hereby be commended for providing an opportunity for community members to heal and make their voices heard; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the organizers of the "I Can't Breathe" walk in Winchester as an expression of the House of Delegates' appreciation for the importance of the event and others like it in the Commonwealth.

HOUSE RESOLUTION NO. 550

Celebrating the life of Nathaniel Thomas Connally, Jr., M.D.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, Nathaniel Thomas Connally, Jr., M.D., an accomplished physician admired for his tireless commitment to caring for others, died on April 2, 2020; and

WHEREAS, born in Norfolk, Thomas Connally graduated from Matthew Fontaine Maury High School before attending the University of Virginia, where he earned both his bachelor and medical degrees; and

WHEREAS, a budding leader as an undergraduate at the University of Virginia, Thomas Connally was president of the Student Council and the Zeta Psi fraternity and a member of various honorary and social groups, including the Raven Society, the IMP Society, and the Eli Banana Ribbon Society; and

WHEREAS, Thomas Connally began his medical career with the United States Public Health Service at the National Institutes of Health and later completed his medical residency at the University of Virginia Hospital, earning the distinction of chief resident in his final year; and

WHEREAS, an internist for over three decades in Washington, D.C., Thomas Connally provided care to Supreme Court Justices, members of the United States Congress, and other prominent individuals in the nation's capital; and

WHEREAS, as an indication of his stature among leaders in Washington, D.C., when Justice William O. Douglas suffered a stroke while vacationing in the Bahamas in 1974, Thomas Connally was tasked by President Gerald Ford to safely escort the justice home; and

WHEREAS, Thomas Connally was named the American Society of Internal Medicine's "Young Internist of the Year" for 1975-1976 and served on the organization's Board of Trustees from 1978 to 1984; and

WHEREAS, a natural-born leader dedicated to sharing his medical expertise with future generations of doctors, Thomas Connally served both on the clinical faculty at the Georgetown University Medical School from 1977 to 2000 and as chief of medicine at Sibley Memorial Hospital in Washington, D.C., in the 1990s; and

WHEREAS, a member of the University of Virginia's prestigious Seven Society, Thomas Connally served two terms on his alma mater's Board of Visitors following appointments by Governors Gerald L. Baliles and L. Douglas Wilder; and

WHEREAS, Thomas Connally's legacy at the University of Virginia endures through the N. Thomas Connally Professorship in Clinical Excellence, an endowed professorship that was created by his former patients as an expression of gratitude for his care and service; and

WHEREAS, in retirement, Thomas Connally made invaluable contributions to the Arlington Free Clinic, where he served as medical director from 2005-2010; he also authored *The Third Third: A Physician's Guide to a Healthy, Happy, Longer Life*, helping fellow retirees maintain their health and lead fulfilling lives; and

WHEREAS, Thomas Connally was a member of the Board of Directors of CareFirst BlueCross BlueShield and gave freely of his time teaching courses in medicine and health care policy through Arlington's Encore Learning program; and

WHEREAS, a longtime supporter of the Democratic Party, Thomas Connally was a precinct captain in Arlington and served as a delegate to the 2004 Democratic National Convention; and

WHEREAS, in recognition of their efforts to promote human rights in their community, Thomas Connally and his wife, the Honorable Julia A. Connally, were recipients of Arlington County's James B. Hunter Award in 2010; and

WHEREAS, Thomas Connally will be dearly remembered and fondly missed by his loving wife, Julia; his children, Nathaniel Thomas III, Anne, and Katherine, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Nathaniel Thomas Connally, Jr., M.D., a physician who devoted his life to the well-being of others; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Nathaniel Thomas Connally, Jr., M.D., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 551

Commending the Virginia Hospital Center.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, the Virginia Hospital Center, the preeminent medical institution in Arlington providing essential services to the community for many years, celebrated its 75th anniversary in 2019; and

WHEREAS, formerly known as Arlington Hospital, the Virginia Hospital Center has served countless citizens of the Commonwealth since its founding, greatly contributing to the health and well-being of the community; and

WHEREAS, the Arlington Hospital Association, the precursor to the Virginia Hospital Center, was founded in 1934 following a grassroots fundraising campaign led by five local women's clubs; and

WHEREAS, initially a small operation established at the home of a dairy farm, the Arlington Hospital Association unveiled its fully operational, 100-bed facility in 1944, vastly expanding the medical services available in the area at the time; and

WHEREAS, in November 2004, the Virginia Hospital Center officially opened its \$150 million state-of-the-art facility, offering 394 beds across 530,000 square feet to ensure the utmost comfort and care for patients and visitors; and

WHEREAS, the Virginia Hospital Center joined the Mayo Clinic Care Network in 2015, enabling the hospital to benefit from the Mayo Clinic's acclaimed medical research and expertise and to better serve its patients; and

WHEREAS, the Virginia Hospital Center has been a dedicated and indispensable partner of the Arlington Free Clinic since it was founded 25 years ago, providing the clinic with millions of dollars of support in the form of diagnostic testing, consultations, and procedures; and

WHEREAS, on February 26, 2019, donors, community members, and hospital leaders gathered for a reception at Top of the Town in Arlington to celebrate the 75th anniversary of the Virginia Hospital Center; and

WHEREAS, through VHC Vision 2025—Better Together, a \$26 million campaign to fund the next phase of its growth, the Virginia Hospital Center promises to continue to innovate and evolve so it may best serve its patients and the community; now, therefore, be it

RESOLVED by the House of Delegates, That the Virginia Hospital Center, a leading medical institution beloved by the citizens of Arlington, hereby be commended on the occasion of its 75th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to James Cole, president and chief executive officer of the Virginia Hospital System, as an expression of the House of Delegates' admiration for the organization's contributions to the Commonwealth.

HOUSE RESOLUTION NO. 552

Commending Darlene S. Williamson.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, Darlene S. Williamson, a highly respected speech-language pathologist, retired as executive director of the Stroke Comeback Center in June 2020; and

WHEREAS, a graduate of Purdue University and the University of Illinois, Darlene Williamson has cultivated her expertise in post-stroke care and treatment for aphasia over the course of three decades; and

WHEREAS, Darlene Williamson served as a clinic director at The George Washington University before establishing the Stroke Comeback Center in Vienna in 2004 to help stroke survivors with aphasia improve their communication skills and enhance their quality of life; and

WHEREAS, under Darlene Williamson's leadership, the Stroke Comeback Center offered vital support and services to stroke survivors and their families and helped those survivors stay engaged with their communities by improving their speech abilities through group therapy programs; and

WHEREAS, Darlene Williamson has made significant strides in the clinical research and treatment of apraxia, a condition characterized by difficulty performing tasks and planning motor functions; and

WHEREAS, Darlene Williamson served as president of the National Aphasia Association and has given presentations on treatment techniques, supervision, ethics, progressive dementia, aphasia, and apraxia at regional, state, and national events; and

WHEREAS, after her well-earned retirement, Darlene Williamson plans to spend more time with her family, particularly her beloved grandchildren; now, therefore, be it

RESOLVED by the House of Delegates, That Darlene S. Williamson hereby be commended on the occasion of her retirement as executive director of the Stroke Comeback Center; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Darlene S. Williamson as an expression of the House of Delegates' admiration for her commitment to her patients and contributions to the field of speech-language pathology.

HOUSE RESOLUTION NO. 553

Celebrating the life of Daniel X. Sze.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, Daniel X. Sze of Falls Church, a champion for environmentally friendly design and construction who enjoyed a long and fulfilling career in local and federal government, died on July 28, 2020; and

WHEREAS, Daniel "Dan" X. Sze immigrated to the United States from China in 1957 and earned degrees from Howard University, Columbia University, and Rensselaer Polytechnic Institute; he registered as an architect in 1982 and helped design buildings in the Washington, D.C., metropolitan area and throughout the United States; and

WHEREAS, Dan Sze worked as a foreign service officer with the United States Department of State, playing key roles in diplomatic missions in Cuba and throughout the Caribbean and Africa, and held procurement, construction management, and supervisory engineering positions with the United States Department of the Navy, including program manager at Naval Submarine Base Kings Bay in Georgia; and

WHEREAS, Dan Sze joined the Department of Energy in 1991 and served as national program manager for the Rebuild America program, director of the Office of Infrastructure and Business Management Systems, and deputy director of state energy programs with the Office of Energy Efficiency and Renewable Energy; and

WHEREAS, over the course of his distinguished career, Dan Sze was responsible for major policy and regulatory initiatives under six United States presidents; and

WHEREAS, after his well-earned retirement from federal service, Dan Sze became a sought-after lecturer and consultant on clean energy initiatives, sustainability strategies, and international business; and

WHEREAS, Dan Sze served the Falls Church community as vice chair of the Falls Church Economic Development Authority from 2002 through 2006 and as a member of the Board of Zoning Appeals; he was elected to multiple terms on the Falls Church City Council, serving from 2006 to 2010 and from 2014 to the time of his passing; and

WHEREAS, Dan Sze earned the admiration of his fellow council members for his quick wit, unique insights, and commitment to good stewardship of the environment; he served as the council's liaison to the local Environmental Sustainability Council and the Urban Forestry Commission and represented the city before numerous regional boards and commissions; and

WHEREAS, during Dan Sze's tenure, Falls Church enacted a policy requiring all renovations and new construction of city property to achieve Leadership in Energy and Environmental Design standards; he encouraged the installation of LED streetlights and green roofs and oversaw the city fleet's transition to vehicles that run on biofuels; and

WHEREAS, Dan Sze will be fondly remembered and greatly missed by his wife, Elisabeth; his children and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Daniel X. Sze, a respected public servant who made many contributions to the Falls Church community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Daniel X. Sze as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 554

Commending Creighton's Corner Elementary School.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, Creighton's Corner Elementary School in Loudoun County held a parade for its students to brighten their spirits during the COVID-19 pandemic; and

WHEREAS, the faculty and staff of Creighton's Corner Elementary School understood that, as a result of lockdowns and school closures, many students throughout Loudoun County and the Commonwealth were missing daily interactions with friends and teachers; and

WHEREAS, Creighton's Corner Elementary School followed examples from other states and school districts by organizing a parade, with teachers and staffers driving in a caravan of vehicles through local neighborhoods to wave to and exchange greetings with students; and

WHEREAS, Creighton's Corner Elementary School's parade provided an exciting special event for local young people and helped build a sense of belonging with their school community; and

WHEREAS, Creighton's Corner Elementary School's parade was beneficial for teachers, giving them an opportunity to maintain a connection with their students and support them from afar; now, therefore, be it

RESOLVED by the House of Delegates, That Creighton's Corner Elementary School hereby be commended for bringing joy to students during the COVID-19 pandemic by holding a parade; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Creighton's Corner Elementary School as an expression of the House of Delegates' admiration for its commitment to community outreach.

HOUSE RESOLUTION NO. 555

Commending Aperiomics.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, Aperiomics, a Sterling-based biotechnology company, has worked tirelessly in its efforts to respond to the COVID-19 pandemic; and

WHEREAS, Aperiomics combines the latest advancements in science, technology, and medicine to change the way health care providers identify causes of infection; and

WHEREAS, Aperiomics maintains a database of nearly 40,000 known pathogens, allowing precise detection of pathogens with 97 percent sensitivity and 99.99 percent specificity; and

WHEREAS, Aperiomics has helped thousands of patients and doctors recognize and treat difficult-to-diagnose infectious diseases; and

WHEREAS, Aperiomics has responded to the COVID-19 crisis by launching efforts designed to increase testing capacity in Virginia and beyond; and

WHEREAS, Aperiomics offers a suite of COVID-19 tools, including tests for the presence of the virus and for antibodies, giving patients, caregivers, and public health officials a complete picture of the virus; and

WHEREAS, Aperiomics is one of many small-to-medium-sized labs that must be a part of a state and national response to COVID-19, allowing the Commonwealth to test broadly and resume social and economic activity with confidence; and

WHEREAS, Aperiomics is coordinating with private and public health systems, local municipalities, and the Commonwealth to make as many COVID-19 tests available as possible; now, therefore, be it

RESOLVED by the House of Delegates, That Aperiomics, an esteemed biotechnology firm in Sterling, hereby be commended for its response to the challenges of the COVID-19 pandemic; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Aperiomics as an expression of the House of Delegates' admiration for the company's contributions to the Commonwealth during this historic public health crisis.

HOUSE RESOLUTION NO. 556

Celebrating the life of Bishop Lawrence Levi Taylor.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, Bishop Lawrence Levi Taylor, founder and senior pastor of Fountain of Deliverance Outreach Ministries in Richmond, died on July 1, 2020; and

WHEREAS, Lawrence Taylor answered the call to ministry at the age of 12 as a member of Second Antioch Baptist Church in Powhatan County and later served at Decatur Street Church of God of Prophecy and Jerusalem Holy Church in Richmond; and

WHEREAS, Lawrence Taylor was educated at Armstrong High School in Richmond and participated in a GED program in Henrico County; he attended Faith Landmarks Bible Institute and graduated from the Leadership Training Institute at the Virginia Union University School of Theology; and

WHEREAS, in 1986, Lawrence Taylor was assigned to pastor Fountain Holy Church of the Mount Sinai Holy Church of America, which subsequently became known as Fountain of Deliverance Outreach Ministries; and

WHEREAS, Lawrence Taylor served as chaplain of the board of the Jackson Ward Clergy Association and as second vice president of the Board of Bishops of Mount Sinai Holy Church of America; and

WHEREAS, Lawrence Taylor will be fondly remembered and greatly missed by his wife, Stephanie; his children, LaTavia, Kendra, Lawrence, Stephen, and Kenneth, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Bishop Lawrence Levi Taylor, a respected spiritual leader in Richmond; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Bishop Lawrence Levi Taylor as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 557

Commending Peace in Da Paint.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, Peace in Da Paint, a basketball competition and community event, started as a vision of a brighter future for the younger generation in Fredericksburg's Mayfield community; and

WHEREAS, Kentrale Washington established Peace in Da Paint in 2012 to support the young people of Mayfield and demonstrate that differences and disagreements could be settled without violence; and

WHEREAS, with ongoing support from local residents, businesses, and members of the community, Peace in Da Paint grew into an annual event held in July; and

WHEREAS, Kentrale Washington and Kisha BeautyEnt Turner, along with the band, Major League Band, have annually hosted the Peace in Da Paint event and invested their time and leadership to serve the young people of the Mayfield community for eight years; and

WHEREAS, Peace in Da Paint has donated school supplies, haircuts, and clothes to help the community's young people prepare for the school year; and

WHEREAS, Peace in Da Paint gives the youth of the Mayfield area and surrounding communities a chance to enjoy themselves in a safe, supportive environment; now, therefore, be it

RESOLVED by the House of Delegates, That Peace in Da Paint hereby be commended for its work to inspire the youth of Mayfield and support the local community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Peace in Da Paint as an expression of the House of Delegates' admiration for the organization's contributions to the residents of Mayfield, Fredericksburg, and the region.

HOUSE RESOLUTION NO. 558

Commending Rise and Thrive, Inc.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, Rise and Thrive, Inc., a multi-faceted after-school program dedicated to helping teenage girls grow into strong, confident women, has responded in a creative and proactive manner to the challenges presented by the COVID-19 pandemic; and

WHEREAS, Ashley Koranteng and Ashley Lucas conceived of Rise and Thrive while studying together at George Mason University, recognizing the benefits that would come from connecting young women with relatable mentors and role models; and

WHEREAS, founded in September 2019, Rise and Thrive was originally intended to operate primarily through in-person sessions, but to accommodate the limitations imposed by the COVID-19 pandemic, the organization has shifted toward virtual programs with great success; and

WHEREAS, Rise and Thrive's weekly virtual summer series in 2020 has been attended by 90 participants in the United States and Canada, fostering community among young women at a time when quarantine measures are imposing upon many a sense of isolation and stress; and

WHEREAS, Rise and Thrive provides girls a roadmap for well-being and success by promoting nine important elements, including healthy relationships, healthy lifestyles, finances, academic enrichment, professional development, self-love, etiquette, social media, and safety; and

WHEREAS, by selflessly giving their time and talents for the benefit of others, the staff members at Rise and Thrive have embodied what makes the Commonwealth a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That Rise and Thrive, Inc., an after-school program focused on supporting the social and emotional development of young women, hereby be commended for its meritorious response to the COVID-19 pandemic; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ashley Koranteng and Ashley Lucas, founders of Rise and Thrive, Inc., as an expression of the House of Delegates' admiration for the organization's contributions to the Commonwealth.

HOUSE RESOLUTION NO. 559

Commending Appian Corporation.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, Appian Corporation, a software company based in McLean, was named one of the top places to work by *The Washington Post* in 2020; and

WHEREAS, Appian, which provides a software platform on which new computer applications can be rapidly developed, had a top-performing initial public offering in 2017; and

WHEREAS, Appian's software service has proved pivotal during the COVID-19 pandemic as companies work quickly to respond to the unfolding public health crisis; and

WHEREAS, Appian's COVID-19 Response Management program, an application that tracks the health of employees, was distributed at no charge to more than 500 companies, greatly improving their ability to be proactive against the threat of the pandemic; and

WHEREAS, Appian developed Appian Workforce Safety and Appian CampusPass, applications that advise large enterprises and academic institutions as they work to safely bring their employees or academic communities back on site; and

WHEREAS, by centralizing and automating COVID-19 data collection and processing, health status validations, isolation protocols, and testing while maintaining high standards for the privacy and security of personal health information, Appian provides services that greatly improve the Commonwealth's and nation's ability to mitigate the COVID-19 pandemic; and

WHEREAS, many large organizations have depended upon Appian's technology to navigate the COVID-19 pandemic, including a leading health care provider, a top sportswear manufacturer, an elite educational institution, and the British National Health Service; and

WHEREAS, through its relentless drive to innovate and unmatched dedication to its employees, Appian embodies the best of what makes the Commonwealth a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That Appian Corporation hereby be commended for the honor of being named by *The Washington Post* as one of the top places to work in the Washington, D.C., metropolitan area; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Matthew Calkins, co-founder and chief executive officer of Appian Corporation, as an expression of the House of Delegates' admiration for the company's accomplishments and best wishes for its continued success.

HOUSE RESOLUTION NO. 560

Commending Qlarion, Inc.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, Qlarion, Inc., a professional services firm in Reston dedicated to enhancing government agencies through data-driven analytics, has played an outsized role in the Commonwealth's response to the COVID-19 pandemic; and

WHEREAS, in 2019, with support from Qlarion, the Commonwealth launched the Framework for Addiction Analysis and Community Transformation (FAACT) platform, enabling various state agencies and services affected by the opioid epidemic to coordinate data and share resources; and

WHEREAS, following the onset of the COVID-19 pandemic, Qlarion assisted efforts to expand FAACT to track data related to the virus, safely streamlining the dissemination of valuable health information so that state leaders could make timely and informed decisions; and

WHEREAS, the technological infrastructure and legal framework established by Qlarion's FAACT platform was essential to the Commonwealth's ability to coordinate between state agencies and respond to this complex and ever-changing public health crisis in a swift and comprehensive manner; and

WHEREAS, the near real-time data provided within FAACT enables the Commonwealth to quickly identify hospitals in need of supplies and pharmaceuticals, hospitals and regions with surge capacity, and locations with virus outbreaks, providing an invaluable, up-to-date assessment of the pandemic; and

WHEREAS, through its innovative and effective data sharing platform, Qlarion has strengthened the Commonwealth's ability to protect its citizens from the opioid epidemic, the COVID-19 pandemic, and any future public health crises that may arise; now, therefore, be it

RESOLVED by the House of Delegates, That Qlarion, Inc., a professional services firm that specializes in data-driven solutions for government agencies, hereby be commended for its role in the Commonwealth's response to the COVID-19 pandemic; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jake Bittner, chief executive officer of Qlarion, Inc., as an expression of the House of Delegates' admiration for the company's service on behalf of the Commonwealth.

HOUSE RESOLUTION NO. 561

Commending the Service Employees International Union Virginia 512 Home Care chapter.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, the Service Employees International Union Virginia 512 Home Care chapter represents Virginia's home care providers, who as essential workers, have provided hands-on care to those most at risk from COVID-19: older adults and people with disabilities; and

WHEREAS, members of Service Employees International Union (SEIU) Virginia 512 and other home care providers have continued going to work during the COVID-19 pandemic to keep their patients healthy and safe; and

WHEREAS, home care providers play a vital role in keeping older adults and people with disabilities out of nursing homes, where the virus has had devastating impacts; and

WHEREAS, SEIU Virginia 512 has worked diligently to address many of the challenges facing home care providers before and during the COVID-19 pandemic; and

WHEREAS, ninety percent of home care providers are women; a majority are black, indigenous, or people of color; and nearly one-third are immigrants; and

WHEREAS, home care providers make poverty wages, often without paid leave, health care, or other benefits; and

WHEREAS, home care providers are essential to supporting local families and keeping Virginia's economy strong; and

WHEREAS, it is critical to ensure that all home care providers have access to paid leave, hazard pay, health care, and personal protective equipment during and after the COVID-19 pandemic; now, therefore, be it

RESOLVED by the House of Delegates, That the Service Employees International Union Virginia 512 Home Care chapter hereby be commended for its work to support and advocate for home care providers; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Service Employees International Union Virginia 512 Home Care chapter as an expression of the House of Delegates' admiration for the hard work and dedication of home care providers throughout the Commonwealth.

HOUSE RESOLUTION NO. 562

Commending Zohaib Begg.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, Zohaib Begg, a rising third-grade student at Guidepost Montessori School in Loudoun County, has dedicated tremendous time and energy to support health care workers during the COVID-19 pandemic; and

WHEREAS, in the early days of the pandemic, when there was an extreme shortage of personal protective equipment, Zohaib Begg collected more than 6,000 items, including shower caps, gloves, and face masks, that could be used to protect frontline health workers from contracting COVID-19; and

WHEREAS, Zohaib Begg received donations from six hotels in the Ashburn area that responded generously to his petition, including the Hilton Garden Inn, Embassy Suites, Aloft, Courtyard Marriott Dulles, SpringHill Suites, and Hyatt House; and

WHEREAS, Zohaib Begg previously received medical treatment from Inova Fairfax Hospital and was inspired to initiate his collection campaign by his desire to support the doctors and nurses that were there for him in his time of need; and

WHEREAS, in recognition of his extraordinary and selfless good deed, President Barack Obama shared a news article about Zohaib Begg on Twitter on March 30, 2020, describing him as an “inspiring kid”; and

WHEREAS, Zohaib Begg has received praise from around the world, an indication of the ways in which his story has uplifted countless individuals and encouraged others to do their part in the face of this historic public health crisis; now, therefore, be it

RESOLVED by the House of Delegates, That Zohaib Begg, a rising third-grade student at Guidepost Montessori School, hereby be commended for his meritorious efforts to support health care workers during the COVID-19 pandemic; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Zohaib Begg as an expression of the House of Delegates’ admiration for his service to the Commonwealth.

HOUSE RESOLUTION NO. 563

Commending Helena Johnson-Henson.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, Helena Johnson-Henson, an esteemed guidance counselor with Greenville County Public Schools, has worked tirelessly for the benefit of young people throughout her life; and

WHEREAS, Helena Johnson-Henson graduated from Norfolk State University with a bachelor’s degree in psychology and from Virginia State University with a master’s degree in guidance and counseling; and

WHEREAS, for over four decades, Helena Johnson-Henson has served as a school guidance counselor, including three years with Southampton Public Schools and 39 years with Greenville County Public Schools, greatly contributing to the growth and development of untold numbers of children; and

WHEREAS, to further her commitment to the education and well-being of the children she served, Helena Johnson-Henson was a member of the National Education Association, the Virginia Education Association, and the Greenville Education Association for over 40 years; and

WHEREAS, an active and engaged member of her community, Helena Johnson-Henson joined the Delta Sigma Theta service sorority in 1974 and was director of the Emporia Greenville Cultural Arts Association Dance Theater for 33 years, helping many young women build confidence and express themselves through dance performances; and

WHEREAS, guided through her life by her deep and abiding faith, Helena Johnson-Henson enjoyed worship and fellowship with her community at Mount Calvary Baptist Church in Freeman, where she served as a deaconess and as a teacher and advisor to the church’s youth congregants; and

WHEREAS, through her unwavering and inspirational support of young people, Helena Johnson-Henson embodies the best of what makes the Commonwealth a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That Helena Johnson-Henson, a longtime guidance counselor with Greenville County Public Schools, hereby be commended for her service to the children of her community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Helena Johnson-Henson as an expression of the House of Delegates’ admiration for her noteworthy contributions to the Commonwealth.

HOUSE RESOLUTION NO. 564

Commending Nikolas Keith Bryant.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, Nikolas Keith Bryant, a hardworking member of Boy Scouts of America Troop 232 in Purdy, achieved the prestigious rank of Eagle Scout on June 2, 2020; and

WHEREAS, Nikolas Bryant joined the Cub Scouts at the age of nine and received the Arrow of Light Award before advancing to the Boy Scouts; and

WHEREAS, Nikolas Bryant earned a wide range of merit badges in his Scouting career; he exceeded the Eagle Scout requirement by 15 and thus earned bronze, silver, and gold Eagle Palm awards; and

WHEREAS, for his Eagle Scout service project, Nikolas Bryant helped beautify the cemetery at Independence United Methodist Church by installing a sign and a flag pole; and

WHEREAS, Nikolas Bryant is in good academic standing as a homeschool student in the Liberty University Online Academy and a member of the National Beta Club; now, therefore, be it

RESOLVED by the House of Delegates, That Nikolas Keith Bryant hereby be commended on reaching the rank of Eagle Scout in the Boy Scouts of America; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Nikolas Keith Bryant as an expression of the House of Delegates' admiration for his accomplishments.

HOUSE RESOLUTION NO. 565

Commending Captain Paul Lanzilotta, USN.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, Captain Paul Lanzilotta, USN, demonstrated exceptional leadership and meritorious service to the nation and the Commonwealth as the sixth commanding officer of the USS *ARLINGTON*, from February 14, 2019, when the ship was deployed in Souda Bay, Greece, to May 22, 2020; and

WHEREAS, Captain Lanzilotta, a decorated naval flight officer who has logged more than 2,600 hours during his prior tours at sea and who flew in support of Operations Southern Watch, Enduring Freedom, Iraqi Freedom, and New Dawn, has earned numerous awards and accolades, including the Legion of Merit, Defense Meritorious Service Medal, Meritorious Service Medal, and the Air Medal, among others; and

WHEREAS, Captain Lanzilotta successfully guided the ship during an arduous deployment of the United States Fifth Fleet and United States Sixth Fleet, in which he oversaw the safe execution of 1,500 flight deck evolutions, numerous calls in foreign ports, 20 underway replenishments, eight strait transits, and several restricted waters transits, often while underway in company of other ships of the United States Navy; and

WHEREAS, under the leadership of Captain Lanzilotta, the officers and crew of the USS *ARLINGTON* continued to demonstrate the highest level of professionalism and esprit de corps during Exercise Alexander the Great, Operation Zircon Storm, Operation Odyssey Resolve, and Operation Ancient Aviator, while often overcoming the challenges of short planning cycles and limited intelligence in these operations; and

WHEREAS, the USS *ARLINGTON*, while under the command of Captain Lanzilotta, represented both the nation and the Commonwealth with the utmost distinction while working in conjunction with allies; the USS *ARLINGTON* hosted dignitaries in Malta and Tunisia and became the first United States Navy warship to pull pierside in Tunisia in more than 17 years; and

WHEREAS, after the USS *ARLINGTON* returned from deployment, Captain Lanzilotta worked tirelessly to ensure that resources and personnel were directed to complete repairs and major maintenance, including substantial maintenance to the main propulsion diesel engines, to ensure the availability of the ship for future deployments; and

WHEREAS, Captain Lanzilotta maintained strong ties between the USS *ARLINGTON* and the residents of its namesake Arlington County by hosting ship visits, conducting school visits to educate students on the role of the United States Navy, hosting representatives and community leaders, and sending crew members to support the Arlington Police, Fire and Sheriff 9/11 Memorial 5K, which honors victims of the attack on the Pentagon on September 11, 2001; now, therefore, be it

RESOLVED by the House of Delegates, That Captain Paul Lanzilotta, USN, hereby be commended for his exceptional service as commanding officer of the USS *ARLINGTON*; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Captain Paul Lanzilotta, USN, as an expression of the House of Delegates' admiration for his achievements in defense of the Commonwealth and the United States.

HOUSE RESOLUTION NO. 566

Commending Suzanne E. Metz.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, Suzanne E. Metz, a physical education teacher at North Springfield Elementary School in Fairfax County, has inspired her students to lead healthy, fulfilling lives, both before and throughout the COVID-19 pandemic; and

WHEREAS, as the only physical education teacher at North Springfield Elementary School, Suzanne Metz has played an outsized role in fostering a supportive and engaging learning environment for her students; and

WHEREAS, in past years, Suzanne Metz has brought professional athletes and Olympians into her classes, giving her students special motivational experiences that they will cherish for years to come; and

WHEREAS, Suzanne Metz is integral to many beloved events at North Springfield Elementary School, serving as the director of the fifth grade musical and as the organizer of both the year-end field day and the schoolwide sport stacking tournament; and

WHEREAS, furthering her mission to promote wellness in her school, Suzanne Metz organizes annual bike-to-school and walk-to-school community events to encourage students and parents to incorporate exercise into their everyday routines; and

WHEREAS, Suzanne Metz continually seeks ways to support her students beyond the classroom; in addition to her teaching responsibilities, she organizes bus patrols, reads daily school announcements, and serves as a mentor to several children; and

WHEREAS, the spirit and enthusiasm that Suzanne Metz brings to teaching every day could not be deterred by the COVID-19 pandemic; along with administering the school's "NSES Keeps in Touch" Facebook page and participating in its teacher parade, she livestreams a daily workout to help her students stay active and connected to their community throughout the quarantine; and

WHEREAS, in celebration of her unique and creative response to the challenges presented by her school's closure, Suzanne Metz has appeared on various local and national news media outlets, including *WTOP News*, "The Kojo Nnamdi Show" on *WAMU*, and *Voice of America News*; and

WHEREAS, through her unwavering dedication to the health and well-being of her students and their families, Suzanne Metz has uplifted her community and eased the burden of many during this difficult and trying time; now, therefore, be it

RESOLVED by the House of Delegates, That Suzanne E. Metz, a physical education teacher at North Springfield Elementary School, hereby be commended for her unflagging efforts to brighten the lives of others; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Suzanne E. Metz as an expression of the House of Delegates' heartfelt admiration for her contributions to Fairfax County Public Schools and the Commonwealth.

HOUSE RESOLUTION NO. 567

Commending Girl Scouts of the USA Troop 4507.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, in August 2020, Girl Scouts of the USA Troop 4507 of Ashburn completed a project to prevent pollution and preserve the community's valuable natural resources by crafting receptacles for cigarette waste; and

WHEREAS, concerned about the environmental impact of discarded cigarettes, Girl Scout Troop 4507 decorated tin cans with river rocks, called Frenzie Cans, and offered them free of charge at the Breezyhill, Summerwood, and Windmill pools in Ashburn Farm; and

WHEREAS, members of the Girl Scout Troop 4507—Amanda Bond, Ada Bradley, Layla Davis, Lizzie Grotski, Paige Lynch, Leah Richardson, Piper Shealy, and Nikki Yarbrough—were inspired to undertake the project after a trip to Tybee Island Marine Science Center in Georgia, where they learned about how cigarette butts and other litter in the ocean can affect marine life; and

WHEREAS, returning home, the members of Girl Scout Troop 4507 set out to raise awareness of how nicotine and nonbiodegradable materials in discarded cigarettes can similarly affect local wildlife; and

WHEREAS, the members of Girl Scout Troop 4507 provided instructions for others to build their own Frenzie Cans and further prevent discarded cigarettes from being eaten by animals, becoming part of bird's nests, or otherwise polluting the local ecosystem; now, therefore, be it

RESOLVED by the House of Delegates, That Girl Scouts of the USA Troop 4507 hereby be commended for its service to the Ashburn community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Alex Yarbrough, troop leader of Girl Scouts of the USA Troop 4507, as an expression of the House of Delegates' admiration for the troop's achievements.

HOUSE RESOLUTION NO. 568

Commending the All Dulles Area Muslim Society.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, the All Dulles Area Muslim Society, the largest Islamic community organization in Virginia and the Washington, D.C., area, has worked diligently to continue to provide education seminars, outreach programming, and safe worship services during the COVID-19 pandemic; and

WHEREAS, the All Dulles Area Muslim Society (ADAMS) now holds limited outdoor Friday prayers in its Sterling parking lot pavilion and various outdoor satellite locations to maintain a strong connection with the community while allowing for adherence to physical distancing regulations; and

WHEREAS, ADAMS has hosted online classes in various subject areas, as well as virtual Quran recitation sessions and discussion circles; and

WHEREAS, ADAMS' community service team food bank has provided groceries and other essentials to thousands of local residents, Muslim and people of other Faiths; and

WHEREAS, working in conjunction with mental health professionals, ADAMS has made available vital resources to help community members deal with stress and anxiety related to the crisis; now, therefore, be it

RESOLVED by the House of Delegates, That the All Dulles Area Muslim Society hereby be commended for its service to the residents of Northern Virginia, Washington, D.C., area, and beyond during the COVID-19 pandemic; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the All Dulles Area Muslim Society as an expression of the House of Delegates' admiration for the organization's generosity and commitment to the well-being of the community.

HOUSE RESOLUTION NO. 569

Commending 100WomenStrong.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, during the COVID-19 pandemic, 100WomenStrong has provided multiple rounds of relief funding for organizations that serve and support the members of the Loudoun County community; and

WHEREAS, established in 2008, 100WomenStrong works to enhance the quality of life in Loudoun County by investing in and supporting organizations and programs that address community needs related to shelter, health care, hunger, and education; and

WHEREAS, since the beginning of the COVID-19 pandemic, 100WomenStrong has disbursed more than \$300,000 in grants to 31 nonprofit organizations; and

WHEREAS, through its \$25,000 grant to the Community Foundation for Loudoun and Northern Fauquier Counties' Community Emergency Relief Fund, 100WomenStrong helped more than 277 families, nearly half of whom with incomes below the federal poverty line, receive rental assistance funds; and

WHEREAS, with an equal grant to the Loudoun Education Foundation's Mental Health and Wellness initiative, 100WomenStrong supported a software program to help train teachers at Loudoun County Public Schools to identify and address signs of emotional distress, anxiety, and depression in students; and

WHEREAS, 100WomenStrong also donated \$50,000 to create the Pay it Forward loan program, which has generated more than \$80,000 in additional donations, and \$25,000 worth of personal protective equipment to first responders; now, therefore, be it

RESOLVED by the House of Delegates, That 100WomenStrong hereby be commended for its generous donations to local organizations during the COVID-19 pandemic; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Karen Schaufeld, president of 100WomenStrong, as an expression of the House of Delegates' admiration for its unwavering commitment to community service and philanthropy.

HOUSE RESOLUTION NO. 571

Commending Lieutenant Colonel Alexander Semyon Vindman, USA, Ret.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, Lieutenant Colonel Alexander Semyon Vindman, USA, Ret., retired from military service in July 2020 after a distinguished 21-year career, including service as Director of European Affairs for the United States National Security Council; and

WHEREAS, born in Ukraine, Alexander Vindman immigrated to the United States with his family and grew up in New York; he attended State University of New York at Binghamton, where he participated in the Reserve Officers' Training Corps program and was commissioned as a second lieutenant in the United States Army after graduation; and

WHEREAS, Alexander Vindman completed foreign deployments to South Korea and Germany and served a tour of duty during the Iraq War, earning a Purple Heart after he was wounded by a roadside bomb in October 2004; he later became a foreign area officer specializing in Eurasia and was assigned to United States embassies in Ukraine and Russia; and

WHEREAS, in 2015, Alexander Vindman achieved the rank of lieutenant colonel and was assigned to the Chairman of the Joint Chiefs of Staff as a politico-military affairs officer with a focus on Russia; and

WHEREAS, in July 2018, Lieutenant Colonel Vindman was assigned to the United States National Security Council and participated in high-level policy discussions related to European affairs; and

WHEREAS, later that year, Lieutenant Colonel Vindman testified to members of the United States House Intelligence Committee, the House Foreign Affairs Committee, and the House Oversight Committee as part of the impeachment inquiry against President Donald Trump; and

WHEREAS, at the hearings, Lieutenant Colonel Vindman raised concerns about actions by President Trump and members of the administration that could have jeopardized relations with Ukraine and undermined United States national security; and

WHEREAS, Lieutenant Colonel Vindman was removed from his post at the National Security Council in February 2020 and subsequently retired from the United States Army; and

WHEREAS, over the course of his military career, Lieutenant Colonel Vindman earned the Ranger Tab and the Parachutist Badge, as well as two Defense Meritorious Service Medals, four Army Commendation Medals, and two Army Achievement Medals, among many other awards and decorations; and

WHEREAS, Lieutenant Colonel Vindman served the United States with dedication, distinction, and dignity, making great personal sacrifices to enhance and maintain national security; now, therefore, be it

RESOLVED by the House of Delegates, That Lieutenant Colonel Alexander Semyon Vindman, USA, Ret., hereby be commended for his honorable military service and his courageous defense of the nation's ideals; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lieutenant Colonel Alexander Semyon Vindman, USA, Ret., as an expression of the House of Delegates' admiration for his achievements in service to the nation.

HOUSE RESOLUTION NO. 572

Commending Loudoun is Ready.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, Loudoun is Ready, a pledge campaign created by the Loudoun County Department of Economic Development, Visit Loudoun, and the Loudoun County Chamber of Commerce in 2020, unites business owners in the face of the threats posed by the COVID-19 pandemic; and

WHEREAS, by taking the Loudoun is Ready pledge, business owners commit to following the latest safety guidelines provided by the Virginia Department of Health and the Centers for Disease Prevention and Control, boosting customer confidence that they are taking all responsible measures to protect the health and well-being of their staff, customers, and others; and

WHEREAS, since its founding, 681 Loudoun businesses have signed the Loudoun is Ready pledge, gaining access to the latest and most trusted guidance on how to operate their businesses safely during the pandemic and receiving complimentary signs, banners, floor distance markers, and campaign buttons to advertise their commitment to public health and safety; and

WHEREAS, Sheryl Hine with Quail Creek Promotion supported the Loudoun is Ready organizers by providing campaign buttons and hand sanitizer to the Loudoun County Chamber of Commerce; and

WHEREAS, John Flynn from Allegra Print Signs Design furthered the efforts of the Loudoun is Ready organizers by providing campaign banners, window clings, and floor distance markers to participating businesses; and

WHEREAS, Roman Blazauskas from SpeedPro Northern Virginia contributed to the Loudoun is Ready campaign by providing floor distance markers, helping businesses guide customers in a safe and socially-distant manner; and

WHEREAS, by proactively addressing the COVID-19 pandemic in a way that emphasizes both community wellness and economic prosperity, the organizers and participants of the Loudoun is Ready campaign have demonstrated why the Commonwealth is such a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That the Loudoun is Ready pledge, organized by the Loudoun County Department of Economic Development, Visit Loudoun, and the Loudoun County Chamber of Commerce, hereby be commended for bringing businesses and the community together during this historic public health crisis; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Loudoun County Department of Economic Development as an expression of the House of Delegates' appreciation for their service on behalf of the Commonwealth.

HOUSE RESOLUTION NO. 573

Commending Michael J. DeMarco.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, Michael J. DeMarco, a distinguished public servant who has served the Fairfax City Council for the past eight years, retired from the council in 2020; and

WHEREAS, a member of the regional board of advisors for HSBC Bank USA who formerly held executive roles with ExxonMobil and the Philadelphia National Bank, Michael DeMarco brought a wealth of experience and expertise to his work on the Fairfax City Council; and

WHEREAS, Michael DeMarco extended his leadership to the Metropolitan Washington Council of Governments, serving on its Metropolitan Washington Air Quality Committee and Aviation Policy Committee; and

WHEREAS, through his work on the Potomac Watershed Roundtable, Michael DeMarco has furthered the organization's efforts to bring local governments and stakeholders together to proactively address the region's environmental concerns; and

WHEREAS, Michael DeMarco advanced the economic prosperity of the region as former chair of the City of Fairfax Economic Development Authority and as a member of the Virginia Municipal League's Community & Economic Development Policy Committee; and

WHEREAS, Michael DeMarco has supported the intellectual growth and development of countless young people at his almae matres as a student mentor at Penn State University and a local recruiter for Columbia Business School; and

WHEREAS, a longtime resident of the Mosby Woods neighborhood in Fairfax, Michael DeMarco has generously given his time and talents as area director of the Mosby Woods Community Association; and

WHEREAS, guided throughout life by his deep and abiding faith, Michael DeMarco is an active member of the St. Leo the Great Catholic Church in Fairfax, where he has enjoyed worship and fellowship with his community for many years; and

WHEREAS, through his tireless efforts and dedication to serving others, Michael DeMarco has helped make Fairfax City a wonderful place to live, work, and play; now, therefore, be it

RESOLVED by the House of Delegates, That Michael J. DeMarco, esteemed member of the Fairfax City Council, hereby be commended on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Michael J. DeMarco as an expression of the House of Delegates' admiration for his contributions to Fairfax City and the Commonwealth.

HOUSE RESOLUTION NO. 574

Commending Jennifer E. Passey.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, Jennifer E. Passey, a distinguished public servant who has served the Fairfax City Council for the past three years, retired from the council in 2020; and

WHEREAS, originally from Blaine, Minnesota, Jennifer Passey earned a bachelor's degree in religious studies and a master's degree in political management from The George Washington University; and

WHEREAS, an issue advocacy specialist who currently works as the marketing and communications manager for the nonprofit Girls on the Run of NOVA, Jennifer Passey brought a wealth of experience and expertise to the Fairfax City Council; and

WHEREAS, Jennifer Passey has supported her community's recent growth and development through her service on Fairfax City's Planning Commission and its Parks and Recreation Advisory Board; and

WHEREAS, a resident of the Country Club Hills neighborhood in Fairfax, Jennifer Passey has generously given of her time and talents as a member of the Country Club Hills Civic Association; and

WHEREAS, Jennifer Passey extended her leadership to the Metropolitan Washington Council of Governments, serving on various committees, including the Climate Energy and Environment Policy Committee and the Chesapeake Bay and Water Resources Policy Committee; and

WHEREAS, Jennifer Passey helped further address environmental concerns of the Commonwealth as a member of the Virginia Municipal League's Environmental Quality Development Policy Committee; and

WHEREAS, guided throughout life by her deep and abiding faith, Jennifer Passey is an active member of the St. Leo the Great Catholic Church in Fairfax, where she enjoys worship and fellowship with her community and supports activities at the St. Leo the Great Catholic School; and

WHEREAS, through her tireless efforts and dedication to serving others, Jennifer Passey has helped make Fairfax City a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That Jennifer E. Passey, esteemed member of the Fairfax City Council, hereby be commended on the occasion of her retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jennifer E. Passey as an expression of the House of Delegates' admiration for her contributions to Fairfax City and the Commonwealth.

HOUSE RESOLUTION NO. 575

Commending the Civic Engagement Team of the All Dulles Area Muslim Society Center.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, the Civic Engagement Team of the All Dulles Area Muslim Society Center, a leadership group that supports the activities of one of the largest Muslim communities in the Washington, D.C., area, has worked to extend its organization's goodwill throughout Northern Virginia for several years; and

WHEREAS, over the past three decades, the All Dulles Area Muslim Society (ADAMS) Center has grown to serve Muslim communities throughout the greater Northern Virginia area, including Ashburn, Centreville, Chantilly, Gainesville, Great Falls, Herndon, Leesburg, McLean, Reston, and Sterling; and

WHEREAS, the ADAMS Center's Civic Engagement (ACE) Team develops programs to nurture fellowship with various service organizations and faith communities, engage with the community at large, and support the activities of elected officials and government staff on the federal, state, and local levels; and

WHEREAS, every year, the ACE Team coordinates events, such as the ADAMS Annual Civic Picnic, Interfaith Iftar, and 9/11 Unity Walk, that encourage interfaith fellowship and positive, productive partnerships throughout the community; and

WHEREAS, the ACE Team is currently chaired by Syed Ashraf, Bob Marro, and Mohammed Mohib Ullah, who have been steadfast proponents of issue-based advocacy and other important civic causes, such as voter participation, throughout their tenures; and

WHEREAS, through its various programs and activities, the ACE Team brings together diverse groups for the benefit of all in the community, helping make Northern Virginia a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That the Civic Engagement Team of the All Dulles Area Muslim Society Center hereby be commended for fostering a more unified and convivial Northern Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to Syed Ashraf, Bob Marro, and Mohammed Mohib Ullah, chairs of the Civic Engagement Team of the All Dulles Area Muslim Society Center, as an expression of the House of Delegates' admiration and respect for their efforts to bridge communities throughout the Commonwealth.

HOUSE RESOLUTION NO. 576

Commending Dr. Fred and Carolyn Eichelman.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, Dr. Fred and Carolyn Eichelman, retired educators and highly admired members of the Salem community, celebrated their 60th wedding anniversary in 2020; and

WHEREAS, Fred Eichelman grew up in Ohio, where he developed a passion for history, film, and the written word at a young age; he relocated to the Commonwealth with his family at the age of 10 and attended Shenandoah Valley Academy, then pursued higher education at Bridgewater College, the University of Virginia, the University of Florida, and Virginia Polytechnic Institute and State University (Virginia Tech); and

WHEREAS, Carolyn Eichelman, born Carolyn Harr, is a native of Virginia and attended Grundy High School; she graduated from Radford University and attended the University of Virginia before earning a master's degree from Virginia Tech; and

WHEREAS, Fred and Carolyn Eichelman both pursued careers in education and supported and encouraged each other to maintain a commitment to lifelong learning; and

WHEREAS, Fred Eichelman enjoyed a long and distinguished teaching career at both the elementary and secondary levels, becoming known as "the doctor with the star-studded classrooms" for his use of films and television series in his curriculum and his many fond relationships with actors and public figures developed through his autograph collection; and

WHEREAS, Fred Eichelman was a school principal, a director of federal education programs, a leader in several education associations, and a longtime member of three state boards in the Commonwealth, as well as a successful author; and

WHEREAS, Carolyn Eichelman began teaching in the City of Roanoke and was one of the first teachers in the area affiliated with the Head Start program; she spent most of her career teaching primary grades and kindergarten in Roanoke County and was the author of the first kindergarten curriculum book in Virginia; and

WHEREAS, Carolyn Eichelman was an active member of the Jaycettes and the Roanoke County Education Association and a founding member of the Roanoke Valley Entomology Club; and

WHEREAS, Fred and Carolyn Eichelman have trained dozens of student-teachers and both served as Sunday school teachers in their church community; and

WHEREAS, Fred and Carolyn Eichelman have given generously of their time and leadership throughout their lives, and for 30 years, the couple ran a series of media conventions and events, some of which helped gain notoriety for worthy charitable causes; and

WHEREAS, Fred and Carolyn Eichelman retired from teaching in 1991 and 1998 respectively; they are currently working together to compile pictures, documents, and commentary for a family history project spanning 200 years; and

WHEREAS, Fred and Carolyn Eichelman's children followed in their footsteps in the field of education, with their daughter, Carol, working as a drama teacher and their son, Fred II, working with international college students; now, therefore, be it

RESOLVED by the House of Delegates, That Dr. Fred and Carolyn Eichelman hereby be commended on the occasion of their 60th wedding anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dr. Fred and Carolyn Eichelman as an expression of the House of Delegates' admiration for their contributions to education and their philanthropic achievements.

HOUSE RESOLUTION NO. 577

Commending the Middleridge community.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, the Middleridge community in Fairfax County is celebrating its 50th anniversary in 2020; and

WHEREAS, the land on which Middleridge was developed is steeped in history; the name was derived from a decision in 1766 by the vestry of Truro Parish, including George Washington and George William Fairfax, to establish the new Payne's Church at the "middle ridge" of Ox Road; and

WHEREAS, a 95.5-acre plot of the John Clatterbuck estate was officially subdivided into the first section of Middleridge, lots one through 39, on October 30, 1969; and

WHEREAS, the opening of the Middleridge community was announced in *The Evening Star* on July 17, 1970, featuring homes priced from \$42,450, including the Braddock rambler, Carter split-level, Stafford split-foyer, and Payne colonial homes; and

WHEREAS, Middleridge was advertised as being in "the best of Virginia tradition," secluded and sedate among the trees, and featuring homes with wall-to-wall carpeting, air conditioning, fireplaces, and carports; and

WHEREAS, the young Middleridge community was hit by the April Fool's Day Tornado of April 1, 1973, and more than a dozen homes were seriously damaged along Paynes Church Drive, Ellzey Drive, Governor Yeardley Drive, Quincy Marr Drive, and Rumsey Place; and

WHEREAS, Middleridge recovered from the tornado and continued to grow over the years, finally reaching 578 homes; and

WHEREAS, Middleridge has a strong sense of community and formed the all-volunteer Middleridge Civic Association, which supports events such as Easter egg hunts, home and garden tours, Halloween parades, holiday light decorating contests, and community movie nights; and

WHEREAS, the Middleridge National Night Out celebration was recognized by the Fairfax County Board of Supervisors in 2012 as being one of the largest such events in the entire county and was featured on the front cover of the August 2018 *Fairfax Connection*; and

WHEREAS, Middleridge further supports the community through its active Neighborhood Watch program and by providing welcome gifts to new neighbors, hosting stream clean-ups, and awarding annual scholarships to high school seniors; and

WHEREAS, the residents of Middleridge have built a strong sense of community and made many contributions to Fairfax County and the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, That the Middleridge community hereby be commended on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Middleridge community as an expression of the House of Delegates' admiration for its history.

HOUSE RESOLUTION NO. 578

Commending the Mason LIFE Program.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, the Mason LIFE Program at George Mason University creates opportunities for young adults with intellectual and developmental disabilities to pursue post-secondary education in a supportive environment; and

WHEREAS, the Mason LIFE (Learning into Future Environments) includes programming related to academics, employment, residential life, and development of social skills founded on evidence-based best practices; and

WHEREAS, the Mason LIFE Program serves as an apprenticeship for George Mason University students to gain valuable experience in serving and empowering people with intellectual and developmental disabilities; and

WHEREAS, prior to the event's cancellation due to the COVID-19 pandemic, participants in the Mason LIFE Program had planned to attend the 2020 Virginia Special Olympics with support from coaches AJ Ahmadi, Emilio Alonso, Leo Alonso, Jeffery Eskridge, Michael Frew, Adit Kale, Kevin Kanyan, Samuel Kumar, Alex Paone, Sasha Reed, and Brian Yapple; now, therefore, be it

RESOLVED by the House of Delegates, That the Mason LIFE Program hereby be commended for its work to provide an environment in which young adults with intellectual and developmental disabilities can thrive in a university setting; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Mason LIFE Program as an expression of the House of Delegates' admiration for its achievements on behalf of young adults.

HOUSE RESOLUTION NO. 579

Commending YOUniquely Fit.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, YOUniquely Fit, a nonprofit based in Fairfax County, helps individuals with special needs maintain healthy lifestyles through routine physical fitness and good, balanced nutrition; and

WHEREAS, the roots of YOUniquely Fit took hold nearly 10 years ago when the organization's co-founder, Michael Frew, started voluntary workout sessions in his backyard for athletes training for the Special Olympics; and

WHEREAS, diagnosed with a learning disability at the age of eight, Michael Frew valued the individualized learning programs he benefitted from in his youth and carried that experience into both his work as a volunteer coach for the Special Olympics and the programs he developed for YOUniquely Fit; and

WHEREAS, in July 2019, development coach Bryan Yaple united with Michael Frew to formally found YOUniquely Fit, combining their years of athletic experience and their energy and compassion to create training programs that are inviting and engaging for all; and

WHEREAS, responding to the growing interest in the community, YOUniquely Fit provides weekly training sessions for dozens of participants as well as individual sessions for athletic, strength, mobility, agility, and fitness training; and

WHEREAS, since the onset of the COVID-19 pandemic, YOUniquely Fit continues to serve its mission by producing virtual fitness training videos and holding small group training sessions that adhere to the latest safety protocols; and

WHEREAS, YOUniquely Fit helps its program participants develop confidence and grow into thriving young adults, exemplifying the best of what makes the Commonwealth a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That YOUniquely Fit, a nonprofit in Fairfax County, hereby be commended for its tireless efforts to aid individuals with special needs in their pursuit of healthy, fulfilling lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to Michael Frew and Bryan Yaple, co-founders of YOUniquely Fit, as an expression of the House of Delegates' admiration for their remarkable contributions to the Commonwealth.

HOUSE RESOLUTION NO. 580

Celebrating the life of Arthur Eugene Wiggins.

Agreed to by the House of Delegates, August 28, 2020

WHEREAS, Arthur Eugene Wiggins of Emporia, an inspirational spiritual leader with a passion for education and lifelong learning, died on July 9, 2020; and

WHEREAS, a native of Baltimore, Maryland, Arthur Wiggins grew up in Virginia and attended Greensville County Public Schools; after his high school graduation, he enlisted in the United States Air Force and became the first African American to serve as a chaplain at Wurtsmith Air Force Base in Michigan; and

WHEREAS, Arthur Wiggins earned a bachelor's degree from Virginia Union University (VUU), then continued his education with a master of divinity degree from VUU's School of Theology and doctoral degrees in divinity, ministry, and theology from Eastern Carolina Christian College; and

WHEREAS, Arthur Wiggins served as pastor of Cornerstone Missionary Baptist Church in Suffolk, where he hosted a Bible study webinar that reached audiences throughout the United States, Europe, Africa, and the Middle East; and

WHEREAS, Arthur Wiggins offered his wise leadership to church communities in the City of Emporia and the Counties of Brunswick, Greensville, and Mecklenburg; and

WHEREAS, Arthur Wiggins relished every opportunity to enrich the lives of others by sharing his joyful faith; he could often be found preaching and teaching at local events and gatherings, and served as a chaplain at two correctional facilities; and

WHEREAS, Arthur Wiggins worked as an adjunct professor at Southside Virginia Community College and a professor and dean of students at Eastern Carolina Christian College, in addition to teaching classes at two high schools in Emporia; and

WHEREAS, Arthur Wiggins will be fondly remembered and greatly missed by his wife, Sandra; his sons, Deron and Derek, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Arthur Eugene Wiggins, a religious leader and educator who touched countless lives in Southside Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Arthur Eugene Wiggins as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 581

Commending Hopes & Seams.

Agreed to by the House of Delegates, September 4, 2020

WHEREAS, Hopes & Seams, a Loudoun County small business dedicated to flattening the curve by donating protective masks to front-line workers and vulnerable individuals, has proactively responded to the challenges presented by the COVID-19 pandemic; and

WHEREAS, Hopes & Seams was founded by Amelie and Sophia Clarke, students of Rock Ridge High School in Ashburn, who wanted a way to help health care workers, first responders, and others protect themselves from COVID-19; and

WHEREAS, recognizing that the shortage of personal protective equipment jeopardized our nation's response to the COVID-19 pandemic, Amelie and Sophia Clarke formed Hopes & Seams to distribute protective masks throughout their community; and

WHEREAS, Hopes & Seams provided thousands of masks to various organizations, including Mobile Hope Loudoun, the Inova Children's Hospital, the Inova Schar Cancer Institute, Loudoun County Public Schools, Food for Neighbors, and local Chick-Fil-A restaurants; and

WHEREAS, with great awareness and compassion, Hopes & Seams has donated thousands of masks to populations that are particularly vulnerable to the threat of COVID-19, including the local elderly community and the Navajo Nation; and

WHEREAS, recently, Hopes & Seams has collaborated with the Greater Good Initiative, amplifying its message and expanding its ability to donate masks where needed; and

WHEREAS, by selflessly giving their time and talents for the benefit of others, the founders of Hopes & Seams embody what makes the Commonwealth a great place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That Hopes & Seams, a Loudoun County business producing nonmedical protective face coverings, hereby be commended for its efforts to combat COVID-19; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Amelie and Sophia Clarke, founders of Hopes & Seams, as an expression of the House of Delegates' admiration for their contributions to the Commonwealth.

HOUSE RESOLUTION NO. 583

Celebrating the life of Lieutenant Colonel Richard C. Stork, USA, Ret.

Agreed to by the House of Delegates, September 4, 2020

WHEREAS, Lieutenant Colonel Richard C. Stork, USA, Ret., a proud veteran who served his country in Korea and Vietnam, died on August 17, 2020; and

WHEREAS, born in Hardin, Montana, Richard Stork learned the value of hard work and responsibility at a young age as a child of the Great Depression; after graduating from Custer High School, he attended Eastern Montana College and the University of Colorado; and

WHEREAS, on October 23, 1952, Richard Stork was drafted into the United States Army and trained in communications as a member of the Signal Corps; he subsequently deployed to Korea, where he operated the message center in the 140th Medium Tank Battalion headquarters on the front lines; and

WHEREAS, at the end of the war, Richard Stork received a bachelor's degree in accounting from the University of Colorado and was commissioned as a second lieutenant in the United States Army; he completed training as an engineer, then transferred to the Active Guard Reserve; and

WHEREAS, Richard Stork pursued a career as an insurance representative and worked for Massachusetts Mutual Life Insurance Company in Oklahoma City, where he met his future wife, Sally; and

WHEREAS, Richard Stork returned to active duty as a member of a construction engineer battalion with a three-year assignment in France, then completed additional training at Fort Belvoir in Fairfax County before his first deployment to Vietnam; and

WHEREAS, Richard Stork's primary mission was to develop supply facilities in Cam Ranh Bay, including a deep-water harbor, a petroleum tank farm, an ammunition depot, and other storage buildings; he later completed a second tour in Vietnam performing similar construction duties; and

WHEREAS, Richard Stork taught logistics at Naval Amphibious Base Coronado, completed a deployment to Germany, and was an advisor to national guard units in Idaho, Utah, and North Dakota; after decades of honorable military service, he retired as a lieutenant colonel and joined Vietnam Veterans of San Diego to provide support for homeless veterans, then ultimately settled in Virginia in 2011 to be closer to his children; and

WHEREAS, Richard Stork's greatest joy in life was his beloved family, and he relished every opportunity to support his children in all their endeavors, from youth athletics to a successful campaign for the Virginia House of Delegates by his daughter, the Honorable Terrie L. Suit; and

WHEREAS, predeceased by his wife, Sally, Richard Stork will be fondly remembered and greatly missed by his children, Shelley, Terrie, Taylor, and Barrett, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Lieutenant Colonel Richard C. Stork, USA, Ret.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Lieutenant Colonel Richard C. Stork, USA, Ret., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 584

Commending Erica and Max Scherzer.

Agreed to by the House of Delegates, September 4, 2020

WHEREAS, Erica and Max Scherzer, passionate animal-rescue advocates in the Washington, D.C., metropolitan area, have generously supported the Humane Rescue Alliance for several years; and

WHEREAS, the Humane Rescue Alliance (HRA), an organization formed by the merger of the Washington Humane Society and the Animal Rescue League in 2016, oversees all animal protection programs and services in the nation's capital, attending to tens of thousands of animals annually; and

WHEREAS, Erica Scherzer has been involved with the HRA since 2016 and, today, is a valued member of its board of directors, contributing greatly to the organization's efforts to raise awareness and find loving homes for its rescue animals; and

WHEREAS, Erica's husband, Max Scherzer, the all-star pitcher of the World Series-winning Washington Nationals, has leveraged his platform as a superstar athlete to advance the HRA's cause; in 2017, he was featured in a public service announcement for the HRA that encouraged people to consider rescue animals for adoption; and

WHEREAS, that same year, Max and Erica Scherzer stepped up again by covering the adoption fees for HRA animals over several days, helping the shelter make room for an influx of animals displaced by Hurricane Harvey in Texas; and

WHEREAS, during the 2019 baseball season, Max Scherzer encouraged fans to pledge donations to the HRA for each strikeout he threw, vowing to match all contributions the organization received; the fundraiser brought in tens of thousands of dollars, while raising the HRA's visibility in the community; and

WHEREAS, through their admirable advocacy in support of animals everywhere, Erica and Max Scherzer exemplify the values of compassion, leadership, and integrity that the Commonwealth holds most dear; now, therefore, be it

RESOLVED by the House of Delegates, That Erica and Max Scherzer hereby be commended for their work on behalf of the Humane Rescue Alliance; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Erica and Max Scherzer as an expression of the House of Delegates' admiration for the couple's service and best wishes for their continued success.

HOUSE RESOLUTION NO. 585

Celebrating the life of John William Hasty.

Agreed to by the House of Delegates, September 3, 2020

WHEREAS, John William Hasty, an entrepreneur, civic servant, and respected pharmacist who served the residents of Gloucester County and the entire Commonwealth in numerous capacities, died on August 21, 2020; and

WHEREAS, born in North Carolina, John Hasty moved to Virginia with his family at a young age and grew up in West Point; and

WHEREAS, after graduating from the Medical College of Virginia with a degree in pharmacy in 1956, John Hasty worked as a staff pharmacist in Franklin, then opened Plaza Pharmacy in Gloucester County in 1963; and

WHEREAS, John Hasty subsequently returned to West Point to open a second pharmacy, then added another location in Gloucester County; he stayed in the retail pharmacy business until 1988, when he became director of research training and development at the Professional Health Foundation at Peninsula Hospital in Hampton; and

WHEREAS, John Hasty served as executive director of the Virginia Pharmacists Association and coordinated the Virginia Pharmacists Aiding Pharmacists Program; he was an assistant clinical professor of pharmacy and pharmaceuticals at Virginia Commonwealth University Medical Center for three decades; and

WHEREAS, in 1994, John Hasty became the first and only pharmacist to be appointed as executive director of the Department of Health Professions and served under two Virginia governors until his retirement in 2002; and

WHEREAS, John Hasty earned several state and regional accolades for his contributions to the retail pharmacy industry and the field of pharmaceutical care, and he was recognized at the national level for his work to raise awareness of and prevent drug abuse; and

WHEREAS, John Hasty served a three-year term as a member of the American Pharmacists Association Board of Trustees and later earned the organization's Daniel B. Smith Practice Excellence Award and Hugh H. Schaefer Award for his outstanding professional achievements; and

WHEREAS, John Hasty established or held leadership positions with three local banks, and he offered his wisdom and expertise to industrial and economic development agencies in Gloucester County and the Northern Neck; and

WHEREAS, John Hasty was a trusted friend and an inspirational mentor to many peers and colleagues and generously volunteered his time with civic and service organizations to support all members of his community; and

WHEREAS, John Hasty enjoyed fellowship and worship with the congregation of Bethany United Methodist Church for more than 50 years and held many leadership positions there, including chair of the building committee, the administrative board, and the board of trustees; and

WHEREAS, John Hasty will be fondly remembered and greatly missed by his beloved wife of 64 years, Pat; his children, Deborah, Robin, Kelly, and Blair, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of John William Hasty, a leader in pharmaceutical medicine and a champion for the Gloucester County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of John William Hasty as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 586

Commending Billy Wiles.

Agreed to by the House of Delegates, September 4, 2020

WHEREAS, Billy Wiles, a rising senior at Stone Bridge High School in Ashburn, committed to play football for Tulane University on April 13, 2020; and

WHEREAS, Billy Wiles was a pro-style passer who led Stone Bridge High School to the Virginia High School League Class 5A state championship in 2019; and

WHEREAS, with a compact, over-the-top delivery; good mobility; and an exceptional ability to survey the field, Billy Wiles promises to make tremendous contributions on the field as a quarterback for Tulane University; and

WHEREAS, an accomplished student with a 3.8 grade point average, Billy Wiles has demonstrated excellence both in the classroom and on the gridiron; and

WHEREAS, with offers from several schools, including the University of Massachusetts, The College of William and Mary, the College of the Holy Cross, Yale University, Bryant University, and Campbell University, Billy Wiles has been recognized as a top high school prospect with great potential for an outstanding college career; and

WHEREAS, Billy Wiles' success is the result of his hard work and dedication, the leadership and guidance of his coaches and teachers, and the unwavering support of his family and the entire Stone Bridge High School community; now, therefore, be it

RESOLVED by the House of Delegates, That Billy Wiles, a student at Stone Bridge High School, hereby be commended for his impressive football career; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Billy Wiles as an expression of the House of Delegates' admiration for his achievements and best wishes for the future.

HOUSE RESOLUTION NO. 587

Celebrating the life of David Howard Evans.

Agreed to by the House of Delegates, September 4, 2020

WHEREAS, David Howard Evans, founder of La Prima Food Group and a beloved member of the Mount Vernon community, died on August 9, 2020; and

WHEREAS, raised in Columbus, Ohio, David "Dave" Howard Evans attended Eastmoor High School, where he played football alongside two-time Heisman Trophy winner Archie Griffin; and

WHEREAS, Dave Evans graduated from Miami University of Ohio and began his career as a certified public accountant, becoming a member of the American Institute of Certified Public Accountants and specializing in restaurant management, real estate development, and retail operations; and

WHEREAS, with his past experience as a certified public accountant, Dave Evans co-founded 1001 Restaurant Corporation, now known as La Prima Food Group, building the company into one of the largest catering firms in the Washington, D.C., metropolitan area; and

WHEREAS, Dave Evans was dedicated to the well-being of his hundreds of employees, ensuring everyone earned a living wage, received quality health care, and had the opportunity to grow in their careers; as a result of this dedication, many employees would stay with the company for decades, a rare occurrence in the food service industry; and

WHEREAS, guided by Dave Evans' commitment to sustainable agriculture and other environmental causes, La Prima Food Group became distinguished throughout the region as a leading eco-friendly company; and

WHEREAS, through his work with Good Shepherd Housing and United Community, Dave Evans was instrumental in convening partners to secure affordable housing and other support for vulnerable families; and

WHEREAS, Dave Evans supported local businesses and the economic prosperity of his community as a board member of the Mount Vernon-Lee Chamber of Commerce; and

WHEREAS, a passionate baseball fan who supported his daughters in everything they pursued, Dave Evans was longtime treasurer of the Fort Hunt Youth Athletic Association and assisted as a softball coach, groundskeeper, and league manager for more than a decade; and

WHEREAS, both a board member and benefactor of the Burgundy Farm Country Day School, Dave Evans furthered the independent school's commitments to the natural world, environmental learning, and sustainability; and

WHEREAS, Dave Evans will be dearly remembered and fondly missed by his loving wife of 39 years, Teresa; his children, Elizabeth, Margaret, and Madeline, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of David Howard Evans, a man of great integrity and an unwavering supporter of his family, friends, and all of those in need; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of David Howard Evans as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 588

Celebrating the life of the Honorable John Henry Hager.

Agreed to by the House of Delegates, September 25, 2020

WHEREAS, the Honorable John Henry Hager, an esteemed public servant who was the Lieutenant Governor of Virginia from 1998 to 2002, died on August 23, 2020; and

WHEREAS, born in Durham, North Carolina, John Hager graduated from Purdue University with a degree in mechanical engineering and later earned a master's degree in business administration from Harvard University; and

WHEREAS, a member of the Reserve Officers' Training Corps in college, John Hager enlisted in the United States Army and served his country with courage and valor, rising to the rank of captain; and

WHEREAS, following in his father's footsteps, John Hager enjoyed a long and successful career as an executive at the American Tobacco Company; and

WHEREAS, at the age of 36, John Hager contracted polio and lost the ability to walk; with an indefatigable resolve to overcome this challenge and give back to his community, he persevered to reach the highest echelons of public service; and

WHEREAS, active in the Republican Party for many years, John Hager was elected Lieutenant Governor of Virginia in 1997, making history as the first individual with a physical disability to serve in the position; and

WHEREAS, presiding over the Senate of Virginia, John Hager earned the respect of colleagues from both parties for his fair and efficient approach, his strict adherence to the rules and customs of the chamber, and his clear and unwavering dedication to the Commonwealth and its citizens; and

WHEREAS, during his tenure as Lieutenant Governor, John Hager sat on several committees and commissions and chaired the Virginia Disability Commission, advocating effectively for improvements in the areas of transportation, employment, and housing to support disabled Virginians and their families; and

WHEREAS, John Hager was appointed by Governor Mark Warner to serve as the first assistant to the governor for commonwealth preparedness, coordinating the Commonwealth's security and emergency preparedness strategies and plans following the attacks on September 11; and

WHEREAS, nominated by President George W. Bush to serve as the assistant secretary for special education and rehabilitative services within the United States Department of Education, John Hager guided the federal government's efforts to enhance the quality of life for people with disabilities from 2004 to 2007; and

WHEREAS, a passionate proponent of his conservative values and principles, John Hager served as chair of the Virginia Republican Party from 2007 to 2008, leading his party with good sense, vision, and compassion; and

WHEREAS, Governor Ralph Northam ordered the Commonwealth's flag to be flown at half-staff for 10 days to honor the life and memory of John Hager, a testament to the deep and lasting impact he had on the Commonwealth; and

WHEREAS, John Hager will be dearly remembered and fondly missed by his loving wife, Margaret; his children, John and Henry, and their families; and numerous other family members, friends, and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of the Honorable John Henry Hager, a former Lieutenant Governor of Virginia who inspired countless citizens of the Commonwealth through his determination, leadership, and grace; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable John Henry Hager as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 589

Celebrating the life of Kenneth Elliot Linden Millington.

Agreed to by the House of Delegates, September 25, 2020

WHEREAS, Kenneth Elliot Linden Millington, a veteran and a respected member of the Virginia Beach community, died on July 11, 2020; and

WHEREAS, born in Guyana, Kenneth “Kenny” Elliot Linden Millington immigrated to the United States with his family at a young age; he imparted his passion for Guyanese culture, food, and music to many friends throughout his life; and

WHEREAS, Kenny Millington graduated from the Comprehensive Night High School of Brooklyn in New York City in 1995, then subsequently joined the United States Navy; and

WHEREAS, over the course of his eight-year military career, Kenny Millington was stationed aboard the USS *San Jacinto* and USS *Austin* and earned the admiration of his fellow sailors for his work ethic and dedication; and

WHEREAS, after his honorable discharge as a petty officer third class, Kenny Millington continued to serve the Commonwealth and the nation in other capacities, including as a project manager at Mid-Atlantic Regional Maintenance Center in Norfolk; and

WHEREAS, Kenny Millington’s greatest joy in his life was his beloved family, and he relished every opportunity to support his children at school events; and

WHEREAS, Kenny Millington will be fondly remembered and greatly missed by his wife, Anita; his son, Daniel; his stepsons, Rashad, Elijah, and Isaiah; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Kenneth Elliot Linden Millington, a respected veteran who made many contributions to the Virginia Beach community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Kenneth Elliot Linden Millington as an expression of the House of Delegates’ respect for his memory.

HOUSE RESOLUTION NO. 590

Celebrating the life of Gerald P. Domme.

Agreed to by the House of Delegates, September 25, 2020

WHEREAS, Gerald P. Domme, an honorable veteran, esteemed firefighter, and beloved member of the Virginia Beach community, died on August 26, 2020; and

WHEREAS, born in Portsmouth, Gerald Domme attended Craddock High School, where he excelled in baseball and basketball, served as class president, and volunteered with his local fire station; and

WHEREAS, Gerald Domme was a veteran of World War II, having served his country with courage and valor as a member of the United States Marine Corps; and

WHEREAS, as a career firefighter, Gerald Domme devoted his life to protecting his community’s citizens and their property and ultimately retired as the fire chief of the Norfolk Naval Shipyard; and

WHEREAS, guided throughout his life by his deep and abiding faith, Gerald Domme enjoyed worship and fellowship with his community at Saint Matthew Catholic Church in Virginia Beach for over 60 years; and

WHEREAS, Gerald Domme touched countless lives in the Portsmouth, Norfolk, and Virginia Beach communities through his gentle nature and wonderful sense of humor; and

WHEREAS, predeceased by his loving wife, Maropia, Gerald Domme will be dearly remembered and fondly missed by his daughters, Cynthia and Mary, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Gerald P. Domme, a distinguished veteran and firefighter who bravely risked his life to ensure the safety and well-being of others; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Gerald P. Domme as an expression of the House of Delegates’ respect for his memory.

HOUSE RESOLUTION NO. 591

Commending Ronnie Sprinkle.

Agreed to by the House of Delegates, September 25, 2020

WHEREAS, Ronnie Sprinkle, a dedicated law-enforcement officer with more than three decades of experience, retired as sheriff of Botetourt County at the end of 2019; and

WHEREAS, Ronnie Sprinkle was inspired by his father, who served as sheriff of Botetourt County for 30 years, to pursue a career as a police officer; and

WHEREAS, over the course of 15 years, Ronnie Sprinkle served as a sheriff's deputy in Botetourt County and a member of the Salem Police Department; and

WHEREAS, desirous to be of further service to the community, Ronnie Sprinkle ran for and was elected as sheriff of Botetourt County in 1999; and

WHEREAS, during his long tenure as sheriff, Ronnie Sprinkle ably adapted to changes in technology and significant growth in Botetourt County, and he worked diligently to ensure that his deputies had access to the tools and training they needed to best serve and protect local residents; and

WHEREAS, among his many accomplishments as sheriff, Ronnie Sprinkle secured funding for and oversaw the construction of a new public safety building and jail, which is located on Roanoke Street in Fincastle; and

WHEREAS, after his well-earned retirement, Ronnie Sprinkle plans to spend more time with his family and seek new opportunities to serve and support his fellow residents of Botetourt County; now, therefore, be it

RESOLVED by the House of Delegates, That Ronnie Sprinkle hereby be commended on the occasion of his retirement as sheriff of Botetourt County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ronnie Sprinkle as an expression of the House of Delegates' admiration for his achievements as a law-enforcement officer and contributions to the community.

HOUSE RESOLUTION NO. 592

Commending the Philippine Cultural Center of Virginia.

Agreed to by the House of Delegates, September 29, 2020

WHEREAS, the Council of United Filipino Organizations of Tidewater, Inc., a nonprofit organization in Virginia Beach, was established on January 16, 1976, for the purpose of building and maintaining the Philippine Cultural Center of Virginia to provide a location for hosting cultural events and other civic, religious, scientific, and educational functions; and

WHEREAS, the Council of United Filipino Organizations of Tidewater, Inc., has continued to serve members of the Filipino American community in the Hampton Roads Region for more than four decades; and

WHEREAS, a small house and a three-acre lot purchased with funds provided by the Filipino Women's Club of Tidewater, Mrs. Philippines and Court Society of Virginia, and countless other organizations and supporters became the site of the Philippine Cultural Center of Virginia; and

WHEREAS, thirty-two Filipino American individuals and families who acted as guarantors of a construction loan in order for the Philippine Cultural Center of Virginia to be built became the members of the board of trustees; and

WHEREAS, the Philippine Cultural Center of Virginia was inaugurated on June 24, 2000, and opened its 14,000-square-foot facility to the public; and

WHEREAS, the Philippine Cultural Center of Virginia has served as a hub of activities for the Filipino American community for 20 years; and

WHEREAS, the Philippine Cultural Center of Virginia preserves the history and heritage of the Filipino community in the United States and pays tribute to Filipino immigrants who have served and sacrificed as members of the United States Armed Forces; and

WHEREAS, a multifunctional complex, the Philippine Cultural Center of Virginia provides a positive environment for local youths to learn about Filipino traditions and culture while preparing for success in academics, careers, and civic leadership, and gives seniors the opportunity to remain engaged with the community as respected mentors and trusted advisers; and

WHEREAS, the Philippine Cultural Center of Virginia works with the Embassy of the Republic of the Philippines in the United States to ensure its outreach programs are easily accessible; and

WHEREAS, the Philippine Cultural Center of Virginia is open to people of all races, creeds, and colors in need of community fellowship or support, and the center has played a critical role in the cultural development and economic vitality of Virginia Beach; now, therefore, be it

RESOLVED by the House of Delegates, That the Philippine Cultural Center of Virginia hereby be commended on the occasion of its 20th anniversary of service to the Hampton Roads community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Philippine Cultural Center of Virginia as an expression of the House of Delegates' admiration for the center's important contributions to the lives of Filipino Americans and ongoing support for the entire Hampton Roads community.

HOUSE RESOLUTION NO. 593

Commending Geraldine Bailey Williams Johnson.

Agreed to by the House of Delegates, September 25, 2020

WHEREAS, Geraldine Bailey Williams Johnson, a beloved member of the Richmond community for the past century, celebrated her 100th birthday on August 31, 2020; and

WHEREAS, born in the Newtown neighborhood in South Richmond, Geraldine Johnson was a graduate of Dunbar Elementary School and Armstrong High School; and

WHEREAS, guided throughout her life by her deep and abiding faith, Geraldine Johnson was baptized by the Reverend William L. Ransome at the historic First Baptist Church of South Richmond, where seven generations of her family have been parishioners; and

WHEREAS, an alumna of the Van de Vyver Institute, where she majored in business, Geraldine Johnson later enrolled at Virginia Union University from 1960 to 1964, making the dean's list and earning a degree in elementary education; and

WHEREAS, for over a half-century, Geraldine Johnson has been a passionate and indefatigable supporter of her alma mater, generously supporting the growth and development of tomorrow's leaders; and

WHEREAS, Geraldine Johnson taught at Blackwell Elementary School in Richmond, helping untold children achieve success both in and out of the classroom; and

WHEREAS, Geraldine Johnson hails from an illustrious family of accomplished individuals; her grandfather, Frank L'Overture Williams, Sr., was a graduate of the historic Storer College in Harpers Ferry, West Virginia, and her uncle, Frederick Douglas Williams, was a distinguished veteran of World War I who was honored by Virginia Union University; and

WHEREAS, devoted to her family and Christian faith all her life, Geraldine Johnson has been an inspiration to all whom she has known over the past 100 years; now, therefore, be it

RESOLVED by the House of Delegates, That Geraldine Bailey Williams Johnson, an educator and model of integrity who touched countless lives in the Commonwealth, hereby be commended on the occasion of her centennial birthday; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Geraldine Bailey Williams Johnson as an expression of the House of Delegates' congratulations and best wishes.

HOUSE RESOLUTION NO. 594

Celebrating the life of Diane Elaine Harris Marsh, DDS.

Agreed to by the House of Delegates, September 25, 2020

WHEREAS, Diane Elaine Harris Marsh, DDS, a trailblazing leader for women and African Americans in the dentistry profession and a beloved wife, mother, and grandmother in Richmond, died on September 1, 2020; and

WHEREAS, after graduating from Virginia Union University and Howard University, Diane Marsh broke down barriers and became one of the first African American women to practice dentistry in Virginia; and

WHEREAS, Diane Marsh opened a dental office in Church Hill, where her father had previously served as a physician for many years; through her practice she built a strong sense of community in the neighborhood, and she mentored and inspired countless young people as an instructor at the Medical College of Virginia; and

WHEREAS, with her compassionate insights and devoted support, Diane Marsh helped her husband, the Honorable Henry L. Marsh III, achieve success on behalf of the Richmond community and the Commonwealth as a civil rights advocate and a longtime public servant; and

WHEREAS, outside of her professional career and commitment to servant leadership, Diane Marsh was a gifted artist who expressed her grace and elegance as a sculptor, pianist, and photographer; and

WHEREAS, Diane Marsh will be fondly remembered and greatly missed by her husband of 58 years, Henry; her children, Nadine, Sonya, and Dwayne, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Diane Elaine Harris Marsh, DDS, a highly admired member of the Richmond community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Diane Elaine Harris Marsh, DDS, as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 595

Commending Antonio Brown.

Agreed to by the House of Delegates, September 25, 2020

WHEREAS, Antonio Brown, while incarcerated, worked to help rehabilitate other individuals at correctional centers in the Commonwealth and was released from prison early on April 3, 2020, for his exemplary behavior; and

WHEREAS, Antonio “Tony” Brown was convicted of malicious wounding and robbery and sentenced to more than 60 years in prison; and

WHEREAS, during his incarceration, Tony Brown earned the nickname “Mayor Tony” by defusing violent situations peacefully, creating a sense of community, and inspiring people of all races, creeds, and backgrounds to make good choices and seek a path toward rehabilitation; and

WHEREAS, over the course of 15 years at Greensville Correctional Center, Tony Brown volunteered as a teacher’s aide and math tutor, helping several others who were serving time behind bars to achieve their GED degrees; and

WHEREAS, Tony Brown worked with the Kairos Prison Ministry Team to build a sense of hope through faith as an Assistant Pastor in Unit S3 of Greensville Correctional Center; and

WHEREAS, Tony Brown became an assistant to the regional librarian at Powhatan Correctional Center, where he helped organize a spelling bee contest and a youth basketball tournament; and

WHEREAS, after 23 years in prison, in recognition of his strength of character and service to others, Tony Brown received a pardon from Governor Ralph Northam; he touched countless lives in Virginia’s prison system through his mentorship, leadership, and kindness; now, therefore, be it

RESOLVED by the House of Delegates, That Antonio Brown hereby be commended for his work to rehabilitate other inmates and give back to his community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Antonio Brown as an expression of the House of Delegates’ admiration for his achievements.

HOUSE RESOLUTION NO. 596

Celebrating the life of Azaraia Ladaisha Williams.

Agreed to by the House of Delegates, September 25, 2020

WHEREAS, Azaraia Ladaisha Williams, a vibrant young member of the Emporia community, died on July 23, 2020; and

WHEREAS, born in Franklin, Azaraia Williams was a student at Greensville Elementary School; and

WHEREAS, Azaraia Williams was well known for her compassion, generosity, and willingness to stand up for people in need; and

WHEREAS, Azaraia Williams had a strong and unique bond with her beloved sister, Saraia Squire, who died on July 25, 2020; and

WHEREAS, Azaraia Williams was a gifted singer, and she brightened the days of her family, friends, and members of her church community through her melodious voice and infectious smile; and

WHEREAS, Azaraia Williams will be fondly remembered and greatly missed by her mother, Shaketa Squire; her father, Anthony Williams; her siblings, Leona Squire and Antonia Williams; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Azaraia Ladaisha Williams; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Azaraia Ladaisha Williams as an expression of the House of Delegates’ respect for her memory.

HOUSE RESOLUTION NO. 597

Celebrating the life of Saraia Monae Squire.

Agreed to by the House of Delegates, September 25, 2020

WHEREAS, Saraia Monae Squire, a vibrant young member of the Emporia community, died on July 25, 2020; and

WHEREAS, born in Franklin, Saraia Squire was a student at Greensville Elementary School; and

WHEREAS, a proud eldest sister, Saraia Squire nurtured and protected her siblings and set a good example for them through her work ethic and unfailing optimism; and

WHEREAS, Saraia Squire had a strong and unique bond with her beloved sister, Azaraia Williams, who died on July 23, 2020; and

WHEREAS, Saraia Squire was a gifted artist and dancer, and she shared her talents with members of her church community as a member of the liturgical dance ministry; and

WHEREAS, Saraia Squire will be fondly remembered and greatly missed by her mother, Shaketa Squire; her father, Anthony Williams; her siblings, Leona Squire and Antonia Williams; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Saraia Monae Squire; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Saraia Monae Squire as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 598

Celebrating the life of Aaliyah Nichole Ramsey.

Agreed to by the House of Delegates, September 25, 2020

WHEREAS, Aaliyah Nichole Ramsey, a beloved member of the Southampton County community, died on July 23, 2020; and

WHEREAS, born in Franklin, Aaliyah "Liyah" Nichole Ramsey was an honor roll student at Capron Elementary School; and

WHEREAS, Liyah Ramsey was a gifted singer and used her talents to share her joyful faith with others by creating her own praise dance routines; and

WHEREAS, Liyah Ramsey had a vibrant sense of style, which she expressed in many ways, including by making her own unique articles of clothing; and

WHEREAS, Liyah Ramsey was a mature and intelligent young lady, who enjoyed helping with chores around the house and set a good example for her younger cousins, whom she cared for deeply; and

WHEREAS, Liyah Ramsey will be fondly remembered and greatly missed by her mother, Sateria Adams; her father, Stephen Ramsey; her brother, Elijah Ramsey; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Aaliyah Nichole Ramsey; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Aaliyah Nichole Ramsey as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 599

Celebrating the life of Lawrence Randolph Thomas.

Agreed to by the House of Delegates, September 25, 2020

WHEREAS, Lawrence Randolph Thomas, an honored veteran and beloved member of the Greensville County community, died on July 3, 2020; and

WHEREAS, born in Greensville County, Lawrence Thomas was affectionately known to family and friends as "Bubba," "JR," and "Ra'ul"; and

WHEREAS, Lawrence Thomas enlisted in the United States Army in 1965 as a parachute assault operations specialist with the 82nd Airborne Division and served his country valorously during the Vietnam War; and

WHEREAS, Lawrence Thomas earned several military decorations for his service, including the National Defense Service Medal, the Parachutist Badge, the Vietnam Service Medal, the Vietnam Campaign Medal, and an Overseas Service Bar; and

WHEREAS, Lawrence Thomas was awarded a Purple Heart medal for wounds received in action on May 25, 1967, and was honorably discharged from the United States Army the following year; and

WHEREAS, over a nearly four-decade professional career, Lawrence Thomas worked tirelessly for the benefit of various businesses and organizations, including Kingsbury Homes, Boise Cascade/Georgia-Pacific, Newport News Shipbuilding, McElroy Truck Lines, and Edward W. Wyatt Middle School in Greensville County; and

WHEREAS, guided throughout his life by his deep and abiding faith, Lawrence Thomas enjoyed worship and fellowship with his community at Claresville Baptist Church in Emporia, where he was the president of the male chorus, a member of the senior choir, a trustee, and a custodian; and

WHEREAS, Lawrence Thomas will be dearly remembered and fondly missed by his loving wife of 54 years, Julie; his children, Warren, Charlene, Veronica, and Lawrence, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Lawrence Randolph Thomas, a decorated veteran of the United States Army who was a model of integrity to all he knew; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Lawrence Randolph Thomas as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 600

Celebrating the life of Raymond Anderson, Jr.

Agreed to by the House of Delegates, September 25, 2020

WHEREAS, Raymond Anderson, Jr., an esteemed musician, talented mechanic, and beloved member of the Greenville County community, died on April 17, 2020; and

WHEREAS, born in Emporia, Raymond Anderson was a graduate of Greenville County High School and an active citizen of Greenville County all his life; and

WHEREAS, over 33 years at the Greenville County bus garage, Raymond Anderson established a reputation as a hardworking and accomplished mechanic; and

WHEREAS, Raymond Anderson was happiest working on automobiles and his farm and provided untold assistance to the citizens of Greenville County as owner and operator of Bad Boys Auto & Body Shop in Emporia; and

WHEREAS, Raymond Anderson was a lifelong musician who inspired many over the years through song; he played bass guitar with several gospel groups, including the Gospellettes and the Anointed Voices of Heaven, and sang in his church's choir; and

WHEREAS, guided throughout his life by his deep and abiding faith, from a young age Raymond Anderson enjoyed worship and fellowship with his community at Little Shiloh Baptist Church in Emporia; and

WHEREAS, Raymond Anderson will be dearly remembered and fondly missed by his children, Kanisha, Jaleesa, Keandra, Tiffany, Jalen, Michelle, Raven, and Rashard, and their families; his mother, Cherry; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Raymond Anderson, Jr., who touched countless lives in the Greenville County community through his good humor, integrity, and charm; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Raymond Anderson, Jr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 601

Celebrating the life of Colleen Reese Weaver Hunnicutt.

Agreed to by the House of Delegates, September 25, 2020

WHEREAS, Colleen Reese Weaver Hunnicutt, who served her community admirably for many years as a school bus driver and 9-1-1 emergency dispatcher, died on April 15, 2020; and

WHEREAS, born and raised in Greenville County, Colleen Hunnicutt graduated from Greenville County High School in 1974 and would continue to spread roots in the area for many years; and

WHEREAS, inspired to support the education of children in her community, Colleen Hunnicutt worked tirelessly as a school bus driver with Greenville County Public Schools for 23 years; and

WHEREAS, later in her career, Colleen Hunnicutt assisted local emergency response services as a 9-1-1 dispatcher, helping countless individuals navigate difficult and stressful situations and get help when it was needed; and

WHEREAS, active and engaged in her community, Colleen Hunnicutt was a proud member of the Order of the Eastern Star and gave generously of her time and talents to programs dedicated to the growth and development of young people; and

WHEREAS, guided throughout her life by her deep and abiding faith, Colleen Hunnicutt enjoyed worship and fellowship with her community at the Greater Shiloh Baptist Church in Emporia for many years; and

WHEREAS, Colleen Hunnicutt will be dearly remembered and fondly missed by her loving husband, Walter; her daughter, Tia; her mother, Vergie; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Colleen Reese Weaver Hunnicutt, a cherished member of the Greenville County community who touched untold lives through her warmth, integrity, and grace; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Colleen Reese Weaver Hunnicutt as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 602

Celebrating the life of Chadwick Aaron Boseman.

Agreed to by the House of Delegates, September 25, 2020

WHEREAS, Chadwick Aaron Boseman, an iconic American actor, passionate activist, and beloved son and husband, died on August 28, 2020; and

WHEREAS, Chadwick Boseman was born in Anderson, South Carolina, to Carolyn and Leroy Boseman and graduated from Howard University in 2000 with a bachelor's degree in directing; and

WHEREAS, Chadwick Boseman worked as a television actor in the early 2000s and experienced instances of racism and prejudice that continue to oppress African Americans throughout the United States; and

WHEREAS, Chadwick Boseman continued his career in film and was cast in the 2013 major motion picture *42* as Jackie Robinson, the African American baseball player who broke down racial barriers to join the formerly segregated Brooklyn Dodgers of Major League Baseball; and

WHEREAS, Chadwick Boseman portrayed another influential historical figure in 2017, when he starred in a biographical drama film about Thurgood Marshall, the first African American justice of the Supreme Court of the United States; and

WHEREAS, Chadwick Boseman went on to play T'Challa, king and hero of Marvel Comics' fictional African nation of Wakanda, in the 2018 film *Black Panther*; and

WHEREAS, in his role as T'Challa, who was the first superhero of African descent to appear in mainstream American comic books in the 1960s, Chadwick Boseman served as an inspiration to young African Americans and fans of all races and backgrounds through his display of leadership, honor, heroism, determination, and strength; and

WHEREAS, Chadwick Boseman helped to further normalize African American heroes and characters in film and other media, and their prominence in such roles serves as a guiding light to people of color pursuing careers in acting, in leadership positions, or in community activism; and

WHEREAS, Chadwick Boseman was diagnosed with colon cancer in 2016 and courageously battled the disease for four years; he performed in some of his most well-known roles during that period, giving hope to fellow cancer patients that their lives need not be defined by the disease; and

WHEREAS, Chadwick Boseman will be fondly remembered and greatly missed by his wife, Taylor Simone Ledward; his family; his castmates; and people from around the world who were inspired by his life; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Chadwick Aaron Boseman, a hero to African American youths and many people throughout the world who were profoundly influenced by his performances; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Chadwick Aaron Boseman as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 603

Celebrating the life of Barbara H. McHale.

Agreed to by the House of Delegates, September 25, 2020

WHEREAS, Barbara H. McHale, a respected former educator and real estate professional in Vienna, died on August 4, 2020; and

WHEREAS, a proud Virginian, Barbara McHale was born in Orange and graduated from Radford University and the University of Virginia; and

WHEREAS, in 1971, Barbara McHale and her husband, Jack, settled in Vienna, where they raised their four children; and

WHEREAS, Barbara McHale worked as a Montessori teacher at Green Hedges School until 1979, when she changed careers and became a realtor with Weichert Realtors and Long & Foster Real Estate; and

WHEREAS, Barbara McHale earned a reputation as a trusted and determined advocate for her clients, making many lifelong friendships through her profession; and

WHEREAS, Barbara McHale offered her leadership and expertise to the Vienna Business Association and served her fellow residents as a member of the Optimist Club of Greater Vienna and the Shepherd's Center; and

WHEREAS, Barbara McHale brought joy to countless members of the Vienna community through her generosity, kindness, grace, and sense of humor; and

WHEREAS, predeceased by her husband, Jack, Barbara McHale will be fondly remembered and greatly missed by her children, Kevin, Kathryn, Carolyn, Colleen, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Barbara H. McHale, a former teacher and realtor who made many contributions to the Vienna community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Barbara H. McHale as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 604

Commending Fredericksburg Regional Black Restaurant Week.

Agreed to by the House of Delegates, September 25, 2020

WHEREAS, in September 2020, Fredericksburg Regional Black Restaurant Week was organized by Ernisha and Tracey Hall, along with Nyeshia and Marlon Wilson, Michelle Riddick, and Tortica Anderson; and

WHEREAS, the inaugural Fredericksburg Regional Black Restaurant Week (FXBGbrw), highlighted more than 25 Black-owned participating restaurants, including Z's Southern Kitchen, Souls Grill, Community 1 Market, Beverly's Ribinator Food Truck, Big Bad W Pit BBQ, Ann's Lobster Rolls, Jerks of the Caribbean, Family Food Palace, Soulific Seafood, All A's Cakes, Taste of Trelawny, Wild Flour Confections, Peeramidz Restaurant & Lounge, Flavor's Wadder Ice, Micah's Ice Cream Truck, ReFuel FXBG, Pimenta, Better 4 You Juices, Katie's Cakes, Dickey's Barbecue Pit, Jus Pop'n, One Love Jamaican Kitchen, Long Family Markets, Color Puff Candy, Joeffi's Philly Grille, and Piggy's Baby Cakes; and

WHEREAS, FXBGbrw was organized to help revitalize Black restaurants that have been affected by the COVID-19 pandemic; according to the National Bureau of Economic Research, 41 percent of Black-owned businesses in the United States have closed during the pandemic, compared to only 17 percent of white-owned businesses; and

WHEREAS, FXBGbrw will continue to advertise, grow, and educate the community on the importance of supporting local businesses and spotlighting Black-owned restaurants in the Fredericksburg region and beyond; now, therefore, be it

RESOLVED by the House of Delegates, That Fredericksburg Regional Black Restaurant Week hereby be commended for its work to support Black restaurant owners in the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the organizers of Fredericksburg Regional Black Restaurant Week as an expression of the House of Delegates' admiration for their contributions to the success of Black-owned restaurants in Fredericksburg.

HOUSE RESOLUTION NO. 605

Commending the captain and crew of the Smuggler's Point fishing vessel.

Agreed to by the House of Delegates, September 25, 2020

WHEREAS, on August 20, 2020, the captain and crew of *Smuggler's Point*, a menhaden fishing vessel that is owned by Ocean Harvesters and operates exclusively for Omega Protein Corporation, participated in an at-sea rescue of six people aboard a recreational boat that had caught fire near Ocean City, Maryland; and

WHEREAS, after a routine day of fishing, *Smuggler's Point* was returning to the Omega Protein Corporation facility in Reedville to unload its catch of Atlantic menhaden; and

WHEREAS, while steaming off the coast near Ocean City, Maryland, *Smuggler's Point* crewmembers received a mayday call over the radio from another nearby vessel, *No Filter*, that was in distress approximately one-half mile from their location; and

WHEREAS, Captain Robert Huff and the crew of *Smuggler's Point* immediately sprang into action, changing course and heading toward the coordinates broadcasted by *No Filter*; and

WHEREAS, *Smuggler's Point* was first to arrive on the scene, where the crew found *No Filter* on fire and six people in the water; the crew maneuvered its 170-foot vessel toward the distressed people and deployed lifesaving rescue equipment to bring them safely on board; and

WHEREAS, the captain and crew of *Smuggler's Point* remained in constant communication with the United States Coast Guard and maritime officials in Maryland throughout the rescue; and

WHEREAS, the individuals rescued by the *Smuggler's Point* crew were offered a warm space in the pilothouse, as well as water and masks, and waited with the crew until authorities arrived to take the rescued recreational fishermen safely back to shore; and

WHEREAS, the captain and crew of *Smuggler's Point* had been trained for this type of dangerous and life-threatening situation in numerous safety meetings conducted by Omega Protein Corporation, and had developed a detailed plan that they executed with extreme care and concern, following all safety protocols and exhibiting the highest degree of maritime professionalism; and

WHEREAS, the crewmembers of *Smuggler's Point* are longtime menhaden fishermen with decades of experience in the industry, including Captain Huff, who has been with the menhaden fishery since the late 1970s and a captain since 1985, and First Mate Roger Smith, also a captain, who has been with the fishery since 1988; and

WHEREAS, the crewmembers of *Smuggler's Point* are dedicated employees of Omega Protein Corporation, which is a nutritional product company that has developed, produced, and delivered healthy products throughout the world to improve the nutritional integrity of foods, dietary supplements, and animal feeds for more than 100 years; and

WHEREAS, Omega Protein Corporation is a division of Cooke, Inc., a family-owned fishery company based in New Brunswick, Canada, that owns and operates Wanchese Fish Company in Suffolk; the company's mission is to help people

lead healthier lives with better nutrition through sustainably sourced ingredients such as highly refined specialty oils, specialty protein products, and nutraceuticals; and

WHEREAS, Omega Protein Corporation operates seven manufacturing facilities in the United States, Canada, and Europe and maintains a long-term supply contract with Ocean Harvesters, which owns 30 vessels, including *Smuggler's Point*, that harvest menhaden, a fish abundantly found in the Atlantic Ocean and Gulf of Mexico; and

WHEREAS, Omega Protein Corporation is proud to include as a significant part of its workforce members of the United Food and Commercial Workers Local 400, some of whom were aboard *Smuggler's Point* and played an integral role in the successful rescue of the recreational fishermen; now, therefore, be it

RESOLVED by the House of Delegates, That the captain and crew of the *Smuggler's Point* fishing vessel hereby be commended for their selfless efforts to rescue distressed individuals aboard *No Filter* on August 20, 2020; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to the captain and crew of the *Smuggler's Point* fishing vessel and Omega Protein Corporation as an expression of the House of Delegates' admiration for the captain's and the crew's professionalism, bravery, and care and concern for their fellow mariners.

HOUSE RESOLUTION NO. 606

Celebrating the life of Joseph Alexander.

Agreed to by the House of Delegates, September 29, 2020

WHEREAS, Joseph Alexander, a dedicated public servant who represented the Lee District on the Fairfax County Board of Supervisors for more than three decades and was well known for his expertise on transportation issues in Northern Virginia, died on August 30, 2020; and

WHEREAS, a native of Pittsburgh, Pennsylvania, Joseph "Joe" Alexander relocated to Virginia with his family and graduated from Mount Vernon High School and Virginia Polytechnic Institute and State University; and

WHEREAS, Joe Alexander served his country during the Korean War as a member of the United States Air Force, rising to the rank of first lieutenant; and

WHEREAS, after his honorable military service, Joe Alexander returned to the Commonwealth and followed in his father's footsteps as the owner of Franconia Hardware; and

WHEREAS, desirous to be of further service, Joe Alexander ran for and was elected to the Fairfax County Board of Supervisors in 1963; his experience as a hardware store owner translated to a practical leadership style and an unparalleled level of constituent service; and

WHEREAS, during his long tenure as a county supervisor, Joe Alexander witnessed significant population growth in the Lee District and throughout Fairfax County; he oversaw the establishment of modern water and sewer systems, the installation of sidewalks and streetlights, and the creation of new green spaces and parks to better serve the community; and

WHEREAS, as a longtime member of the Franconia Volunteer Fire Department, Joe Alexander was a champion for public safety issues and worked diligently to support law-enforcement officers and other first responders in the region; and

WHEREAS, having joined the Northern Virginia Transportation Commission (NVTC) as a founding member in 1964, Joe Alexander represented the region before organizations like the Virginia Railway Express and the Washington Metropolitan Area Transit Authority (WMATA); and

WHEREAS, most notably, Joe Alexander was one of the chief architects of the Washington Metro, overseeing the design and construction of the rail system, as well as working with other regional leaders to establish the Metrobus system; and

WHEREAS, upon his well-earned retirement in 1995, Joe Alexander was the longest-serving member of the Fairfax County Board of Supervisors; in recognition of his legacy contributions to the Lee District, NVTC, and WMATA, the Joe Alexander Franconia-Springfield Transit Center was named in his honor; and

WHEREAS, Joe Alexander served the Virginia Transportation Association for over three decades in many leadership roles, including as president and as a member of the executive committee and board of directors; and

WHEREAS, at the national level, Joe Alexander served as chair of the American Public Transportation Association for two years and was inducted into the organization's Hall of Fame in 2008; and

WHEREAS, Joe Alexander offered his expertise as a vice president of Washington-Lee Savings and Loan Association and preserved the history and heritage of the region as a board member and volunteer at the Franconia Museum; and

WHEREAS, Joe Alexander will be fondly remembered and greatly missed by his wife of 64 years, Davina; his daughters, Cathy and Cheri, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Joseph Alexander, a highly respected former member of the Fairfax County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Joseph Alexander as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 607

Commending the House Clerk's Office.

Agreed to by the House of Delegates, September 29, 2020

WHEREAS, the staff of the House Clerk's Office worked diligently to ensure the health and safety of both state legislators and members of the public at the 2020 Special Session I of the General Assembly, held during the COVID-19 pandemic; and

WHEREAS, prior to the Special Session, which convened on August 18, 2020, staff members of the House Clerk's Office installed voting equipment and other electronics at Virginia Commonwealth University's Stuart C. Siegel Center to allow the members of the Virginia House of Delegates to comply with social distancing regulations at an in-person floor session; and

WHEREAS, the House Clerk's Office addressed the unique challenges of continuing the Special Session in a virtual format to limit person-to-person exposure between members of the Virginia House of Delegates and members of the public while still allowing for full participation in the legislative process; and

WHEREAS, information technology professionals in the House Clerk's Office built and tested a groundbreaking system for safe, remote participation by members, advocates, and the public; and

WHEREAS, during committee meetings, personnel from the House Clerk's Office operated well-managed video communications, livestreaming services, and the remote voting system to support the members of the Virginia House of Delegates and allow members of the public to stay informed and engaged; and

WHEREAS, the House Clerk's Office staff members responded to extraordinary circumstances and went above and beyond to meet the needs of the Virginia House of Delegates while maintaining safety and transparency; now, therefore, be it

RESOLVED by the House of Delegates, That the House Clerk's Office hereby be commended for its work to ensure the safe and efficient operation of the 2020 Special Session I of the General Assembly during the COVID-19 pandemic; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the staff members of the House Clerk's Office as an expression of the House of Delegates' admiration for their hard work and dedication.

HOUSE RESOLUTION NO. 608

Celebrating the life of Saba Labib Shami.

Agreed to by the House of Delegates, October 2, 2020

WHEREAS, Saba Labib Shami, a highly respected public servant and member of the Arab American community, battled a rare form of sinus cancer and fell short of full victory over it, passing away surrounded by his family on September 17, 2020; and

WHEREAS, Saba Labib Shami more importantly battled injustice against himself and the Palestinian people, and he found a way to channel that passion to touch everything around him in his day-to-day life, from local government in the Washington, D.C., metropolitan area, to statewide Virginia governance, and all the way up to the international diplomacy arena; and

WHEREAS, Saba Labib Shami was born an indigenous Christian Palestinian on April 15, 1955, in the village of Maghar and grew up and went to school in the City of Haifa, which is near where Jesus Christ grew up in Galilee, while he and his father worked as painters; and

WHEREAS, while attending high school in Haifa, Saba Labib Shami organized against his school's segregation of Jews and Palestinians, leading to his expulsion from the Israeli education system in its entirety for doing so; and

WHEREAS, Saba Labib Shami moved to the United States, settling first in Indiana, so that he could complete high school and then earn a bachelor's degree in social sciences from Goshen College; he studied philosophy and peace studies at Bethany Theological Seminary, all while being a proficient and fluent speaker of Arabic but not having the strongest English language skills, and many years later, he graduated from Virginia Commonwealth University's Virginia Executive Institute; and

WHEREAS, Saba Labib Shami moved to the Washington, D.C., metropolitan area in 1983 to begin his career as the Director of Marketing and Assistant Editor of the publication *Arab Traveler* at ArAme Trading and Publishing Company; and

WHEREAS, Saba Labib Shami made a professional career shift into the world of finance in 1989, when he took the position of vice president of business development at the Bank of Northern Virginia in Arlington; and

WHEREAS, Saba Labib Shami made another professional career shift in 1993 to lobbying and public affairs as a principal at Washington Works, LLC; and

WHEREAS, Saba Labib Shami then moved into public service in local and state government by working as the Chief Deputy Commissioner for the Virginia Department of Agriculture and Consumer Services; Director of the Virginia Taskforce for Business Development with the Near East; Special Assistant to the Commissioner of the Virginia Department of Motor Vehicles, where he founded the Office of Outreach and served as its first director; Director of Special Projects for

the Virginia Port Authority; Chief Deputy Director of the Virginia Department of Professional and Occupational Regulation; member of the Virginia Small Business Advisory Board; and member of the Board of Directors of Arlington Home Ownership Made Easier (AHOME); and

WHEREAS, Saba Labib Shami assisted and served Senator and Governor Tim Kaine, Senator and Governor Mark Warner, Congressman Jim Moran, Congressman and Lieutenant Governor Don Beyer, and many other Virginia local and state elected officials; and

WHEREAS, Saba Labib Shami founded and sat on the board of directors for a number of charities and political action committees, including The Galilee Fund, New Dominion PAC, and the Virginia Coalition for Human Rights; and

WHEREAS, Saba Labib Shami pursued a lifelong commitment to advocacy for peace and justice in Israel-Palestine, including equal rights and human rights for the Palestinian and Israeli people; and

WHEREAS, Saba Labib Shami spoke many dialects of Arabic, which made him a very popular speaker in Arab American forums, at other functions, in print, and on television; and

WHEREAS, Saba Labib Shami is survived by his wife, Amira Mazzawi Shami, his younger son, Amir Shami, and his eldest son, Yousef Shami; and

WHEREAS, Saba Labib Shami needs everyone's prayers to make his passing easy for his family in these tough times; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Saba Labib Shami, who dedicated years of exemplary service to many communities and citizens of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Saba Labib Shami as an expression of the House of Delegates' respect for his memory and admiration for his extraordinary dedication to human rights and justice.

HOUSE RESOLUTION NO. 609

Celebrating the life of Bruce L. Fariss, Sr., M.D.

Agreed to by the House of Delegates, September 29, 2020

WHEREAS, Bruce L. Fariss, Sr., M.D., an honorable veteran, accomplished physician, and dedicated public servant of Pulaski County, died on September 12, 2020, surrounded by his loving family; and

WHEREAS, Bruce Fariss was valedictorian at Draper High School and subsequently earned a Bachelor of Science at Roanoke College and a Doctor of Medicine from the University of Virginia School of Medicine; and

WHEREAS, after medical school, Bruce Fariss joined the United States Army as a general practitioner and completed a residency in internal medicine and a fellowship in endocrinology; distinguishing himself through his exceptional work ethic and commitment, he was promoted to the rank of colonel by the age of 35; and

WHEREAS, with the United States Army, Bruce Fariss moved around the country and spent multiple years overseas in Germany, serving as both an executive and a consultant for the United States Army Medical Command of Europe; and

WHEREAS, after his time in Germany, Bruce Fariss was stationed at Madigan Army Medical Center, where he led clinical investigations, was director of the endocrine fellowship, and acted as center commander; and

WHEREAS, as director of the Madigan Army Medical Center's research laboratory, Bruce Fariss made numerous medical discoveries that are still applied today and published 52 peer-reviewed articles on various topics; and

WHEREAS, during his remarkable military career, Bruce Fariss held the esteemed position of consultant in endocrinology to the Surgeon General of the United States Army; and

WHEREAS, Bruce Fariss retired from the United States Army in 1984 and started a private practice in Radford, later moving to Dublin, where he saw patients with endocrinology and metabolism issues until his retirement in 2020; and

WHEREAS, committed to the well-being of his community, Bruce Fariss was active in local politics, serving as a member of the Pulaski County Board of Supervisors for sixteen years and as a member of Pulaski County's Planning Commission; and

WHEREAS, during his years as a supervisor of Pulaski County, Bruce Fariss helped lead the development of Randolph Park and the paving of many rural roads within the county; and

WHEREAS, Bruce Fariss gave generously of his time and talents to numerous civic organizations, including New River Recycling, the Pulaski County Recreation Society, the Southwest Virginia Governor's School Education Foundation, the Virginia Advisory Committee for the Education of the Gifted, the American Forestry Association, and the board of directors of the Tacoma Philharmonic; and

WHEREAS, while maintaining his private medical practice, Bruce Fariss was the chief of staff at the Carilion New River Valley Medical Center for more than a decade, an adjunct professor in the Department of Biological Sciences at Virginia Polytechnic Institute and State University, and a mentor to countless medical residents and students who trained at his practice; and

WHEREAS, Bruce Fariss received many awards during his career, including the United States Army Certificate of Achievement, the Meritorious Service Medal, the Legion of Merit, the United States Army's "A" Prefix for proficiency in endocrinology, the Roanoke College Medal, and the Order of Military Medical Merit; and

WHEREAS, as an indication of his tremendous professional and civic accomplishments, Bruce Fariss was recognized in past publications of *Who's Who in the World*, *Who's Who in the South/Southwest*, *Who's Who in the West*, *Who's Who in Science and Technology*, and *Who's Who in America*; and

WHEREAS, Bruce Fariss was a member of many professional societies, including the Southern Medical Association, the Southwest Virginia Medical Association, Alpha Omega Alpha, the American Federation for Clinical Research, the Endocrine Society, the American Diabetes Association, and the American Association of Clinical Endocrinologists; and

WHEREAS, preceded in death by his daughter, Melissa, and his grandsons, Gabriel and Todd, Bruce Fariss will be dearly remembered and fondly missed by his loving wife, Cheryl; his children, Adam, Henry, Sarah, Caroline, Bruce, Jr., Meg, and Susan, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Bruce L. Fariss, Sr., M.D., an honorable veteran, talented physician, and devoted public servant, who touched countless lives through his positivity and unceasing commitment to helping others thrive; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Cheryl Tomasi Fariss as an expression of the House of Delegates' respect for the memory of Bruce L. Fariss, Sr., M.D., whose eternal love for her and his family will forever remain his greatest accomplishment of all.

HOUSE RESOLUTION NO. 610

Commending Officer Nathaniel Spicer.

Agreed to by the House of Delegates, September 29, 2020

WHEREAS, Officer Nathaniel Spicer, a member of the Dublin Police Department in Pulaski County, is a true hero in the Dublin community, Southwest Virginia, and the Commonwealth; and

WHEREAS, on April 24, 2020, at 4:21 a.m., the Dublin emergency dispatch received a call regarding an apartment fire with a man trapped inside one of the units; and

WHEREAS, at 4:26 a.m., Officer Nathaniel Spicer arrived at the scene and was informed that the person trapped inside was a wheelchair user; and

WHEREAS, Officer Spicer immediately radioed the location of the residence and related information for fire and emergency medical services personnel; and

WHEREAS, without giving thought to his own personal safety, Officer Spicer entered the smoke-filled residence to search for and attempt to rescue the person trapped inside; and

WHEREAS, Officer Spicer located the individual and tried to wheel him out, but the wheelchair became entangled in objects, and smoke in the residence rendered it difficult to locate the obstruction; and

WHEREAS, Officer Spicer informed the individual that he would need to remove him from his wheelchair and carry him the remainder of the distance out of the building; and

WHEREAS, Officer Spicer successfully completed the rescue and moved the individual to safety; and

WHEREAS, while suffering from smoke inhalation, Officer Spicer did not let his personal health conditions affect his concern for other residents inside of the apartment building, some of whom did not know that the fire was quickly spreading, and began going door-to-door awakening tenants and making them aware of the dangerous situation; and

WHEREAS, due to circumstances beyond their control, some of the residents were not able to respond, prompting Officer Spicer to begin forced entry into those units, as directed by their neighbors, until he successfully located all residents; and

WHEREAS, after the fire was suppressed and the apartment building saved from being a total loss, the Dublin fire chief and fire marshal informed Dennis R. Lambert, Chief of the Dublin Police Department, that Officer Spicer's actions saved the life of the wheelchair user, who would have perished from smoke inhalation before the fire department's arrival; and

WHEREAS, in recognition of his actions to preserve the life of a citizen in distress, and in keeping with the finest tradition of public service and safety, Officer Spicer was presented with the Life Saving Award and a pin that may be worn on his uniform; now, therefore, be it

RESOLVED by the House of Delegates, That Officer Nathaniel Spicer, whose willingness to place service over self during a life or death situation resulted in the saving of one life, if not more, within the Dublin community hereby be commended for his actions on April 24, 2020; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to Officer Nathaniel Spicer as an expression of the House of Delegates' admiration for his valor and to Chief Dennis R. Lambert on behalf of the entire Dublin Police Department.

HOUSE RESOLUTION NO. 611

Commending Norton W. Hurd.

Agreed to by the House of Delegates, September 29, 2020

WHEREAS, Norton W. Hurd, who served his country during World War II as an aviator and touched many lives as a community volunteer and small business owner, celebrated his 104th birthday on September 15, 2020; and

WHEREAS, born in 1916, Norton Hurd grew up in Deltaville and graduated from what is now the University of Lynchburg, where he was a standout multisport athlete; he inspired young people as a teacher and coach at Amelia High School until the outset of World War II, when he volunteered to join the United States Naval Reserve Air Corps; and

WHEREAS, Norton Hurd was initially assigned to work as a pilot trainer but requested combat duty and was stationed aboard the USS *Wasp*; he participated in numerous missions, including the first dive-bombing raid of Tokyo harbor, and received the Distinguished Flying Cross for his gallantry; and

WHEREAS, after his honorable military service, Norton Hurd returned home to Virginia and founded Hurd's Home Appliances, now Hurd's TrueValue Hardware, in Deltaville; he earned a reputation for fairness and dependability, helping many local residents purchase their first appliances by granting sales on credit, and ultimately retired from the store at the age of 101; and

WHEREAS, Norton Hurd served and safeguarded the community as a member of Lower Middlesex County Volunteer Fire Department and the Middlesex County Volunteer Rescue Squad; prior to the creation of the 911 system in the county, his own phone number was the primary emergency number in Deltaville; and

WHEREAS, Norton Hurd offered his leadership and expertise to the Middlesex Chamber of Commerce, the Middlesex Airport Committee, the Lions Club, and the Bank of Middlesex, which became First Virginia Bank - Middle Peninsula during his tenure as board chair; and

WHEREAS, enjoying faith and fellowship with the community, Norton Hurd volunteered his time as a Sunday school teacher and moderator at Philippi Christian Church; and

WHEREAS, Norton Hurd has received many accolades for his personal and professional achievements, including awards from the Rotary Club of Middlesex County, the American Red Cross, and the University of Lynchburg, which inducted him into its Sports Hall of Fame in 1995; now, therefore, be it

RESOLVED by the House of Delegates, That Norton W. Hurd hereby be commended on the occasion of his 104th birthday; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Norton W. Hurd as an expression of the House of Delegates' admiration for his lifetime of achievements in service to the Commonwealth and the United States.

HOUSE RESOLUTION NO. 612

Celebrating the life of Cody Lee Wingate.

Agreed to by the House of Delegates, September 29, 2020

WHEREAS, Cody Lee Wingate, a respected civic leader who served as general registrar of Grayson County, died on August 21, 2020; and

WHEREAS, Cody Wingate took office as general registrar of Grayson County in May 2012 and worked diligently to ensure that local voters had the opportunity to make their voices heard in well-managed local, state, and national elections; and

WHEREAS, Cody Wingate was a trusted mentor and friend to many people in the community, and he earned the admiration of his staff for his leadership style, generosity, and commitment to service; and

WHEREAS, a man of deep and abiding faith, Cody Wingate was a longtime member of Brush Creek Baptist Church, where he served the congregation as choir director and a deacon; he was a loyal volunteer with the Grayson Gideon Camp for 26 years; and

WHEREAS, Cody Wingate's greatest joy in life was his family, and he relished every opportunity to spend time with his beloved children and grandchildren; and

WHEREAS, Cody Wingate will be fondly remembered and greatly missed by his wife of 36 years, Karen; his daughters, Sarah and Renea, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Cody Lee Wingate, who made many contributions to the Grayson County community as general registrar; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Cody Lee Wingate as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 613

Commending Brenda Clarkson.

Agreed to by the House of Delegates, September 29, 2020

WHEREAS, after 12 years of service, Brenda Clarkson retired as the executive director of the Virginia Association for Hospices and Palliative Care in August 2020; and

WHEREAS, Brenda Clarkson was born, raised, and educated in England, where she began her palliative care career in 1978 as a volunteer in an English hospice; and

WHEREAS, Brenda Clarkson has worked exclusively in hospice care while living in the United States, becoming one of the country's first certified hospice nurses; and

WHEREAS, Brenda Clarkson was a founding board member of the Hospice and Palliative Nurses Association and the second president in the association's history; she was a founding board member and the first president of the National Board for Certification of Hospice and Palliative Nurses; and

WHEREAS, Brenda Clarkson has presented at state and national conferences on a wide range of topics, including compassion fatigue, nurse retention through mind and body technologies, communication skills, documentation for compliance, developmental stages of hospice team members, regulatory compliance, and clinical excellence; and

WHEREAS, in recognition of her exemplary career and service, Brenda Clarkson was honored by her peers as the recipient of the Hospice and Palliative Nurses Association's 2015 Vanguard Award; and

WHEREAS, Brenda Clarkson is the co-author of a seminal text on hospice care, *The Heart of Hospice: Core Competencies for Reclaiming the Mystery*, published in 2015; and

WHEREAS, hospice care has been enriched by Brenda Clarkson's meritorious service as the executive director of the Virginia Association for Hospices and Palliative Care; now, therefore, be it

RESOLVED by the House of Delegates, That Brenda Clarkson hereby be commended on the occasion of her retirement as executive director of the Virginia Association for Hospices and Palliative Care; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Brenda Clarkson as an expression of the House of Delegates' admiration for her service to hospice team members, hospices, and the individuals who elect hospice for their end-of-life care in Virginia.

HOUSE RESOLUTION NO. 614

Commending New Jerusalem Ministries International.

Agreed to by the House of Delegates, October 2, 2020

WHEREAS, New Jerusalem Ministries International, a faith organization in Virginia Beach, celebrated its 10th anniversary on September 13, 2020; and

WHEREAS, inspired by John the Apostle's vision of the New Jerusalem in Chapter 21 of the Book of Revelation, Dr. Veronica R. Coleman set out to establish a church in the Green Run community of Virginia Beach; and

WHEREAS, New Jerusalem Ministries International was founded on September 11, 2010, at the Kempsville branch of the Virginia Beach Public Library, when 12 guests heard and accepted Dr. Coleman's vision; and

WHEREAS, in November 2010, New Jerusalem Ministries International found a place of worship at the Temple of Beth Chaverim in Virginia Beach and held its first worship service the following month; and

WHEREAS, nearly 300 people gathered in worship during the official launch service for New Jerusalem Ministries International on January 9, 2011; today, the congregation counts more than 250 members across nine ministries; and

WHEREAS, New Jerusalem Ministries International has been active in the community through its support of various groups and organizations, including Ronald McDonald House Charities, Norfolk Boys and Girls Club, Seton Youth Shelters, the Green Run High School boys' basketball team, members of the Twin Canals community, and Green Run Elementary School; and

WHEREAS, each year, New Jerusalem Ministries International supports families preparing to return to school by providing prayer, school supplies, and fellowship to the students in the Green Run neighborhood; and

WHEREAS, through its inspirational services and compassionate programs, New Jerusalem Ministries International has had a profound and positive impact upon the lives of numerous citizens of Virginia Beach; now, therefore, be it

RESOLVED by the House of Delegates, That New Jerusalem Ministries International, a faith organization in Virginia Beach, hereby be commended on the occasion of its 10th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dr. Veronica R. Coleman, pastor of New Jerusalem Ministries International, as an expression of the House of Delegates' admiration for her church's meritorious contributions to Virginia Beach and the Commonwealth.

HOUSE RESOLUTION NO. 615

Commending Hilton Elementary School.

Agreed to by the House of Delegates, October 2, 2020

WHEREAS, Hilton Elementary School, an outstanding public primary school in Scott County, received the 2020 National Blue Ribbon School award from the United States Department of Education; and

WHEREAS, the National Blue Ribbon Schools Program selects winning schools based on multiple criteria, with Hilton Elementary School earning the award for its overall achievement and consistent high performance on state assessments; and

WHEREAS, Hilton Elementary School has served the Scott County community for many years, helping countless students develop self-confidence and build a strong foundation for lifelong learning; and

WHEREAS, Hilton Elementary School joined an elite group of less than 400 schools nationwide and one of only seven schools in Virginia selected as a 2020 National Blue Ribbon School; it was the only school in the Commonwealth's Region VII to receive the award; and

WHEREAS, Hilton Elementary School and the other 2020 National Blue Ribbon Schools will be honored by the United States Department of Education at a virtual conference and awards ceremony on November 12-13, 2020; now, therefore, be it

RESOLVED by the House of Delegates, That Hilton Elementary School be commended on its selection as a 2020 National Blue Ribbon School; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Hilton Elementary School as an expression of the House of Delegates' admiration for the hard work and dedication of the students, faculty, and staff.

HOUSE RESOLUTION NO. 616

Celebrating the life of Willie Copeland Sessoms.

Agreed to by the House of Delegates, October 2, 2020

WHEREAS, Willie Copeland Sessoms, an accomplished educator and beloved member of the Virginia Beach community, died on September 19, 2020; and

WHEREAS, born in Ahoskie, North Carolina, Willie Sessoms earned a degree in education from East Carolina University before embarking upon a teaching career in Littleton, North Carolina; and

WHEREAS, after moving to Virginia Beach, Willie Sessoms assumed a position at Malibu Elementary School, where she contributed greatly to the success of her students both in and out of the classroom for many years; and

WHEREAS, guided throughout her life by her deep and abiding Southern Baptist faith, Willie Sessoms enjoyed worship and fellowship for more than 65 years with her community at First Baptist Church of Virginia Beach, where she served on various committees, taught Sunday school, and was instrumental to various church functions and charitable programs; and

WHEREAS, as part of her indefatigable efforts on behalf of First Baptist Church of Virginia Beach, Willie Sessoms was actively involved in maintaining the church's food pantry, ensuring that no family in her community would have to suffer from hunger; and

WHEREAS, Willie Sessoms celebrated the holiday season, her favorite time of year, with a bounty of traditions that continue to inspire her family and keep her memory close; and

WHEREAS, Willie Sessoms was very proud of both of her children—her son for his public service as an emergency medical responder and as vice mayor and mayor of the largest city in Virginia and her daughter for her service as a longtime educator; and

WHEREAS, preceded in death by her loving husband, William, Sr., Willie Sessoms will be dearly remembered and fondly missed by her children, William, Jr., and Barbara, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Willie Copeland Sessoms, an esteemed educator who touched countless lives through her warmth, wisdom, and grace; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Willie Copeland Sessoms as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 617

Celebrating the life of Charles C. Woods.

Agreed to by the House of Delegates, October 2, 2020

WHEREAS, Charles C. Woods, a courageous and beloved firefighter who touched countless lives in Marion and Smyth County, died on September 23, 2020; and

WHEREAS, Charles Woods, affectionately known to friends and family as “Dog,” was born in Smyth County, where he was an active and engaged member of his community all of his life; and

WHEREAS, Charles Woods worked at Hayes Carpet for nearly two decades and later oversaw maintenance at the Park Terrace Apartments in Marion for more than 17 years, demonstrating a tireless work ethic and conducting his business with great care and attention; and

WHEREAS, Charles Woods was a cherished member of the Adwolfe Volunteer Fire Department for 34 years, valiantly risking his life time and again to protect the citizens and property of Adwolfe and Smyth County; and

WHEREAS, a certified emergency medical technician, Charles Woods was a member of the Marion Life Saving Crew for several years, delivering timely and effective medical care to aid the health and well-being of others; and

WHEREAS, a devoted fan of NASCAR, Charles Woods was a proud member of the Bristol Motor Speedway fire team, ensuring the raceway’s events were carried out in a safe and responsible manner; and

WHEREAS, in recognition of his decisive actions to assist an individual in need, Charles Woods was the recipient of a lifesaving award during his career; and

WHEREAS, to honor his bravery and service to others, full fireman’s honors were rendered by the Adwolfe Volunteer Fire Department during Charles Woods’ interment; and

WHEREAS, Charles Woods will be fondly remembered and dearly missed by his loving wife of 35 years, Missy; his children, Zack and Jimmy, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Charles C. Woods, an esteemed and honorable firefighter who inspired his community through his heroism and valor; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Charles C. Woods as an expression of the House of Delegates’ respect for his memory.

HOUSE RESOLUTION NO. 618

Commending Curtis R. Milteer, Sr.

Agreed to by the House of Delegates, October 2, 2020

WHEREAS, Curtis R. Milteer, Sr., one of the longest-serving municipal council members in the Commonwealth, has made immeasurable contributions to Suffolk over the past 40 years; and

WHEREAS, a native of Suffolk, Curtis Milteer studied at P.D. Pruden Vocational-Technical Center, Tidewater Community College, and Norfolk State University and later received a doctorate from Norfolk Theological Seminary and College; and

WHEREAS, a former supervisor at the Naval Air Rework Facility in Norfolk, Curtis Milteer’s political career began in 1980 when he was elected to represent the Whaleyville borough on the Suffolk City Council; and

WHEREAS, during his historic tenure on the Suffolk City Council, Curtis Milteer has served as both mayor and vice mayor and as a member of the city’s Planning Commission, the Transportation District Commission of Hampton Roads, and the council’s Human Services Committee; and

WHEREAS, with the support of Curtis Milteer’s leadership, Suffolk has maintained a AAA bond rating for many years, enabling the city to better pursue large capital projects that will enrich the lives of its citizens; and

WHEREAS, while at the helm of the Suffolk City Council, Curtis Milteer guided the council’s efforts to invest in the city’s infrastructure, particularly through the installation of new water, sewer, and storm drainage systems; and

WHEREAS, Curtis Milteer was instrumental to the establishment of the Whaleyville Community Center, which since 2015 has provided local residents with a cherished gathering place to socialize and enjoy other neighborly activities; and

WHEREAS, in recognition of his meritorious accomplishments as a public servant, Curtis Milteer was honored with the Jessie Rattley Politician Action Award in 1984 and was named Suffolk’s First Citizen by the Suffolk Rotary Club in 2005; and

WHEREAS, guided throughout his life by his deep and abiding faith, Curtis Milteer has long been active in the community as a member of St. Mark’s Episcopal Church in Suffolk, where he serves on the board of trustees and is a vestry member; and

WHEREAS, through hard work and tireless dedication to the well-being of his constituents, Curtis Milteer has helped make Suffolk a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That Curtis R. Milteer, Sr., a longtime member of the Suffolk City Council, hereby be commended for his many years of exceptional public service on behalf of his community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Curtis R. Milteer, Sr., as an expression of the House of Delegates' admiration and respect for his numerous contributions to Suffolk and the Commonwealth.

HOUSE RESOLUTION NO. 619

Commending Eugenia Josephine Eason.

Agreed to by the House of Delegates, October 2, 2020

WHEREAS, Eugenia Josephine Eason, a vibrant member of the Suffolk community, celebrated her 100th birthday on September 19, 2020; and

WHEREAS, born in 1920, Eugenia Eason experienced the seminal events of the 20th century firsthand, from the Great Depression and World War II to the civil rights movement and the dawn of the Internet era; and

WHEREAS, Eugenia Eason grew up in the Morrison Fork area of what was then Nansemond County and attended Florence Grade School; and

WHEREAS, Eugenia Eason pursued a long career with Planters Nut and Chocolate Company, retiring in 1983 after 28 years of service; and

WHEREAS, a woman of deep and joyful faith, Eugenia Eason joined Tabernacle Baptist Church at a young age and offered her leadership and wisdom to numerous church ministries and outreach groups; she shared her love of song with the congregation and the entire community as lead singer in the church's senior choir; and

WHEREAS, Eugenia Eason has been an active volunteer throughout the Driver community and supported the Nansemond Parkway Civic League; and

WHEREAS, the proud matriarch of a large family, Eugenia Eason relishes every opportunity to care for and inspire her daughter, Rosa, and four generations of grandchildren, as well as many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, That Eugenia Josephine Eason hereby be commended on the occasion of her 100th birthday; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Eugenia Josephine Eason as an expression of the House of Delegates' admiration for her lifetime of contributions to the Suffolk community.

HOUSE RESOLUTION NO. 620

Celebrating the life of Gregory Vann Thomas.

Agreed to by the House of Delegates, October 7, 2020

WHEREAS, Gregory Vann Thomas, esteemed firefighter and beloved member of the Danville community, died on August 29, 2020; and

WHEREAS, born and raised in Danville, Gregory "Greg" Vann Thomas dedicated his life to serving his hometown and helping others as a firefighter; and

WHEREAS, Greg Thomas was a devoted member of the Danville Fire Department for 26 years and also gave generously of his time and talents as a volunteer with Blairs Fire and Rescue, Mount Hermon Volunteer Fire and Rescue, and the Dry Fork Volunteer Fire Department; and

WHEREAS, Greg Thomas' passionate approach to his work inspired others to do their best, ensuring the units he worked with did all in their power to protect the people and property of their community; and

WHEREAS, known for his humor and good spirits, Greg Thomas was appreciated by his colleagues for his ability to help them through difficult situations with his positive and uplifting attitude; and

WHEREAS, throughout his tenure as an engineer with the Danville Fire Department, Greg Thomas served on various committees and was a member of the Danville Regional Hazardous Materials Response Team, enhancing the department's ability to provide emergency services to the community; and

WHEREAS, a hero to his children all his life, Greg Thomas was proud to see his son, Jonathan, carry on his legacy by recently joining the Danville Fire Department; and

WHEREAS, Greg Thomas was an avid fan of baseball, hunting, and fishing, but most of all he enjoyed time spent with his family and friends; and

WHEREAS, Greg Thomas will be dearly remembered and fondly missed by his loving children, Brittany, Jonathan, and Devan, and their families; his brother, Glenn; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Gregory Vann Thomas, a revered member of the Danville community who committed his life to serving others; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Gregory Vann Thomas as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 621

Celebrating the life of the Honorable Ruth Bader Ginsburg.

Agreed to by the House of Delegates, October 14, 2020

WHEREAS, the Honorable Ruth Bader Ginsburg, a trailblazing leader for women in the legal profession who became the second woman and the first Jewish woman to serve as an associate justice of the Supreme Court of the United States and made notable contributions to American jurisprudence in the areas of gender equality and civil liberties during her 27 years on the bench, died from complications related to pancreatic cancer at her Washington, D.C., home on September 18, 2020; and

WHEREAS, born Joan Ruth Bader, Ruth Bader Ginsburg grew up in New York City and graduated from James Madison High School in Brooklyn, then earned a bachelor's degree in government from Cornell University as the highest-ranking female student in the Class of 1954; and

WHEREAS, Ruth Bader Ginsburg began working for the United States Social Security Administration but was demoted when she became pregnant with her first child; she subsequently enrolled at Harvard Law School, where she encountered instances of gender discrimination as one of only nine women in a class of about 500 students, and later transferred to Columbia Law School, where she graduated tied for first in her class in 1959; and

WHEREAS, after a two-year clerkship for a district court judge, Ruth Bader Ginsburg worked in academia and went on to become the first woman to achieve tenure at Columbia Law School; she continued to experience gender discrimination, including when she joined Rutgers Law School as a professor and was paid less than male colleagues due to the fact that her husband was also employed; and

WHEREAS, a keen litigator and persuasive advocate who was driven by her own experiences with gender discrimination, Ruth Bader Ginsburg cofounded the Women's Rights Project at the American Civil Liberties Union and argued multiple cases before the Supreme Court of the United States; her visionary legal strategies led to significant advancements for women's rights and enhanced the understanding of the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States; and

WHEREAS, in 1980, Ruth Bader Ginsburg was appointed as a judge of the United States Court of Appeals for the District of Columbia Circuit and cultivated a reputation as a moderate jurist who worked diligently to build consensus on the bench; and

WHEREAS, Ruth Bader Ginsburg was nominated by President Bill Clinton to fill a vacancy on the Supreme Court of the United States and was sworn in on August 10, 1993, becoming the first Jewish justice on the nation's highest court since 1969 and only the second female justice; and

WHEREAS, often favoring a measured approach to steady and incremental change, Ruth Bader Ginsburg was nevertheless an unyielding advocate for gender equality and social justice throughout her time on the court; and

WHEREAS, among her most notable opinions, Ruth Bader Ginsburg authored the majority decision in *United States v. Virginia*, a historic 7-1 ruling that struck down the male-only admissions policy at the Virginia Military Institute, which at that time was the last remaining public institution of higher education to only admit men; and

WHEREAS, Ruth Bader Ginsburg wrote other majority opinions related to discrimination against people with mental disabilities in *Olmstead v. L.C.*, standing to sue for damages related to industrial pollution in *Friends of the Earth v. Laidlaw Environmental Services*, and partisan gerrymandering in *Arizona State Legislature v. Arizona Independent Redistricting Commission*; and

WHEREAS, recognizing that a clear and firm dissent could provide a strong basis for a future majority opinion, Ruth Bader Ginsburg was well known for her dissenting opinions, such as those in *Bush v. Gore*, *Ledbetter v. Goodyear Tire & Rubber Co.*, *Gonzales v. Carhart*, and *Shelby County v. Holder*; and

WHEREAS, Ruth Bader Ginsburg was a trusted mentor to countless women attorneys and judges, and in addition to earning respect for her legal acumen, she became a cultural icon for her unparalleled wit and signature sense of style, inspiring generations of women to pursue leadership roles regardless of their chosen career paths; and

WHEREAS, predeceased by her husband, Martin, Ruth Bader Ginsburg will be fondly remembered and greatly missed by her children, Jane and James, and their families, and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of the Honorable Ruth Bader Ginsburg, an influential associate justice of the Supreme Court of the United States; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Ruth Bader Ginsburg as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 622

Celebrating the life of Stanley Irving Goldsmith.

Agreed to by the House of Delegates, October 14, 2020

WHEREAS, Stanley Irving Goldsmith of Lynch Station, a consummate public servant who worked diligently to enhance the quality of life in the Town of Altavista and Campbell County, died on September 16, 2020; and

WHEREAS, a native of Syracuse, New York, Stanley Goldsmith earned bachelor's degrees from Syracuse University and the University of Missouri and a master's degree from Virginia Polytechnic Institute and State University; and

WHEREAS, after two decades of service to the nation as a member of the United States Army, Stanley Goldsmith retired with the rank of lieutenant colonel and settled in Campbell County; and

WHEREAS, Stanley Goldsmith took an active role in local life, serving as town manager of Altavista for 20 years and as the head of the Region 2000 Economic Development Partnership for the Lynchburg area for six years; and

WHEREAS, desirous to be of further service, Stanley Goldsmith ran for and was elected to the Campbell County Board of Supervisors in 2007 and ably represented the residents of the Altavista District for nearly 11 years; and

WHEREAS, Stanley Goldsmith was a tireless advocate for his constituents and earned the admiration of his colleagues in local government for his wealth of knowledge, practical leadership style, and wise insights; and

WHEREAS, Stanley Goldsmith enjoyed fellowship and worship with the congregation of Leesville United Methodist Church and generously volunteered his time with many civic organizations, including Habitat for Humanity, the Leesville Lake Association, and the Altavista Main Street Program; and

WHEREAS, predeceased by his wife of 57 years, Helen, Stanley Goldsmith will be fondly remembered and greatly missed by his children, Kyle, Bruce, and Kameron, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Stanley Irving Goldsmith, a dedicated public servant in Campbell County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Stanley Irving Goldsmith as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 623

Celebrating the life of the Honorable Ronald Harris Marks.

Agreed to by the House of Delegates, October 14, 2020

WHEREAS, the Honorable Ronald Harris Marks, a former chief judge of the Virginia Beach Juvenile and Domestic Relations District Court, died on October 1, 2020; and

WHEREAS, Ronald "Ron" Harris Marks grew up in Bay Shore, New York, where he graduated from Bay Shore High School and spent many summers working as a lifeguard on nearby Jones Beach Island; and

WHEREAS, after receiving a bachelor's degree from Otterbein College in Ohio, Ron Marks came to the Commonwealth to earn a law degree from Washington and Lee University; and

WHEREAS, Ron Marks settled in Virginia Beach and established White & Marks, P.C., where he served the community as an attorney until 1986, when he was appointed as a judge of the Virginia Beach Juvenile and Domestic Relations District Court of the 2nd Judicial District of Virginia; and

WHEREAS, Ron Marks presided over the Virginia Beach Juvenile and Domestic Relations District Court with great fairness and wisdom for two decades, including eight years as chief judge; and

WHEREAS, during that period, Ron Marks played an instrumental role in the creation of the Virginia Beach Bar Association Concerned Lawyers Advocating Spousal Safety, an award-winning program that provides pro-bono representation to survivors of domestic abuse; and

WHEREAS, Ron Marks retired from the bench in 2006, having served the Virginia Beach community and the Commonwealth with dedication and distinction; and

WHEREAS, Ron Marks will be fondly remembered and greatly missed by his wife of 29 years, Linda; his sons, Jeffrey and Ryan, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of the Honorable Ronald Harris Marks, a respected former judge in Virginia Beach; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Ronald Harris Marks as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 624

Celebrating the life of Robyanna JaDawn Lemon.

Agreed to by the House of Delegates, October 14, 2020

WHEREAS, Robyanna JaDawn Lemon, a generous volunteer who touched many lives in Hampton Roads, died on August 5, 2020; and

WHEREAS, a native of Norfolk, Robyanna Lemon graduated from Norview High School, where she was a standout multisport athlete, and earned a bachelor's degree from Virginia Commonwealth University; and

WHEREAS, Robyanna Lemon helped young people build a strong foundation for lifelong learning as a teacher with the YMCA of South Hampton Roads Early Discoveries preschool program and later became business manager of LWADance in Chesapeake; and

WHEREAS, Robyanna Lemon further supported young people by volunteering her time and leadership to local youth summer camp programs; and

WHEREAS, guided by her deep and abiding faith throughout her life, Robyanna Lemon worked as a nursery assistant at Grace Episcopal Church and a daycare assistant at New Horizons Outreach Ministry; and

WHEREAS, Robyanna Lemon will be fondly remembered and greatly missed by her mother, LaQuetta Porter; father, Robert Lemon; stepfather, Arnold Porter; sisters, Dedra Porter, Alexandra Porter, Ashanti Steward, Alexandria Steward, and Eden Steward; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Robyanna JaDawn Lemon, a vibrant member of the Norfolk community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Robyanna JaDawn Lemon as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 625

Celebrating the life of Dorothy N. Latimore Scott.

Agreed to by the House of Delegates, October 16, 2020

WHEREAS, Dorothy N. Latimore Scott, a beloved member of the Middlesex County community, died on September 11, 2020; and

WHEREAS, born in 1932, Dorothy Scott was baptized at First Baptist Church of Harmony Village in Topping and later graduated from the historic St. Clare Walker High School in Middlesex County; and

WHEREAS, for many years, Dorothy Scott was a prominent member of the team at the Leggett's department store in West Point, where she was admired for both her good business sense and her welcoming and hospitable nature; and

WHEREAS, as a bus driver for Middlesex County Public Schools, Dorothy Scott supported the education of untold children, contributing greatly to their success and well-being; and

WHEREAS, active and engaged in her community, Dorothy Scott was a lifelong and honored member of Progressive Chapter #135, an Order of the Eastern Star Prince Hall Affiliate; and

WHEREAS, Dorothy Scott was an avid gardener, who charmed family and friends with her seasonal lawn decorations, and an accomplished chef, whose homemade ice cream and dinners were ardently cherished by all; and

WHEREAS, guided throughout life by her deep and abiding faith, Dorothy Scott was a longtime member of Antioch Baptist Church in Saluda, where she enjoyed worship and fellowship with her community while serving on both the usher board and trustee board; and

WHEREAS, preceded in death by her first husband, Edward, and her second husband, Jesse, Dorothy Scott will be dearly remembered and fondly missed by numerous family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Dorothy N. Latimore Scott, a treasured member of the Middlesex County community whose loving and charitable nature had a profound impact on countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Dorothy N. Latimore Scott as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 626

Celebrating the life of John Manley Garber.

Agreed to by the House of Delegates, October 16, 2020

WHEREAS, John Manley Garber, a civic leader and entrepreneur who played a pivotal role in bringing electricity to rural Prince William County, died on September 13, 2020; and

WHEREAS, a native of Augusta County, Manley Garber relocated to Prince William County at a young age and worked full time on his family's farm after graduating high school; he later established multiple businesses of his own, including a waste management company, a mobile-home park, a camper and trailer dealership, and a commercial real estate enterprise; and

WHEREAS, when an investor-owned electric utility company refused to provide service to any home or business not located on a main road, Manley Garber took electric service from the fledgling Prince William Electric Cooperative; and

WHEREAS, Manley Garber was elected to the Prince William Electric Cooperative Board of Directors at the age of 25 in 1950 and served as secretary of the board until his election as chairman in 1974; and

WHEREAS, after the Prince William Electric Cooperative merged with the Tri-County Electric Cooperative in 1983, Manley Garber was elected as chairman of the newly formed Northern Virginia Electric Cooperative (NOVEC), a position he held until 2008; and

WHEREAS, Manley Garber remained on the NOVEC Board of Directors and subsequently became the longest-serving board member of any electric cooperative in the United States; he was named Director Emeritus upon his well-earned retirement from the board after more than 68 years; and

WHEREAS, at the regional level, Manley Garber served on the board of the Virginia, Maryland & Delaware Association of Electric Cooperatives for five decades, including two terms as chairman; and

WHEREAS, over the course of his long career, Manley Garber earned a reputation for generosity and integrity, touching countless lives throughout the region; and

WHEREAS, among many awards and accolades, Manley Garber proudly accepted the 2018 Charles J. Colgan Visionary Award from the Prince William Chamber of Commerce, a fitting tribute to his extraordinary civic leadership and advocacy for the residents of Northern Virginia; and

WHEREAS, Manley Garber was a life trustee of Bridgewater College and offered his wisdom and business acumen to the boards of Prince William Hospital, First Manassas Bank, and Commonwealth Savings and Loan Association; and

WHEREAS, Manley Garber was a founding member of Woodbridge Church of the Brethren, where he enjoyed fellowship and worship with the community for many years; and

WHEREAS, predeceased by his first wife, Jeannette, Manley Garber will be fondly remembered and greatly missed by his wife of 22 years, Kay; his children, Neil, Gerri, Danny, and John, and their families; his stepsons, Young, Richard, and Jay, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of John Manley Garber, highly admired civic and business leader in Prince William County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of John Manley Garber as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 627

Celebrating the life of Nicole Anne Slagle.

Agreed to by the House of Delegates, October 16, 2020

WHEREAS, Nicole Anne Slagle, a dedicated crime prevention specialist with the Bristol Virginia Police Department who worked tirelessly for the safety and well-being of her community, died on September 29, 2020; and

WHEREAS, born in Youngstown, Ohio, Nicole Slagle was fond of horses from an early age, a passion that led her to become a renowned trainer, specializing in Arabian horses and serving many high-profile clients; and

WHEREAS, for the past 14 years, Nicole Slagle served her city and its residents as a crime prevention specialist for the Bristol Virginia Police Department, overseeing various programs and projects that fostered a safe and welcoming community for all; and

WHEREAS, Nicole Slagle was instrumental to the Bristol Virginia Police Department's annual Trunk-or-Treat event, which enabled countless families to celebrate Halloween in a safe and controlled environment; and

WHEREAS, through her work with several Neighborhood Watch groups and National Night Out programs, Nicole Slagle cultivated productive relationships between the Bristol Virginia Police Department and area residents, markedly improving the city's crime prevention efforts; and

WHEREAS, giving generously of her time and talents to many local organizations, including the Bristol Coalition and the Bristol Redevelopment and Housing Authority, Nicole Slagle helped make her city a better and safer place to live, work, and raise a family; and

WHEREAS, in honor of her extraordinary accomplishments serving others on behalf of the Bristol Virginia Police Department and the City of Bristol, Nicole Slagle was the recipient of several awards, commendations, and recognitions over the years; and

WHEREAS, Nicole Slagle will be dearly remembered and fondly missed by her loving husband, David; her son, Nick; her parents, James and Patricia; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Nicole Slagle, a longtime member of the Bristol Virginia Police Department whose heartfelt contributions to her community will be cherished by many for years to come; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Nicole Anne Slagle as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 628

Commending Donald Motley.

Agreed to by the House of Delegates, October 16, 2020

WHEREAS, Donald Motley, who led the Oscar Smith High School wrestling team to the program's first-ever state championship victory in February 2020, received local, state, and regional Coach of the Year honors; and

WHEREAS, after graduating from Old Dominion University, Donald Motley joined the Oscar Smith High School wrestling team as head coach in 2014 and developed a unique vision to strengthen the program; and

WHEREAS, Donald Motley recruited members of Oscar Smith High School's successful football team to better compete in higher weight classes, enhanced the team's workout procedures, and helped increase team morale through an engaging social media campaign; and

WHEREAS, under Donald Motley's leadership, all 14 starters on the Oscar Smith High School wrestling team qualified for the 2019-2020 state tournament; the team dominated the competition, securing its state title by a wide margin, and earned three individual titles; and

WHEREAS, Donald Motley was named the All Sports Coach of the Year in Hampton Roads for his exceptional performance; and

WHEREAS, Donald Motley was selected by the National Wrestling Coaches Association as the Virginia Scholastic Boys Head Coach of the Year and the Section 2 Scholastic Boys Head Coach of the Year; now, therefore, be it

RESOLVED by the House of Delegates, That Donald Motley hereby be commended for receiving multiple Coach of the Year awards after a victorious season as head coach of the Oscar Smith High School wrestling team; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Donald Motley as an expression of the House of Delegates' admiration for his achievements.

HOUSE RESOLUTION NO. 629

Commending the Oscar Smith High School wrestling team.

Agreed to by the House of Delegates, October 16, 2020

WHEREAS, in February 2020, the Oscar Smith High School wrestling team of Chesapeake secured its first state title in program history with a win in the Virginia High School League Class 6 state championship; and

WHEREAS, the Oscar Smith High School Tigers finished the state tournament with a stunning 194.5 points, a 74.5-point margin of victory over the second-place Kellam High School Knights; and

WHEREAS, throughout the season, the Oscar Smith Tigers maintained a rigorous workout schedule and stayed engaged with the school community through the team's social media presence; and

WHEREAS, all 14 of the starting Oscar Smith Tigers qualified for the state tournament and three wrestlers brought home individual titles—Trevon Gray (106 pounds), David Bragg (120 pounds), and Jaden Bullock (170 pounds); and

WHEREAS, Oscar Smith High School's Jaheid Lucas and Zion Carpenter finished as runners-up in their weight classes, while Logan Lacey, Sterling Waters, and Nasir Hughes finished fourth in their weight classes; and

WHEREAS, the victorious season is a tribute to the hard work and dedication of all the student-athletes, the leadership and guidance of coaches and staff, and the passionate support of the entire Oscar Smith High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Oscar Smith High School wrestling team hereby be commended on winning the Virginia High School League Class 6 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Donald Motley, head coach of the Oscar Smith High School wrestling team, as an expression of the House of Delegates' admiration for the team's historic accomplishment.

HOUSE RESOLUTION NO. 630

Celebrating the life of Sidney Grant Snell, Jr.

Agreed to by the House of Delegates, October 16, 2020

WHEREAS, Sidney Grant Snell, Jr., left this world and joined his parents and our Heavenly Father on Saturday, October 3, 2020; and

WHEREAS, Sidney Snell was born on December 19, 1958, in Radford to the late Sidney Grant and Nannie Bell Freeman Snell; and

WHEREAS, as one of six children, Sidney Snell was known as the best little brother that five sisters could have ever asked for, whose love for them was as deep as theirs was, and always will be, for him; and

WHEREAS, Sidney Snell graduated from Blacksburg High School, where he excelled in football, basketball, and track and field; during his senior year in 1976, Blacksburg High School's football team became the first team in school history to reach a state semifinal; and

WHEREAS, Sidney Snell led Blacksburg High School in rushing with 1,444 yards in 1976 and surpassed the team record in interceptions as a senior, despite being a part-time defensive back; and

WHEREAS, Sidney Snell was named as a high school All-American by at least one outlet in football, basketball, and track and field, and he set a school record with a triple jump of 44 feet, 9 inches; and

WHEREAS, considered to be a once-in-a-generation-athlete, Sidney Snell was recognized in 1991 for his high school accomplishments by being inducted into the Virginia High School Hall of Fame in only the second year of its existence; and

WHEREAS, Jimmy Sharp, head coach of the Virginia Polytechnic Institute and State University (Virginia Tech) football team, recognized Sidney Snell's talents and recruited him to play football for the Virginia Tech Hokies; and

WHEREAS, Sidney Snell stands at No. 20 on the all-time receiving list with 86 catches for 1,274 yards and 15 touchdowns, and he shared the Hokies' record for scoring in 1980 with eight touchdowns; and

WHEREAS, Sidney Snell was named as Virginia Tech's most valuable player in both 1979 and 1980; throughout his Virginia Tech college career, he set multiple records on the football field and will always be remembered as one of the greatest players to ever put on the maroon and orange; and

WHEREAS, Sidney Snell had a passion for softball and golf; he was known to show up, hit a home run or two, and leave the ballpark; and

WHEREAS, no matter what Sidney Snell became involved with, he was and always will be widely respected amongst his peers for leading winning teams; and

WHEREAS, Sidney Snell was loved and appreciated by his family, friends, the community, and the entire Hokie Nation; he made everyone he met feel as if they were his best friend; and

WHEREAS, Sidney Snell's infectious smile, recognizable laugh, humorous personality, and remarkable humility remain the strong foundations of his life and the reasons for which he will be deeply missed; and

WHEREAS, with unwavering faith and love for the Lord, Sidney Snell left this world and entered the Kingdom of God, where he will forever watch over his family and friends; and

WHEREAS, Sidney Snell's greatest joy in life was his family, and he will be fondly remembered and greatly missed by his much-loved and treasured sisters Doris (Sidney) Lee, Sylvia (Nathaniel) Bishop, LaVern (Lee) Walls, Connie Grant Snell, and Denise (Cornell) Howard; his many admiring nieces and nephews, who will miss his sense of humor and loving ways; and his aunts, uncles, cousins, dear friends, and beloved dog, Kacey; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Sidney Grant Snell, Jr., a sports legend in the New River Valley; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Doris Lee, Sylvia Bishop, LaVern Walls, Connie Grant Snell, and Denise Howard, cherished sisters of Sidney Grant Snell, Jr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 631

Commending Colonel Janet L. Setnor, USAF, Ret.

Agreed to by the House of Delegates, October 16, 2020

WHEREAS, Colonel Janet L. Setnor, USAF, Ret., the chief anesthetist and compliance officer at Austin-Weston, The Center for Cosmetic Surgery in Reston, was named a 2020 Star Nurse by *The Washington Post* and the American Nurses Association; and

WHEREAS, a certified registered nurse anesthetist (CRNA), Janet Setnor holds a bachelor's degree in education from California State University in Fresno and a master's degree in nurse anesthesia from Old Dominion University; and

WHEREAS, for 30 years, Janet Setnor served her country valiantly as a CRNA and registered nurse with the United States Air Force, deploying to Afghanistan and Europe and retiring at the rank of colonel; and

WHEREAS, Janet Setnor was one of 100 nurses in the Washington, D.C., metropolitan area to be honored as a 2020 Star Nurse by *The Washington Post* and the American Nurses Association, which partnered to present this new recognition in honor of the World Health Organization's Year of the Nurse and Midwife celebration in 2020; and

WHEREAS, dedicated to advancing her industry and supporting the success of others, Janet Setnor currently serves as the director of Region 2 for the American Association of Nurse Anesthetists and sits on the association's Board of Directors; she previously served on the association's committees for professional development and communications; and

WHEREAS, Janet Setnor has furthered the interests of nurses in the Commonwealth as a former president of the Virginia Association of Nurse Anesthetists and as a member of the Advisory Committee of the Joint Boards of Nursing and Medicine for the Virginia Board of Nursing; and

WHEREAS, Janet Setnor's unflagging commitment to providing exceptional and compassionate care to her patients exemplifies the best of what makes the Commonwealth a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That Colonel Janet L. Setnor, USAF, Ret., chief anesthetist and compliance officer at Austin-Weston, hereby be commended on the occasion of being named a 2020 Star Nurse by *The Washington Post* and the American Nurses Association; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Colonel Janet L. Setnor, USAF, Ret., as an expression of the House of Delegates' admiration for her extraordinary efforts in caring for citizens of the Commonwealth.

HOUSE RESOLUTION NO. 632

Celebrating the life of Angelo Gagliano.

Agreed to by the House of Delegates, October 16, 2020

WHEREAS, Angelo Gagliano, a patriotic veteran, dedicated law-enforcement officer, and beloved father and grandfather, died on October 10, 2020; and

WHEREAS, Angelo Gagliano was one of five children born to Italian immigrants from Castrofilippo in the region of Sicily; and

WHEREAS, Angelo Gagliano served the nation during the Korean War as a member of the United States Air Force; during that time, he made money as a boxer and sent his military pay to his parents to help them purchase a home; and

WHEREAS, after his honorable military service, Angelo Gagliano fulfilled his lifelong dream to become a police officer when he joined the New York City Police Department and was assigned to the 20th Precinct serving the Upper West Side of Manhattan; and

WHEREAS, Angelo Gagliano subsequently worked as a law-enforcement officer for the United States Department of Defense; and

WHEREAS, outside of his professional career, Angelo Gagliano was a longtime Freemason, served as a past grand knight of the Knights of Columbus, and supported his fellow veterans as a past commander of his American Legion post; and

WHEREAS, predeceased by his wife of 53 years, Mary, and one daughter, Theresa, Angelo Gagliano will be fondly remembered and greatly missed by his children, Margaret Gagliano, Lynda Panaro, Chelle Davis, and Angelo Gagliano, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Angelo Gagliano; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Angelo Gagliano as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 633

Celebrating the life of Willard Owen Jasper.

Agreed to by the House of Delegates, October 16, 2020

WHEREAS, Willard Owen Jasper, a highly admired veteran and an active member of the Alexandria and Fairfax County communities, died on October 4, 2020; and

WHEREAS, Willard Jasper grew up in West Virginia, where he graduated from DuBois High School in Mount Hope; he subsequently earned a bachelor's degree from what is now West Virginia State University and a master's degree from American University; and

WHEREAS, Willard Jasper became the first member of West Virginia State University's Reserve Officers' Training Program (ROTC) to receive a commission through the United States Army Medical Service Corps; and

WHEREAS, Willard Jasper served as an advisor to the armed forces of the Republic of Vietnam in 1966 and 1967, then returned to the United States and served with the 101st Airborne Division and the 82nd Airborne Division; and

WHEREAS, in 1969, Willard Jasper was assigned to Walter Reed National Military Medical Center as an information systems director; he later served as director of plans and contractual support for the Tri-Service Medical Information System Group under the United States Department of Defense; and

WHEREAS, during his distinguished military career, Willard Jasper received the Bronze Star Medal, the Army Commendation Medal, and the Air Medal, among others, and he retired in 1980 as a lieutenant colonel; and

WHEREAS, in civilian life, Willard Jasper worked as vice president of civil and commercial activities for International Business Services, director of the District of Columbia operations for First Health Services Corporation, and vice president and director of corporate services for DICHROMA, Inc.; and

WHEREAS, Willard Jasper generously volunteered his time and wise leadership to support many community organizations, including the Lee District RECenter and the Fairfax County Public Library; he served on the Fairfax County Redevelopment and Housing Authority for 12 years and was an election poll worker for 25 years; and

WHEREAS, Willard Jasper was a founding member of the Psi Alpha Alpha Chapter of Omega Psi Phi Fraternity, where he founded the Project Manhood youth life skills program and was named as a chaplain emeritus after serving as the fraternity's Third District chaplain for 17 years; and

WHEREAS, Willard Jasper worked to further strengthen the community as treasurer and president of the Northern Virginia Urban League Guild and treasurer of the National Council of Urban League Guilds; and

WHEREAS, in recognition of his legacy of civic leadership, Willard Jasper was selected by the Fairfax County Board of Supervisors as Lord Fairfax in 2006, the same year he was inducted into the West Virginia State University ROTC Hall of Fame; and

WHEREAS, Willard Jasper enjoyed fellowship and worship with the community as a longtime member of Alfred Street Baptist Church, where he served as a deacon, a leader of several church committees, and a charter member of the Voices of Triumph choir; and

WHEREAS, Willard Jasper will be fondly remembered and greatly missed by his wife of 56 years, Darhyl; his daughter, Nyka, and her family; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Willard Owen Jasper; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Willard Owen Jasper as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 634

Celebrating the life of Gunnery Sergeant James Michael Scott, Sr., USMC, Ret.

Agreed to by the House of Delegates, October 16, 2020

WHEREAS, Gunnery Sergeant James Michael Scott, Sr., USMC, Ret., a distinguished veteran and esteemed deacon who was a beloved member of the Stafford community, died on September 3, 2020; and

WHEREAS, James Scott graduated from Ramapo High School in Spring Valley, New York, in 1977 and joined the United States Marine Corps shortly thereafter, serving his country for the next 23 years and achieving the rank of gunnery sergeant; and

WHEREAS, James Scott defended his country with great courage and valor during the conflict in Beirut and Operation Desert Storm; as a platoon sergeant and drill instructor at both the Marine Corps Recruit Depot in Parris Island, South Carolina, and the Officer Candidates School in Quantico, and later as an instructor at the Marine Corps University, he fostered the growth and maturation of countless young soldiers and officers; and

WHEREAS, for his extraordinary service with the United States Marine Corps, James Scott received several honors and decorations over his career, including the Bronze Star Medal, National Defense Service Medal, Sea Service Deployment Ribbon, Navy Unit Commendation, Combat Action Ribbon, Southwest Asia Service Medal, Humanitarian Service Medal, Kuwait Liberation Medal, Navy and Marine Corps Expeditionary Medal, and Drill Instructor Ribbon; and

WHEREAS, following his military career, James Scott was called by his faith to serve as a spiritual guide to others and was ordained as a deacon at Bethel Church of God in Christ in Jacksonville, North Carolina, where he served for many years; and

WHEREAS, for the past 20 years, James Scott enjoyed worship and fellowship with his community at Mount Zion Cathedral in Stafford, where he was ordained as an elder, held various leadership positions, and organized Spiritual Barbershop events that had a profound impact on the lives of many; and

WHEREAS, James Scott will be dearly remembered by his loving wife of 35 years, Carolyn; his children, Tamara, James, Jr., and Brittany, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Gunnery Sergeant James Michael Scott, Sr., USMC, Ret., an inspiring veteran and deacon who lifted those around him through his wisdom, good humor, and boundless desire to serve others; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Gunnery Sergeant James Michael Scott, Sr., USMC, Ret., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 635

Celebrating the life of the Reverend Dr. Faye Savage Gunn.

Agreed to by the House of Delegates, October 16, 2020

WHEREAS, the Reverend Dr. Faye Savage Gunn, a pastor, teacher, community leader, and beloved wife, mother, grandmother, and great-grandmother in Alexandria, died on August 18, 2020; and

WHEREAS, Faye Gunn was born on August 23, 1942, in Accomac; in 1959, she left her hometown to attend Norfolk State University; later, she received a Master of Education degree from Bowie State University, a Master of Divinity degree from the School of Religion at Virginia Union University, and a Doctor of Ministry degree from Wesley Theological Seminary; and

WHEREAS, Faye Gunn began her teaching career in Accomack County Public Schools in 1964, later relocating to Alexandria City Public Schools, and contributed greatly to the success of her students both in and out of the classroom; and

WHEREAS, Faye Gunn joined the Alfred Street Baptist Church in Alexandria in 1971, where she was ordained on November 23, 1984, and served as the assistant pastor until her retirement on July 31, 2010; and

WHEREAS, through her work with the W.K. Kellogg Foundation and as a conference preacher for the Women's Auxiliary of the Lott Carey Foreign Mission Convention, Faye Gunn spoke with and supported countless women across the country; and

WHEREAS, speaking at cancer awareness events for the Washington Hospital Center and Howard University Hospital, Faye Gunn uplifted untold numbers of individuals and families coping with difficult health circumstances; and

WHEREAS, Faye Gunn was an officer and member of Jack and Jill of America, Inc., and a Cub Scout den mother with the Boy Scouts of America, fostering the healthy and well-rounded growth and development of her children and others; and

WHEREAS, Faye Gunn was actively engaged in social organizations benefiting the community, serving as president of the Alpha Wives of Prince George's County, Maryland, and as a member of the Alpha Kappa Alpha Sorority, Inc.; and

WHEREAS, in recognition of her efforts in service to others, Faye Gunn received the Ebony Image Award from the Northern Virginia chapter of the National Coalition of 100 Black Women, Inc., in 1991 and the James L. Anderson Award from the Northern Virginia Urban League in 1999; as a member of the board of trustees of the Nannie Helen Burroughs School in Washington, D.C., Faye Gunn was honored for outstanding and dedicated service in 1996; and

WHEREAS, Faye Gunn will be dearly remembered and fondly missed by her husband, Fred; her sons, Kelvin and Rodney; her sister, Marsha; her brothers, Ivan and Ronald; her grandchildren, DauVeen, Kyle, Kapri, Kolter, Kolin, Kayla, Darah, Zachary, and Bryce; and her great-grandchildren, Brooklyn, Daubrey, Leila, Luce, Emrie, and Omere; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of the Reverend Dr. Faye Savage Gunn, an ever-present figure in her community and in the lives of those around her, who led her community both in spirit and in the pursuit of wisdom; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Reverend Dr. Faye Savage Gunn as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 636

Celebrating the life of Lester Zidel.

Agreed to by the House of Delegates, November 9, 2020

WHEREAS, Lester Zidel, a beloved public servant in Herndon who advocated on behalf of his community and the arts for many years, died on October 9, 2020; and

WHEREAS, born in Reading, California, and educated in Malden, Massachusetts, Lester "Les" Zidel earned a bachelor's degree in political science from Wisconsin University, where he was active in local politics and student government; and

WHEREAS, from 1986 to 1995, Les Zidel was a driven and innovative leader on Herndon's Planning Commission and guided the town through an important stage in its development; as author of the town's "Think Village" concept, he helped shape the local village streets policy and cultivated a more beautiful and neighborly Herndon; and

WHEREAS, Les Zidel was a member of the executive committee of the Herndon Festival and oversaw the event's growth and development into a four-day community gathering that consistently earns praise from residents and is recognized throughout the Commonwealth as one of the marquee events of the year; and

WHEREAS, Les Zidel's efforts on behalf of the Herndon Festival were duly recognized by a Herndon Town Council proclamation in 2016, one of many official honors received by Les Zidel over his lifetime; and

WHEREAS, in 1988, Les Zidel founded the Elden Street Players, a volunteer-run playhouse that brought award-winning productions to the community for 25 years; today, the theatre has expanded into a professional production house known as NextStop Theatre Company and continues to be a major force in the cultural life of Herndon; and

WHEREAS, Les Zidel was a co-founder of the Herndon Foundation for the Cultural Arts, an organization that recently merged with Arts Herndon to create ArtSpace, a permanent gallery and performance space that has become a cherished cultural destination in Herndon; and

WHEREAS, in recognition of his meritorious efforts on behalf of the community, Les Zidel was honored as the Rotary Club of Herndon's Rotarian of the Year in 1987, the Herndon Chamber of Commerce's Business Citizen of the Year in 1992, and the Town of Herndon's Distinguished Volunteer in 2010; and

WHEREAS, Les Zidel will be dearly remembered and fondly missed by his brother, Howard, and his family, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Lester Zidel, a treasured public servant and arts advocate in Herndon who touched countless lives through his wise and compassionate leadership; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Lester Zidel as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 637

Celebrating the life of Hugh Carrington Cosner.

Agreed to by the House of Delegates, November 9, 2020

WHEREAS, Hugh Carrington Cosner, a successful entrepreneur and respected public servant who made numerous contributions to the Spotsylvania County community, died on August 18, 2020; and

WHEREAS, Hugh Cosner grew up in Louisa County, then lived and worked in South Norfolk until the age of 23, when he relocated to Spotsylvania County and opened a country store in Bells Crossroads; and

WHEREAS, Hugh Cosner subsequently opened a supermarket in Post Oak, then began to expand his business interests into timber and commercial real estate, and later became an operating partner in a chain of franchised Pizza Hut restaurants in the Fredericksburg area; and

WHEREAS, after serving on the Spotsylvania County Planning Commission, Hugh Cosner was elected to the Spotsylvania County Board of Supervisors in 1967 and represented the Lee Hill District for the next 22 years; and

WHEREAS, Hugh Cosner was instrumental in the establishment of the Ni River Reservoir and the Spotsylvania Mall and in helping to develop enhancements to Spotsylvania County's recreation programs and utilities infrastructure; and

WHEREAS, during his long tenure on the Spotsylvania County Board of Supervisors, Hugh Cosner was a dedicated champion for his district and a trusted source of institutional knowledge for his fellow board members; and

WHEREAS, Hugh Cosner served as a charter member of what is now the George Washington Regional Commission and established the Cosner Program on Translational Research in the Department of Medicine at Johns Hopkins Bayview Medical Center; and

WHEREAS, among many awards and accolades, Hugh Cosner received the 1998 Distinguished Citizenship Award from Elks Lodge No. 875 and the 2008 Chancellor's Award for Leadership in Philanthropy from the Virginia Community College System; and

WHEREAS, Hugh Cosner joined Macedonia United Methodist Church at a young age and remained active with the congregation throughout his life; and

WHEREAS, Hugh Cosner will be fondly remembered and greatly missed by his wife of 57 years, Renna; his sons, Conway and Wayne, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Hugh Carrington Cosner, a pillar of the Spotsylvania County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Hugh Carrington Cosner as an expression of the House of Delegates' respect for his memory.

SENATE RESOLUTION NO. 501

Celebrating the life of Nathan K. Kotz.

Agreed to by the Senate, August 19, 2020

WHEREAS, Nathan K. Kotz of Broad Run, a Pulitzer Prize-winning journalist whose diligent reporting on unsanitary conditions in meatpacking plants led to increased health and safety regulations, died on April 26, 2020; and

WHEREAS, at a young age, Nathan "Nick" Kotz, born Nathan Kallison Lasser, moved with his mother and adoptive father from San Antonio, Texas, to Washington, D.C., where he attended St. Albans School; and

WHEREAS, Nick Kotz earned a bachelor's degree from Dartmouth College and conducted graduate work at the London School of Economics before serving his country as an officer in the United States Marine Corps; and

WHEREAS, Nick Kotz began working for the *Des Moines Register* in 1958 and transferred to the newspaper's Washington, D.C., bureau in 1964; three years later, he wrote a series of articles detailing the dangerous and unsanitary conditions in meatpacking plants that did not engage in interstate commerce and were not subject to federal inspection; and

WHEREAS, Nick Kotz's dogged reporting led to the passage of the Wholesome Meat Act of 1967, which required all meatpackers, animal-food manufacturers, and related transporters and warehouses to adhere to the federal regulatory standards and subsequently earned him the Pulitzer Prize for National Reporting; and

WHEREAS, in 1970, Nick Kotz joined the staff of *The Washington Post* as a national reporter and covered a wide range of topics, earning respect and admiration for his objectivity, timeliness, and thorough research; and

WHEREAS, throughout his career, Nick Kotz reported on the trucking industry's influence on members of the United States Congress, patronage in the United States Postal Service, corruption in labor unions, and fraud and waste in the defense contracting industry; and

WHEREAS, in 1973, Nick Kotz left *The Washington Post* to pursue freelance journalism and independent writing projects; he completed books on food insecurity in the United States, the development of the Rockwell B-1 Lancer, a biography of scientist and civil rights activist George Wiley, and a profile of the working relationship between President Lyndon B. Johnson and the Reverend Dr. Martin Luther King, Jr.; and

WHEREAS, with his final book, *The Harness Maker's Dream*, Nick Kotz told the story of his namesake grandfather, Nathan Kallison, who immigrated to the United States from Russia and became a successful rancher and businessman in Texas; and

WHEREAS, Nick Kotz, who lived in Fauquier County for 40 years and co-ran a cattle farm there, was well known as a conservationist who cared deeply about preserving historically significant land; and

WHEREAS, Nick Kotz will be fondly remembered and greatly missed by his wife of 59 years, Mary Lynn; his son, Jack, and his family; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Nathan K. Kotz, an exemplar of journalistic excellence; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Nathan K. Kotz as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 503

2020 Special Session I operating resolution.

Agreed to by the Senate, August 18, 2020

RESOLVED by the Senate of Virginia, That the Comptroller be directed to issue his warrants on the Treasurer, payable from the contingent fund of the Senate, to accomplish the work of the Senate of Virginia as reported by the Clerk of the Senate to the Senate Rules Committee during the 2020 Special Session I. Necessary payments to cover contingent and incidental expenses will be certified by the Clerk of the Senate or her designee; and, be it

RESOLVED FURTHER, That members of the Senate shall receive session per diem and mileage reimbursement for any day they attend a scheduled floor session at which an attendance roll call is taken. Session per diem shall not be allowed for legislative assistants. Session per diem shall not be allowed for members of the Senate during a recess of the Special Session. However, members may receive compensation while the General Assembly is in recess, as provided in § 30-19.12 of the Code of Virginia and in the 2018-2020 Appropriation Act, as follows: (i) members of any standing committee authorized by the Senate and the Committee on Rules; (ii) members of any committee of conference; and (iii) members of any legislative committee, commission, or council established by the General Assembly.

SENATE RESOLUTION NO. 504

Celebrating the life of George Issac Parker, Jr.

Agreed to by the Senate, August 19, 2020

WHEREAS, George Issac Parker, Jr., longtime educator and principal of Nandua High School in Onley, died on June 18, 2020; and

WHEREAS, graduating from Central High School in 1983, George Parker later received a bachelor's degree in biology from Virginia State University and a master's degree in education administration from Salisbury State University; and

WHEREAS, in the process of completing his education, George Parker selflessly committed his time to caring for his ailing parents, demonstrating a concern for others that would persist throughout his life; and

WHEREAS, a product of Accomack County Public Schools himself, George Parker began his career as a biology and physics teacher at Arcadia High School, where he would become assistant principal in 2007; and

WHEREAS, transferring to Nandua High School in 2008, he was promoted to interim principal in 2015 and assumed the role permanently the following year, becoming the first African American principal in Nandua High School's history; and

WHEREAS, George Parker dedicated his career to ensuring the success of both his students and fellow teachers, embracing his role as mentor to inspire those around him to be their best, strive for their goals, and achieve their dreams; and

WHEREAS, George Parker was a proud member of Omega Psi Phi Fraternity, Inc., with whom he actively served the community for many years; and

WHEREAS, a third-degree black belt in martial arts who loved to train others in the sport, George Parker was a fixture at his local YMCA, where he impressed colleagues and students alike with his many physical accomplishments; and

WHEREAS, preceded in death by his parents, George and Catherine, and his sisters, Karen and Amy, George Parker will be dearly remembered and fondly missed by his loving siblings, Sheron, Kerby, Kathy, Matilda, Janis, and Eric, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of George Issac Parker, Jr., beloved principal of Nandua High School, who touched countless lives through his grace, kindness, and compassion; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of George Issac Parker, Jr., as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 505

Commending the Virginia Hospital & Healthcare Association, Virginia's hospitals, and hospital workers.

Agreed to by the Senate, August 19, 2020

WHEREAS, the COVID-19 pandemic has impacted every aspect of life throughout the United States, and the Virginia Hospital & Healthcare Association, Virginia's hospitals, and hospital workers have been on the frontlines of the struggle to protect and defend public health during this unprecedented crisis; and

WHEREAS, between March and August 2020, more than 101,000 people in the Commonwealth tested positive for COVID-19, and while hospitals in Virginia treated and discharged more than 13,000 COVID-19 patients during that period, at least 2,300 Virginians tragically died from the deadly virus in that same period; and

WHEREAS, the Virginia Hospital & Healthcare Association (VHHA), an alliance of 110 hospitals and 26 health delivery systems in the Commonwealth, has played a leading role in the response to the COVID-19 pandemic by working with members and stakeholders to ensure coordination and efficient communication during a rapidly evolving crisis; and

WHEREAS, Virginia's hospitals have ably adapted to the crisis by addressing workforce challenges, expanding treatment capacity, managing supply chain interruptions, delivering direct care, and pioneering new innovations to meet patients' needs; and

WHEREAS, early in the COVID-19 pandemic, Virginia's hospitals implemented drive-through testing sites to reduce exposure and preserve hospital space for seriously ill patients; many hospitals and health systems developed in-house testing capabilities by April 2020 now conduct more than 20 percent of the Commonwealth's overall testing; and

WHEREAS, to ensure accurate and timely information, Virginia's hospitals partnered with the VHHA to launch an online data dashboard that collects and aggregates vital clinical intelligence from around the Commonwealth to provide up-to-date statistics on the COVID-19 pandemic; and

WHEREAS, the VHHA and Virginia's hospitals have consistently worked with long-term care providers to address the lasting effects of the disease and ensure continuity of care for individuals with persistent health challenges unrelated to the COVID-19 pandemic or individuals in need of mental health or substance abuse treatment and throughout the crisis have provided partnership and support to long-term care providers; and

WHEREAS, the VHHA and Virginia's hospitals have coordinated with other local, state, and national agencies to prepare for and respond to a wide range of emergency situations related to the COVID-19 pandemic, as well as unrelated events that place further strain on the health care delivery system in the Commonwealth and across the nation; and

WHEREAS, during the COVID-19 pandemic, the VHHA has also facilitated collaboration with Virginia's first responders through the Virginia Healthcare Emergency Management Program, which is composed of six regional coalitions that plan and prepare for emergencies and disasters; and

WHEREAS, doctors, nurses, hospital administrative and janitorial staff members, and other health care professionals have taken significant risks and made personal sacrifices to fulfill their duties, including those who have contracted the virus while treating patients and many others who have needed to isolate themselves from family and loved ones to avoid spreading the virus; and

WHEREAS, Virginia's hospitals and health delivery systems have nimbly evaluated and updated emergency protocols, plans, and procedures to ensure that the Commonwealth is well-prepared for potential future waves of infection and hospitalization surges; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Virginia Hospital & Healthcare Association, Virginia's hospitals, and hospital workers hereby be commended for their outstanding coordination and exceptional service on behalf of all Virginians during the COVID-19 pandemic; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to representatives of the Virginia Hospital & Healthcare Association, Virginia's hospitals, and hospital workers as an expression of the Senate of Virginia's admiration for their unyielding commitment to the health and safety of their fellow Virginians and gratitude for their heroic efforts to fight the COVID-19 pandemic.

SENATE RESOLUTION NO. 506

Celebrating the life of Daniel X. Sze.

Agreed to by the Senate, August 19, 2020

WHEREAS, Daniel X. Sze of Falls Church, a champion for environmentally friendly design and construction who enjoyed a long and fulfilling career in local and federal government, died on July 27, 2020; and

WHEREAS, Daniel “Dan” Sze immigrated to the United States from China in 1957 and earned degrees from Howard University, Columbia University, and Rensselaer Polytechnic Institute; he registered as an architect in 1982 and helped design buildings in the Washington, D.C., Metropolitan Area and throughout the United States; and

WHEREAS, Dan Sze worked as a foreign service officer with the U.S. Department of State, playing key roles in diplomatic missions in Cuba and throughout the Caribbean and Africa, and held procurement, construction management, and supervisory engineering positions with the U.S. Department of the Navy, including program manager at Naval Submarine Base Kings Bay in Georgia; and

WHEREAS, Dan Sze joined the Department of Energy in 1991 and served as national program manager for the Rebuild America program, director of the Office of Infrastructure and Business Management Systems, and deputy director of state energy programs with the Office of Energy Efficiency and Renewable Energy; and

WHEREAS, over the course of his distinguished career, Dan Sze was responsible for major policy and regulatory initiatives under six United States presidents; and

WHEREAS, after his well-earned retirement from federal service, Dan Sze became a sought-after lecturer and consultant on clean energy initiatives, sustainability strategies, and international business; and

WHEREAS, Dan Sze also served the Falls Church community as vice chair of the Falls Church Economic Development Authority from 2002 through 2006 and as a member of the Board of Zoning Appeals; he was elected to multiple terms on the Falls Church City Council, serving from 2006 to 2010 and from 2014 to the time of his passing; and

WHEREAS, Dan Sze earned the admiration of his fellow council members for his quick wit, unique insights, and commitment to good stewardship of the environment; he served as the council’s liaison to the local Environmental Sustainability Council and the Urban Forestry Commission and represented the city before numerous regional boards and commissions; and

WHEREAS, during Dan Sze’s tenure, Falls Church enacted a policy requiring all renovations and new construction of city property to achieve Leadership in Energy and Environmental Design standards; he encouraged the installation of LED streetlights and green roofs and oversaw the city fleet’s transition to vehicles that run on biofuels; and

WHEREAS, Dan Sze will be fondly remembered and greatly missed by his wife, Elisabeth; his children and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Daniel X. Sze, a respected public servant who made many contributions to the Falls Church community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Daniel X. Sze as an expression of the Senate of Virginia’s respect for his memory.

SENATE RESOLUTION NO. 507

Celebrating the life of Joe Louis Hairston.

Agreed to by the Senate, August 19, 2020

WHEREAS, Joe Louis Hairston, a longtime officer with the Henry County Sheriff’s Department who bravely devoted himself to protecting and serving his community, died on August 2, 2020; and

WHEREAS, a native of Henry County, Joe Hairston admirably served the Henry County Sheriff’s Department for 39 years before his retirement in 2009, establishing a reputation as a hardworking, fair, and compassionate officer; and

WHEREAS, beginning his career as a deputy and serving nine years as an investigator, Joe Hairston spent the last 24 years of his career as first lieutenant, working with several local, state, and federal agencies to ensure the safety and well-being of others; and

WHEREAS, dedicated to preparing the next generations of police officers, Joe Hairston worked with the Commonwealth’s police training academies in the Piedmont, New River, and Central Virginia regions; and

WHEREAS, an active and engaged member of his community, Joe Hairston gave generously of his time to the Carver Ruritan Club, the Salvation Army, and the Axton Fire Department; and

WHEREAS, guided throughout his life by his deep and abiding faith, Joe Hairston enjoyed worship and fellowship with his community at the Shiloh Way of the Cross Church in Martinsville for many years; and

WHEREAS, a passionate and driven leader of men, Joe Hairston served both his local church and its international organization in various leadership positions, including as treasurer of the national deacon board of the Way of the Cross Church of Christ International; and

WHEREAS, Joe Hairston will be dearly remembered and fondly missed by his loving wife, Barbara; his daughter, Valerie, and her family; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Joe Louis Hairston, a distinguished member of the Henry County Sheriff's Department who inspired others through his wisdom, courage, and kindness; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Joe Louis Hairston as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 508

Celebrating the life of Darryl C. Smith, Sr.

Agreed to by the Senate, August 19, 2020

WHEREAS, Darryl C. Smith, Sr., a beloved law-enforcement officer and public servant who served with the Herndon Police Department, the Herndon Town Council, and the Purcellville Police Department, died on April 26, 2020; and

WHEREAS, Darryl "Smitty" Smith began his law-enforcement career with the Herndon Police Department in 1973 at the age of 22, making history as the first African American officer hired by the department; and

WHEREAS, starting out as the Herndon Police Department's first detection and youth crime prevention officer, Darryl Smith would remain with the department for 31 years, holding supervisory or command-level positions for over two decades and rising to the rank of captain; and

WHEREAS, a fixture of the Herndon community, Darryl Smith made history again when in 2004 he became the first African American elected to Herndon Town Council, serving as vice mayor from July 1, 2004, to June 30, 2006; and

WHEREAS, Darryl Smith had an outsized impact during his tenure as vice mayor, serving as chair of the Joint Communications Committee and guiding several public improvement projects implemented for the benefit of the citizens of Herndon; and

WHEREAS, from 2006 to 2015, Darryl Smith served as police chief for the Town of Purcellville, where he helped the department navigate both growth and recession while becoming more responsive to the needs of the community; and

WHEREAS, as a result of Darryl Smith's leadership, the Purcellville Police Department received the Virginia Municipal League Achievement Award in 2007 and was named as a semifinalist for the Webber Seavey Award for Quality in Law Enforcement from the International Association of Chiefs of Police in 2009; and

WHEREAS, committed to youth engagement programs through his work with both the Herndon and Purcellville police departments, Darryl Smith also founded Vecinos Unidos/Neighbors United, a volunteer after-school program that has provided students with homework assistance since 1997; and

WHEREAS, an active and engaged member of his community on both a professional and personal level, Darryl Smith was a member of the Herndon Rotary Club, the Herndon Optimist Club, and the Greater Herndon Jaycees; and

WHEREAS, Darryl Smith's dedication to law enforcement led to his involvement in several professional organizations, including the Herndon Police Citizens Support Team, the Commission on Accreditation for Law Enforcement Agencies, Inc., and the Virginia Police Chiefs Foundation, for which he served on the board of directors from 2007-2016; and

WHEREAS, in recognition of his tireless efforts to help others, Darryl Smith was honored with many awards over the years, including the Herndon Rotary Club Citizen of the Year Award in 1986 and 2006 and both the Community Service Award and the Best of Herndon-Dulles Award from the Herndon-Dulles Chamber of Commerce in 1997 and 2000, respectively; and

WHEREAS, preceded in death by his daughter, Rena, Darryl Smith will be dearly remembered and fondly missed by his loving wife of 50 years, Maria; his sons, Darryl, Jr., and Kevin, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Darryl C. Smith, Sr., an esteemed law-enforcement officer and public servant who compassionately devoted his life to the well-being of others; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Darryl C. Smith, Sr. as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 509

Commending James Orris Bryant, Sr.

Agreed to by the Senate, August 19, 2020

WHEREAS, James Orris Bryant, Sr., who supported the education of countless children over his 61-year career as a bus driver with Bedford County Public Schools, retired on June 16, 2020; and

WHEREAS, retiring at the age of 82, James Bryant holds the distinction of being one of the longest-tenured bus drivers in both Bedford County and the Commonwealth; and

WHEREAS, James Bryant began driving for Bedford County Public Schools in 1959 and witnessed profound changes within the school system over the years, including the integration of the school system in the 1960s; and

WHEREAS, James Bryant always made every effort to ensure the success of the children who rode his bus, from letting them eat breakfast on the bus before school to consulting with them personally when behavioral problems became an issue; and

WHEREAS, James Bryant had the unique joy of driving several members of his family to school throughout his career, including his wife and grandchildren; and

WHEREAS, to celebrate his career and accomplishments, James Bryant's family held a parade in his honor after the Bedford County Public Schools' graduation ceremony on June 27, 2020; and

WHEREAS, through his tireless commitment to the generations of students he drove and mentored over the years, James Bryant exemplified the best of what makes the Commonwealth a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the Senate of Virginia, That James Orris Bryant, Sr., longtime bus driver of Bedford County Public Schools, hereby be commended on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to James Orris Bryant, Sr. as an expression of the Senate of Virginia's admiration for his impressive career and untold contributions to the Commonwealth.

SENATE RESOLUTION NO. 510

Celebrating the life of Fitz Alexander Campbell Thomas.

Agreed to by the Senate, August 19, 2020

WHEREAS, Fitz Alexander Campbell Thomas, a rising senior at Riverside High School in Leesburg and a beloved member of the Loudoun County community, died on June 4, 2020; and

WHEREAS, admired for his ability to see the goodness in all, Fitz Thomas was known for his kind and compassionate nature toward others, demonstrating wisdom and grace beyond his years; and

WHEREAS, an accomplished athlete who played both running back and defensive back for the Riverside High School football team, Fitz Thomas thrilled fans with his skillful play on both sides of the ball; and

WHEREAS, hundreds of classmates, friends, family, and local leaders gathered at both River Creek Club and Riverside High School in Loudoun on June 7, 2020, for vigils to honor the life of Fitz Thomas, and the community continues to come together in his memory; and

WHEREAS, as a result of Fitz Thomas' untimely death, the Loudoun County Combined Fire and Rescue System has revised its emergency medical service policies to help prevent similar tragedies from occurring in the future; and

WHEREAS, guided throughout his life by his deep and abiding faith, Fitz Thomas enjoyed worship and fellowship with his community at Holy and Whole Life Changing Ministries International in Lansdowne; and

WHEREAS, Fitz Thomas will be dearly remembered and fondly missed by his parents, Michelle and Delroy; his siblings, Adrian and Anna; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Fitz Alexander Campbell Thomas, who touched countless lives through his positivity, joy, and unwavering optimism; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Fitz Alexander Campbell Thomas as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 511

Commending Ricky Gardner.

Agreed to by the Senate, August 19, 2020

WHEREAS, Ricky Gardner, an esteemed law-enforcement officer with the Bedford County Sheriff's Office who has served his community for more than 40 years, retired in 2020; and

WHEREAS, a lifelong resident of Bedford County and graduate of Liberty High School, Ricky Gardner began serving his community at a young age when he joined both the Bedford Life Saving Crew and the Virginia National Guard; and

WHEREAS, Ricky Gardner enlisted with the Bedford County Sheriff's Office in October 1979; initially a deputy, he was promoted to the position of criminal investigator in 1984; and

WHEREAS, a graduate of the Virginia Forensics Science Academy in Richmond, Ricky Gardner demonstrated a strong knowledge of investigatory practices through his close involvement with several high-profile cases in the 1980s and 1990s; and

WHEREAS, a proven leader, Ricky Gardner was promoted to lieutenant in 1998 and to captain of field services and administration in 2002; he would ultimately rise to the rank of major in 2006, the department's second-in-command; and

WHEREAS, through his dedication and commitment to his work, Ricky Gardner leaves a legacy of excellence and integrity that will inspire the community and fellow law-enforcement officers for years to come; now, therefore, be it

RESOLVED by the Senate of Virginia, That Ricky Gardner, major of the Bedford County Sheriff's Office who protected and served the citizens of Bedford with grace, kindness, and compassion for more than four decades, hereby be commended on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Ricky Gardner as an expression of the Senate of Virginia's gratitude and admiration for his contributions to Bedford County and the Commonwealth.

SENATE RESOLUTION NO. 512

Celebrating the life of James Wesley Taylor, Sr., DDS.

Agreed to by the Senate, August 19, 2020

WHEREAS, James Wesley Taylor, Sr., DDS, a respected dental surgeon and a beloved member of the Hampton community, died on July 28, 2020; and

WHEREAS, a native of Hampton, James Taylor attended Bethel High School and earned a bachelor's degree from the University of Virginia and a master's degree from Virginia Commonwealth University; he subsequently received a degree in dental surgery from the Medical College of Virginia; and

WHEREAS, James Taylor brought joy to others through his exuberant personality and zest for life; he was also a talented artist and enjoyed painting in his free time; and

WHEREAS, a man of deep and abiding faith, James Taylor was an active member of St. Vincent de Paul Catholic Church in Newport News; and

WHEREAS, James Taylor will be fondly remembered and greatly missed by his son, James, Jr.; his mother, Zenobia; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of James Wesley Taylor, Sr., DDS; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of James Wesley Taylor, Sr., DDS, as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 513

Celebrating the life of Jimmy C. Hill.

Agreed to by the Senate, August 19, 2020

WHEREAS, Jimmy C. Hill, an inspirational evangelist and beloved member of the Vansant community, died on July 6, 2020; and

WHEREAS, guided throughout his life by his deep and abiding faith, Jimmy "Jim" Hill was a founder and longtime preacher of Liberty Church of Christ in Vansant, where he enjoyed heartfelt worship and fellowship with his community; and

WHEREAS, a former coal miner, Jim Hill dedicated most of his adult life to sharing his Christian faith with others; over his lifetime, he preached at more than 2,500 revival meetings and innumerable funeral services, guiding countless individuals seeking spiritual guidance and salvation; and

WHEREAS, along with founding two additional Church of Christ churches in Rosedale and Johnson City, Tennessee, Jim Hill was the owner and operator of Son System Bible Bookstore in Buchanan County, providing his community with a fount of religious literature and other edifying materials; and

WHEREAS, Jim Hill actively produced religious programming for television, radio, and, in his later years, social media; through his television program, "What Does the Bible Plainly Say?," broadcast every Sunday since August 1968, and his radio programs "Let the Son Shine In" and "Sunday Morning Gospel," Jim Hill was able to reach untold individuals beyond his immediate congregation; and

WHEREAS, dedicated to the spiritual education of young people and their families, Jim Hill played a pivotal role in the formation of the Church of Christ Youth Camp in Buchanan County and served as the organization's manager for 12 years; and

WHEREAS, preceded in death by his loving wife, Gaynell, Jim Hill will be dearly remembered and fondly missed by his children, James, Stephen, Clarence, Beverly, and Angela, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Jimmy C. Hill, a revered preacher from Buchanan County who devoted his life to his Christian faith and the well-being of others; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Jimmy C. Hill as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 514

Celebrating the life of R. Wayne Browning, Sr.

Agreed to by the Senate, August 20, 2020

WHEREAS, R. Wayne Browning, Sr., an esteemed businessman, civic leader, and beloved member of the Accomack County community, died on May 27, 2020; and

WHEREAS, a scholarship athlete at Chowan College, now Chowan University, Wayne Browning excelled at three sports and was inducted into the school's sports hall of fame in 1989; he later also played football on a scholarship at the University of Richmond; and

WHEREAS, serving his country valiantly as a high-speed radio operator in the United States Army, Wayne Browning continued to triumph on the gridiron, playing in the football league of the United States European Command; and

WHEREAS, early in his professional career, Wayne Browning was in management at the L&M Tobacco Company in Richmond; relocating to the Eastern Shore in 1961, he would own and operate Copes Ice and Coal Company for many years; and

WHEREAS, Wayne Browning was an active and engaged member of his community who both served and led various civic and professional organizations, including A&N Electric Cooperative; the Virginia, Maryland & Delaware Association of Electric Cooperatives; the Eastern Shore Vocational Center; Shore Memorial Hospital; the Eastern Shore Jaycees; and the Eastern Shore of Virginia Chamber of Commerce; and

WHEREAS, a trusted leader with deep knowledge of the Eastern Shore and its waterways, Wayne Browning served eight years on the Virginia Marine Resources Commission and four years on the Potomac River Fisheries Commission, including a year as its chairman; and

WHEREAS, guided throughout his life by his steadfast and abiding faith, Wayne Browning enjoyed worship and fellowship with his community at Craddockville United Methodist Church in Craddockville, where he served in various leadership positions; and

WHEREAS, inspired to share and celebrate his faith, Wayne Browning also served several terms as an Eastern Shore district delegate to the annual Virginia Conference of the United Methodist Church; and

WHEREAS, Wayne Browning will be dearly remembered and fondly missed by his loving wife, Mary Will; his children, Mary Margaret, Brook, Wayne, Jr., Elizabeth, and Allison, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of R. Wayne Browning, Sr., an accomplished businessman and civic leader who touched countless lives on the Eastern Shore through his kindness, generosity, and compassion; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of R. Wayne Browning, Sr., as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 515

Celebrating the life of David McMath Parker.

Agreed to by the Senate, August 20, 2020

WHEREAS, David McMath Parker, an accomplished businessman, civic leader, and beloved member of the Eastern Shore community, died on May 14, 2020; and

WHEREAS, a journalist dedicated to informing the public, David Parker was editor of *The Eastern Shore News* before becoming vice president of Atlantic Publications; he became active in the Virginia Press Association, serving both on the organization's board and as its president; and

WHEREAS, David Parker worked tirelessly to support economic development in the Commonwealth; he served both on the board and as president of the Eastern Shore of Virginia Chamber of Commerce, on the board of the Virginia Chamber of Commerce, and as executive director of both the Eastern Shore of Virginia Tourism Commission and the Eastern Shore of Virginia Community Foundation; and

WHEREAS, active and involved in his community all his life, David Parker gave generously of his time and talents to various civic organizations, including the Eastern Shore Jaycees, Ducks Unlimited, the Barrier Islands Center, the United Way, and the Onancock Rotary Club; and

WHEREAS, committed to ensuring academic excellence for the youth of his community, David Parker served on the boards of both the Eastern Shore Community College Foundation and Broadwater Academy; and

WHEREAS, with passionate concern for the well-being of others, David Parker invested substantial time and energy into various health causes, raising funds for the Riverside Shore Memorial Cancer Center in Nassawadox and serving on the boards of the Shore Health & Rehabilitation Center in Parksley and Shore Health Services, which operates Riverside Shore Memorial Hospital; and

WHEREAS, beyond his outsized contributions to various organizations in the region, David Parker also focused his leadership gifts locally, serving both on the town council and as mayor of Onley; and

WHEREAS, guided throughout his life by his deep and abiding faith, David Parker enjoyed worship and fellowship with his community at Onley United Methodist Church, where he held various leadership positions; and

WHEREAS, combining his faith with his impressive business acumen, David Parker also chaired the finance committee of the Eastern Shore district of the United Methodist Church and led the Eastern Shore Christian Businessmen's Association; and

WHEREAS, David Parker will be dearly remembered and fondly missed by his loving wife, Mary Esther; his daughter, Kristin, and her family; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of David McMath Parker, a revered businessman and community leader who touched countless lives through his grace, kindness, and compassion; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of David McMath Parker as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 516

Commending Lloyd J. "Bud" Vye.

Agreed to by the Senate, August 19, 2020

WHEREAS, Lloyd J. "Bud" Vye was born during the depths of the Great Depression, living in California while his father worked as director of education for the Civil Conservation Corps; and

WHEREAS, after his father was killed in a railroad accident, Bud Vye moved east, completed high school, and then attended Springfield College, where he played basketball and was named All New England at the institution where the game was invented; he subsequently earned a master's degree at New York University; and

WHEREAS, Bud Vye served in the United States Army as an artillery officer at Fort Riley, Kansas, also making the All 5th Army basketball team; and

WHEREAS, Bud Vye worked for 14 years with the Philadelphia Department of Recreation, rising to the level of deputy commissioner and manager of Veterans Stadium, then the home of the Philadelphia Phillies and the Philadelphia Eagles; and

WHEREAS, after leaving that job, Bud Vye became vice president of a retail chain that was later acquired by Best Products, bringing him to Richmond as maintenance manager for the company; it was there that his boss introduced him to bicycling while he was in his fifties; and

WHEREAS, Bud Vye became very active in bicycling, serving as advocacy director for the Richmond Area Bicycling Association and advocacy director for the Virginia Bicycling Federation; and

WHEREAS, Bud Vye was recognized by the Alliance for Biking & Walking as the National Advocate of the Year for 2009 and received a Governor's Transportation Safety Award in 2015 for his lifetime achievements; and

WHEREAS, Bud Vye was also a member of the Citizens Transportation Advisory Committee of the Richmond Regional Planning District Commission for nearly 30 years; and

WHEREAS, Bud Vye was heavily involved in the effort to plan and construct the Virginia Capital Trail, and he was a passionate advocate for bicyclist and pedestrian safety legislation for almost three decades; now, therefore, be it

RESOLVED by the Senate of Virginia, That Lloyd J. "Bud" Vye hereby be commended for his many years of exemplary service to the citizens of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Lloyd J. "Bud" Vye as an expression of the Senate of Virginia's admiration for his extraordinary dedication to increasing the health, safety, and recreational benefit of citizens who walk and bicycle in the Commonwealth.

SENATE RESOLUTION NO. 517

Commending the Cave Spring High School boys' basketball team.

Agreed to by the Senate, August 19, 2020

WHEREAS, the Cave Spring High School boys' basketball team was named as one of the co-champions of the Virginia High School League Class 3 state tournament in 2020; and

WHEREAS, with their home court undergoing renovations, the Cave Spring High School Knights adapted well to the unique challenges of playing on the road for the entire season and won the River Ridge District and Region 3D championship titles; and

WHEREAS, the Cave Spring Knights' record-setting 27-2 season was cut short when the state tournament final was canceled due to safety concerns related to the COVID-19 pandemic; and

WHEREAS, the Cave Spring Knights became the fourth basketball team in school history to win a state title when they were named co-champions along with the Lakeland High School Cavaliers; and

WHEREAS, the Cave Spring Knights' victorious season is a tribute to the hard work and determination of all the student-athletes, the leadership and guidance of the coaches and staff, and the enthusiastic support of the entire Cave Spring High School community; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Cave Spring High School boys' basketball team hereby be commended on its selection as a co-champion of the 2019-2020 Virginia High School League Class 3 state tournament; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Jacob Gruse, head coach of the Cave Spring High School boys' basketball team, as an expression of the Senate of Virginia's admiration for the team's achievements throughout the season.

SENATE RESOLUTION NO. 518

Commending Patricia Swecker Hines.

Agreed to by the Senate, August 19, 2020

WHEREAS, Patricia Swecker Hines, a lifelong resident of Wythe County, retired from the Wythe County School Board in 2020; and

WHEREAS, Patricia "Pat" Hines served two terms on the Wythe County School Board, where she represented the Lead Mines District; and

WHEREAS, as a member of the Wythe County School Board, Pat Hines ably represented the interests of her constituents and worked with other board members in hiring a new superintendent and to continue the county's school construction program; and

WHEREAS, in addition to her tenure on the Wythe County School Board, Pat Hines spent 36 years in various roles at Fort Chiswell High School, including as secretary, a role she began while as a student at the high school; and

WHEREAS, during her long tenure at Fort Chiswell High School, Pat Hines played a vital role in the operations of the school and left a lasting impression on countless students, teachers, administrators, and parents; and

WHEREAS, beyond her service to the Wythe County Public Schools, Pat Hines volunteered for numerous charitable causes in eastern Wythe County, and she was a devoted and longtime member of Fort Chiswell United Methodist Church; and

WHEREAS, Pat Hines served in countless roles in the church community, including as Sunday School superintendent, Sunday School teacher, member of the Board of Trustees, leader of the United Methodist Women, volunteer with the youth group, and in many other roles; and

WHEREAS, Pat Hines will spend her retirement with her husband, Paul; her daughters, Paula and Joy, and her beloved grandchildren; and

WHEREAS, Pat Hines will continue to serve her community in her retirement through her volunteer work; now, therefore, be it

RESOLVED by the Senate of Virginia, That Patricia Swecker Hines hereby be commended for her lifetime of service to Wythe County Public Schools, her community, and her church; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Patricia Swecker Hines as an expression of the Senate of Virginia's admiration for her achievements and her service to the community.

SENATE RESOLUTION NO. 519

Commending Catoctin Creek Distilling Company.

Agreed to by the Senate, August 19, 2020

WHEREAS, Catoctin Creek Distilling Company, the first legal distillery in Loudoun County, swiftly responded to the COVID-19 crisis in 2020; and

WHEREAS, at the beginning of the pandemic, Catoctin Creek Distilling Company distributed surplus alcohol generated from its production of whiskey and gin to be used as sanitizer by first responders and families in need; and

WHEREAS, prioritizing public safety over profits, Catoctin Creek Distilling Company gave free sanitizing alcohol to over 100 families, six police stations, two emergency service units, two medical clinics, a senior care facility, and the Federal Aviation Administration operations center in Leesburg; and

WHEREAS, recognizing the extreme demand for sanitation products, yet unable to produce the appropriate sanitizing alcohol in its own stills, Catoctin Creek Distilling Company nonetheless leveraged its permits to buy large quantities of alcohol so it could continue to produce and package sanitizer; and

WHEREAS, following receipt of its first shipment of 1,000 gallons of bulk alcohol, Catoctin Creek Distilling Company collaborated with the American Craft Spirits Association to determine the formulation that could be safely used as sanitizer; and

WHEREAS, after receiving approval for its sanitizer formulation from the U.S. Food and Drug Administration, Catoctin Creek Distilling Company shared their work with approximately 300 craft distillers across the country, vastly improving the nation's ability to address the COVID-19 crisis; and

WHEREAS, staff members at Catoctin Creek Distilling Company, bottling by hand, have already produced more than 46,000 units of sanitizer, providing this vital resource to many first responders and countless families; and

WHEREAS, through its decisive and selfless actions in the face of a historic public health emergency, Catoctin Creek Distilling Company has exemplified what makes the Commonwealth a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Catoctin Creek Distilling Company hereby be commended for its response to the COVID-19 crisis; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Becky and Scott Harris, owners of Catoctin Creek Distilling Company, as an expression of the Senate of Virginia's admiration for the company's commitment to the safety and well-being of the citizens of the Commonwealth.

SENATE RESOLUTION NO. 520

Commending Disabled American Veterans.

Agreed to by the Senate, August 20, 2020

WHEREAS, in 2020, Disabled American Veterans celebrates 100 years of serving veterans of the United States Armed Forces, their families and survivors, and communities; and

WHEREAS, Disabled American Veterans (DAV) was founded by World War I veterans on September 25, 1920, and was chartered by the United States Congress on June 17, 1932; the organization is dedicated to a single purpose: empowering veterans to lead high-quality lives with respect and dignity; and

WHEREAS, DAV accomplishes its mission by ensuring veterans and their families have access to the full range of benefits available to them, by advocating for the interests of America's injured heroes, and by educating the public about the needs of veterans transitioning back to civilian life; and

WHEREAS, DAV provides free, professional assistance to veterans and their families in obtaining benefits and services provided by the U.S. Department of Veterans Affairs (VA) and other agencies; and

WHEREAS, DAV also provides outreach concerning its programs and services to disabled veterans and their families and to all members of the American public; and

WHEREAS, DAV represents the interests of disabled veterans, their families, and their widowed spouses and orphans before the federal government, as well as state and local governments; and

WHEREAS, DAV has fought tirelessly for equal access to critical VA caregiver benefits and services for several disabled veterans of all generations, resulting in legislation to expand eligibility to those injured prior to September 11, 2001, as part of the VA MISSION Act; and

WHEREAS, DAV co-presents the National Disabled Veterans Winter Sports Clinic and the National Disabled Veterans TEE Tournament; has organized the nationwide DAV Transportation Network to provide free transportation for veterans to VA medical appointments; operates an active Charitable Service Trust funding the needs of local providers assisting at-risk local veterans; has built an active volunteer corps offering thousands of hours of service to veterans and communities; offers veterans, transitioning military members, and spouses access to employers through its nationwide job fair program; and provides emergency assistance to veterans in need through the DAV Disaster Relief Program; and

WHEREAS, in addition to its many programs for veterans, DAV operates the Jesse Brown Memorial Youth Scholarship Program to contribute to the lives of young Americans; and

WHEREAS, the DAV Department of Virginia and its chapters across the Commonwealth demonstrate their unending commitment to ill and injured veterans of all generations and conflicts; now, therefore, be it

RESOLVED by the Senate of Virginia, That Disabled American Veterans hereby be commended for its legacy of service to veterans on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Disabled American Veterans as an expression of the Senate of Virginia's admiration for the organization's contributions to American society, national security, and the welfare of military veterans and their families.

SENATE RESOLUTION NO. 521

Commending Ira Agricola.

Agreed to by the Senate, August 27, 2020

WHEREAS, in 2020, Ira Agricola retired as executive vice president for government affairs of the Hampton Roads Chamber of Commerce after 39 years of diligent work to support local businesses and enhance the quality of life throughout the community; and

WHEREAS, a Portsmouth native, Ira Agricola worked in city government while completing his bachelor's degree in community services from Virginia Commonwealth University; he began his association with the Portsmouth Chamber of

Commerce in 1981 while the city was in the process of applying for the All-America City Award from the National Civic League; and

WHEREAS, in 1984, after five local chambers merged to form the Hampton Roads Chamber of Commerce, Ira Agricola assumed the responsibility of overseeing the executive directors of each division and coordinating public policy initiatives at the local, state, and federal levels; and

WHEREAS, over the course of his distinguished career, Ira Agricola adapted to significant growth and change in the region, as well as shifts in business practices and legislative environments, and became known as the “Voice of Business in Hampton Roads” for his commitment to ensuring that all businesses had the tools and support they needed to thrive; and

WHEREAS, among his many achievements, Ira Agricola increased the economic vitality of Virginia Beach by supporting many notable public-private partnerships, including the Virginia Beach Town Center, the Hilton Virginia Beach Oceanfront adjacent to Neptune’s Park, and the sand replenishment project at Sandbridge; and

WHEREAS, Ira Agricola worked with the Portsmouth Police Department and the television station WVEC 13 to establish a Crime Solvers program in the area in the early 1980s; the program succeeded in making the community safer and remains active throughout the Hampton Roads region; and

WHEREAS, Ira Agricola helped secure critical funding to support the purchase of property between Naval Auxiliary Landing Field Fentress and Naval Air Station Oceana to comply with the recommendations of the Base Realignment and Closure Commission; and

WHEREAS, Ira Agricola also established the Virginia Beach Patriotic Festival, a concert series that pays tribute to members of the military and has generated an estimated \$23 million economic impact for the city; and

WHEREAS, after his well-earned retirement, Ira Agricola will continue to serve as chair of the Virginia Beach Patriotic Festival and enjoy more opportunities to spend time with his beloved family; now, therefore, be it

RESOLVED by the Senate of Virginia, That Ira Agricola hereby be commended on the occasion of his retirement from the Hampton Roads Chamber of Commerce; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Ira Agricola as an expression of the Senate of Virginia’s admiration for his legacy of service to the Hampton Roads business community.

SENATE RESOLUTION NO. 522

Celebrating the life of Richard Duane West, M.D., F.A.C.S.

Agreed to by the Senate, August 26, 2020

WHEREAS, Richard Duane West, M.D., F.A.C.S., a respected leader in the Hampton Roads medical community, died on July 12, 2020; and

WHEREAS, Richard “Dick” West grew up in Warren, Ohio, where he graduated from Warren G. Harding High School; he subsequently graduated from Wheaton College in Illinois and earned a medical degree from the University of Pennsylvania; and

WHEREAS, Dick West served his country as a medical officer in the United States Navy and completed his surgical residency at the University of Pennsylvania Presbyterian Medical Center, then settled with his family in Virginia Beach; and

WHEREAS, Dick West practiced general surgery in Hampton Roads for 35 years; he served as president, chief of staff, and chief of surgery at Virginia Beach General Hospital; and

WHEREAS, Dick West spearheaded the establishment of and served as medical director of the Virginia Beach General Hospital Level 2 Trauma Service; and

WHEREAS, Dick West also served as chief of surgery at Sentara Bayside Hospital, medical director of the Coastal Cancer Center, and chair of the Executive Board at Virginia Beach Ambulatory Surgical Center; and

WHEREAS, Dick West was a member of the Executive Committee of the Board of Trustees for Virginia Beach General Hospital, a fellow of the American College of Surgeons, and secretary of the Virginia Beach Medical Society, and he offered his expertise to many other state and national organizations; and

WHEREAS, outside of his medical career, Dick West volunteered his time to participate in mission trips to St. Lucia and Grenada, and he shared his passion for music with others as a member of the Virginia Beach Community Chapel choir; he was also an avid amateur radio operator and enjoyed opportunities to communicate with fellow operators around the world; and

WHEREAS, Dick West will be fondly remembered and greatly missed by his wife of 58 years, Joan; his children, Richard II, Renee, and Michele, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Richard Duane West, M.D., F.A.C.S.; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Richard Duane West, M.D., F.A.C.S., as an expression of the Senate of Virginia’s respect for his memory.

SENATE RESOLUTION NO. 523

Celebrating the life of Michael George Mumejian.

Agreed to by the Senate, August 26, 2020

WHEREAS, Michael George Mumejian, a beloved member of the Virginia Beach community, died on May 16, 2020; and WHEREAS, born on September 20, 1994, Michael Mumejian was a graduate of Frank W. Cox High School in the Great Neck area of Virginia Beach; and

WHEREAS, Michael Mumejian was a student of Old Dominion University in Norfolk at the time of his passing; and

WHEREAS, Michael Mumejian inspired others with his generosity, unyielding compassion, and joyful, loving personality; and

WHEREAS, Michael Mumejian will be fondly remembered and greatly missed by his parents, George and Sheri; his siblings, Kara, Christopher, Nicolas, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Michael George Mumejian; and, be it

RESOLVD FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Michael George Mumejian as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 524

Commending Human Food RVA.

Agreed to by the Senate, August 26, 2020

WHEREAS, Human Food RVA, a small business operating from the Hatch Kitchen RVA shared kitchen, has helped to ensure that students displaced by school closures have had nutritious food to eat during the COVID-19 pandemic; and

WHEREAS, established in 2012, Human Food RVA each week prepares unique menus of fully cooked, ready to heat and eat meals for clients to purchase online and pick up from convenient locations throughout the area; and

WHEREAS, with a focus on using the finest ingredients and a commitment to proper nutrition and healthy lifestyles, Human Food RVA promotes "clean eating" by crafting delicious meals free from gluten, dairy, and processed or refined sugars; and

WHEREAS, recognizing that many young people in the community are dependent on school for breakfast and lunch, Human Food RVA began donating and distributing meals to Henrico County Public Schools students through one of its Grab and Go meal distribution locations; and

WHEREAS, Human Food RVA has continued its vital mission through grassroots support, with donations from clients, family members, and friends; now, therefore, be it

RESOLVED by the Senate of Virginia, That Human Food RVA hereby be commended for supporting Henrico County Public Schools' students by providing nutritious meals; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Human Food RVA as an expression of the Senate of Virginia's admiration for the organization's generosity and care for members of the community.

SENATE RESOLUTION NO. 525

Celebrating the life of Engin Mehmet Artemel.

Agreed to by the Senate, August 26, 2020

WHEREAS, Engin Mehmet Artemel, an esteemed city planner, architect, and civil engineer who served both Alexandria and various municipalities abroad, died on June 17, 2020; and

WHEREAS, born in Ankara, Turkey, Engin Artemel graduated from the prestigious Galatasaray High School in Istanbul before moving to the United States in the 1950s to continue his studies; and

WHEREAS, after studying at Santa Ana College and earning a degree in architecture at California Polytechnic State University, Engin Artemel taught at the University of Kansas in Lawrence, where he would ultimately earn master's degrees in urban planning and civil engineering; and

WHEREAS, following a sojourn in Istanbul as a naval officer to fulfill Turkey's military service requirement, Engin Artemel returned to the United States and began a career as a city planner with the City of Alexandria; and

WHEREAS, serving as director of the City of Alexandria Department of Planning and Community Development from 1977-1984, Engin Artemel led efforts to transform the historic Alexandria waterfront from a derelict industrial site into the vibrant mixed-use area it is today; and

WHEREAS, to accomplish the Alexandria waterfront revitalization project, Engin Artemel deftly resolved longstanding land disputes between Alexandria and the federal government while negotiating agreements between the city, private entities, and residents; and

WHEREAS, as a result of his efforts, several public parks were created and historic landmarks were preserved, including the Torpedo Factory, the canal lock at Montgomery Street, Oronoco Bay Park, and Waterfront Park, ensuring the public's access to both the river and Alexandria's history for years to come; and

WHEREAS, Engin Artemel founded the company Artemel International in 1984, utilizing his experience in waterfront design, tourism, and infrastructure development to facilitate projects both locally and throughout the Middle East, Eastern Europe, and the former Soviet Union; and

WHEREAS, in recognition of his contributions to the community over the years, Engin Artemel was named a "Living Legend of Alexandria" in 2009 and honored with a dedicatory plaque at the City of Alexandria Marina in 2016; and

WHEREAS, Engin Artemel will be dearly remembered and fondly missed by his wife, Agnes; his children, Steve, Suzan, Deniz, Sibel, and Ali, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Engin Mehmet Artemel, a masterful city planner who opened the Alexandria waterfront for the enjoyment of countless residents and visitors; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Engin Mehmet Artemel as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 526

Commending Clifford T. Bowen.

Agreed to by the Senate, August 27, 2020

WHEREAS, in July 2020, Clifford T. Bowen retired as chief of the Poquoson Police Department after 37 years of outstanding service to the community as a law-enforcement officer; and

WHEREAS, Clifford "Cliff" Bowen began his law-enforcement career with the Newport News Police Department and held numerous leadership positions in the agency over the course of 24 years; and

WHEREAS, Cliff Bowen was subsequently employed as a security manager at Busch Gardens and Water Country USA in Williamsburg, then returned to police work as chief of the Poquoson Police Department in 2007; and

WHEREAS, as the new chief, one of Cliff Bowen's first priorities was to improve Poquoson's 911 system and better integrate it with systems in Williamsburg and York and James City Counties; and

WHEREAS, during his tenure, Cliff Bowen updated the department's policies and procedures and earned the respect of his officers and city officials for his approachability, professionalism, and incomparable work ethic; and

WHEREAS, Cliff Bowen worked diligently to keep Poquoson residents safe and to maintain a low crime rate by closely monitoring and addressing patterns of incidents throughout the city; and

WHEREAS, Cliff Bowen instituted training in the use of Narcan to allow officers to better respond to drug overdoses and prevent fatalities; and

WHEREAS, Cliff Bowen also supported young people in the community as a longtime member of the Poquoson School Board; and

WHEREAS, after his well-earned retirement, Cliff Bowen plans to spend more time with his beloved family and seek new opportunities to serve the community, including taking a more active role in his church, Coastal Community Church in York County; now, therefore, be it

RESOLVED by the Senate of Virginia, That Clifford T. Bowen hereby be commended on the occasion of his retirement as chief of the Poquoson Police Department; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Clifford T. Bowen as an expression of the Senate of Virginia's admiration for his achievements in service to the Newport News and Poquoson communities.

SENATE RESOLUTION NO. 527

Commending Lindsey Pantele.

Agreed to by the Senate, August 27, 2020

WHEREAS, Lindsey Pantele, an English teacher at Glen Allen High School, was named Henrico County Public School's Teacher of the Year in 2020; and

WHEREAS, a proud alumna of Henrico County Public Schools, including Mills E. Godwin High School, Lindsey Pantele encountered several teachers growing up who inspired her to pursue a career in education; and

WHEREAS, with early ambitions to become a teacher, Lindsey Pantele attended Christopher Newport University, where she earned an undergraduate degree in English and a master's degree in teaching; and

WHEREAS, Lindsey Pantele has been teaching at Glen Allen High School since it was founded in 2010; along with various English courses, she also teaches in the school's Center for Education and Human Development, which provides aspiring students with advanced curriculum to help them achieve their educational and career goals; and

WHEREAS, in addition to her English courses, Lindsey Pantele leads Glen Allen High School's yearbook class and organizes its annual "Battle of the Classes" competition, contributing greatly to the sense of community at the school; and

WHEREAS, without the standard announcement ceremony due to the COVID-19 pandemic, Lindsey Pantele was notified of the award at home during a surprise visit by Amy Cashwell, superintendent of Henrico County Public Schools, and Kristi Kinsella, Brookland District representative on the Henrico County School Board; and

WHEREAS, Lindsey Pantele was selected for Henrico County's top teaching honor from among more than 4,000 teachers, receiving \$1,000 from Henrico Federal Credit Union as part of the award; and

WHEREAS, Lindsey Pantele has fostered a positive learning environment that encourages her students to challenge themselves, strive for their dreams, and succeed, both in and out of the classroom; now, therefore, be it

RESOLVED by the Senate of Virginia, That Lindsey Pantele, an English teacher at Glen Allen High School, hereby be commended for the distinction of being named Henrico County Public School's Teacher of the Year in 2020; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Lindsey Pantele as an expression of the Senate of Virginia's admiration for her remarkable achievement and best wishes for the future.

SENATE RESOLUTION NO. 528

Celebrating the life of Ralph Essex Turpin, Jr.

Agreed to by the Senate, September 2, 2020

WHEREAS, Ralph Essex Turpin, Jr., a prominent attorney who made many contributions to the Lovingson community, died on May 9, 2020; and

WHEREAS, Ralph Turpin attended Virginia Military Institute, then transferred to the University of Virginia, where he completed his bachelor's degree in 1963; and

WHEREAS, while working as a chemist in New Jersey, Ralph Turpin earned a legal degree by taking night classes at Seton Hall University; and

WHEREAS, Ralph Turpin returned to the Commonwealth and practiced law from his home in Lovingson for nearly 50 years; during that period, he also offered his expertise to the community as the Nelson County attorney for the Commonwealth for 12 years and as a substitute judge; and

WHEREAS, Ralph Turpin was an active volunteer with the local Ruritan Club, the Fleetwood Harmony Masonic Lodge, and the Nelson County Community Development Foundation; and

WHEREAS, Ralph Turpin enjoyed fellowship and worship with the community at Calvary Baptist Church, where he was a member of the choir, a deacon, and a trustee; and

WHEREAS, Ralph Turpin will be fondly remembered and greatly missed by his beloved wife, Patty Ann; his children, Margaret Ann and R.E., and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Ralph Essex Turpin, Jr., a respected attorney in Lovingson; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Ralph Essex Turpin, Jr., as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 529

Celebrating the life of Jerry Austin Rexrode.

Agreed to by the Senate, September 2, 2020

WHEREAS, Jerry Austin Rexrode, an honored veteran, esteemed businessman, and distinguished civic leader of the Highland County community, died on April 22, 2020; and

WHEREAS, born in Mustoe, Jerry Rexrode would dedicate his life to the betterment of Highland County and the well-being of its citizens; and

WHEREAS, Jerry Rexrode was drafted into the United States Army in 1965, serving his country valiantly during the Vietnam War in both Germany and Vietnam; and

WHEREAS, following his discharge from the United States Army, Jerry Rexrode resumed his career in the masonry industry, establishing Rexrode Masonry and Tile, Inc., in 1970; and

WHEREAS, for the past half-century, Jerry Rexrode offered world-class masonry and general contracting services to customers throughout the Commonwealth and West Virginia, providing gainful employment to untold individuals over the years; and

WHEREAS, an active and engaged member of his community, Jerry Rexrode served the Highland County Board of Supervisors from 1996 to 2011, bringing a calm and level-headed approach to the county's civic affairs; and

WHEREAS, serving as president of the Highland County Fair Association from 2001 to 2012, Jerry Rexrode was instrumental to the success of one of Monterey's most cherished rites of summer; and

WHEREAS, Jerry Rexrode will be dearly remembered and fondly missed by his daughter, Sali, and her family; his brother, Charles; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Jerry Austin Rexrode, a beloved veteran, businessman, and civic leader of Highland County, whose kind and generous spirit touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Jerry Austin Rexrode as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 530

Celebrating the life of Percy Conway Nowlin III.

Agreed to by the Senate, September 2, 2020

WHEREAS, Percy Conway Nowlin III, an honored veteran, esteemed educator, and beloved member of the Bath County community, died on April 24, 2020; and

WHEREAS, affectionately known by family and friends as "Buzz," Percy Nowlin graduated from the Virginia Military Institute in 1959 and enlisted with the United States Army, serving his country with courage and valor as an airborne ranger; and

WHEREAS, later attending East Tennessee State University and earning a master's degree from the University of Virginia, Percy Nowlin began his long and distinguished career in education as an English, U.S. government, and U.S. history teacher in Hopewell and Colonial Heights; and

WHEREAS, Percy Nowlin would go on to assume administrative positions in several school systems throughout the Commonwealth, including assistant principal of Henry County High School, principal of Fluvanna High School, superintendent of Bath County Public Schools for 18 years, and assistant superintendent of Highland County Public Schools for three years in his retirement; and

WHEREAS, dedicated to the betterment of his community and the well-being of its citizens, Percy Nowlin gave generously of his time and talents to various local organizations, including the Rockbridge Regional Library and Rockbridge Area Community Services; and

WHEREAS, a member of the Bath County Board of Supervisors for 12 years, Percy Nowlin is credited with developing the Bath County Parks and Recreation Department and bolstering the efforts of the Bath County Chamber of Commerce over many years; and

WHEREAS, active and engaged with his community, Percy Nowlin was a member of various local fraternal and service organizations, including the Millboro Ruritan Club and the Bath County Lions Club; and

WHEREAS, guided throughout his life by his deep and abiding faith, Percy Nowlin was a member of St. Luke's Episcopal Church in Hot Springs for more than 40 years, where he served as treasurer, senior warden, and junior warden; he was also a member of Christ Anglican Church at Union Chapel; and

WHEREAS, Percy Nowlin will be dearly remembered and fondly missed by his loving wife of 56 years, Virginia; his son, James, and his family; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Percy Conway Nowlin III, a beloved educator and civic leader whose kind and generous spirit touched countless lives in Bath County; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Percy Conway Nowlin III as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 531

Celebrating the life of Robert Joseph Anderson.

Agreed to by the Senate, September 2, 2020

WHEREAS, Robert Joseph Anderson, a successful entrepreneur and a dedicated public servant in Clifton Forge, died on April 1, 2020; and

WHEREAS, Joseph "Joe" Anderson joined many of the other young men of his generation in service to the nation during World War II as a member of the United States Coast Guard; and

WHEREAS, after his honorable military service, Joe Anderson graduated from the Worsham College of Mortuary Science in Chicago, Illinois, and worked as a licensed embalmer and funeral director; and

WHEREAS, Joe Anderson relocated to Clifton Forge in 1960 and established the Anderson Monument Company in 1962 and Anderson Family Pools in 1965; he later opened branches of both businesses in Daleville; and

WHEREAS, desirous to be of further service to the Clifton Forge community, Joe Anderson ran for and was elected to the Clifton Forge Town Council and subsequently became mayor; and

WHEREAS, Joe Anderson also offered his leadership to the Alleghany County School Board; Clifton Forge Main Street, Inc.; the Selective Service Board; the Clifton Forge Electoral Board; and many other civic and service organizations; and

WHEREAS, among his proudest achievements as a public servant, Joe Anderson established the Clifton Forge Public Library during his tenure as mayor and oversaw the construction of Mountain View Elementary School and Clifton Middle School; and

WHEREAS, a patron of the arts, Joe Anderson supported the Historic Masonic Theatre and Amphitheatre and the Alleghany Highlands Arts and Crafts Center, and he opened the Amerind Gallery in Daleville to showcase Native American art; and

WHEREAS, Joe Anderson enjoyed fellowship and worship with the community as a member of Central United Methodist Church; and

WHEREAS, predeceased by his first wife, Louise; and one daughter, Linda, Joe Anderson will be fondly remembered and greatly missed by his wife, Betty; his daughters, Lauren and Annette, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Robert Joseph Anderson, a pillar of the Clifton Forge community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Robert Joseph Anderson as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 532

Celebrating the life of the Honorable John Henry Hager.

Agreed to by the Senate, September 9, 2020

WHEREAS, the Honorable John Henry Hager, an esteemed public servant who was the Lieutenant Governor of Virginia from 1998 to 2002, died on August 23, 2020; and

WHEREAS, born in Durham, North Carolina, John Hager graduated from Purdue University with a degree in mechanical engineering and later earned a master's degree in business administration from Harvard University; and

WHEREAS, a member of the Reserve Officers' Training Corps in college, John Hager enlisted with the United States Army and served his country with courage and valor, rising to the rank of captain; and

WHEREAS, following in his father's footsteps, John Hager enjoyed a long and successful career as an executive at the American Tobacco Company; and

WHEREAS, at the age of 36, John Hager contracted polio and lost the ability to walk; with an indefatigable resolve to overcome this challenge and give back to his community, he persevered to reach the highest echelons of public service; and

WHEREAS, active in the Republican Party for many years, John Hager was elected Lieutenant Governor of Virginia in 1997, making history as the first individual with a physical disability to serve in the position; and

WHEREAS, presiding over the Senate of Virginia, John Hager earned the respect of colleagues from both parties for his fair and efficient approach, his strict adherence to the rules and customs of the chamber, and his clear and unwavering dedication to the Commonwealth and its citizens; and

WHEREAS, during his tenure as Lieutenant Governor, John Hager sat on several committees and commissions and chaired the Virginia Disability Commission, advocating effectively for improvements in the areas of transportation, employment, and housing to support disabled Virginians and their families; and

WHEREAS, John Hager was appointed by Governor Mark Warner to serve as the first Assistant to the Governor for Commonwealth Preparedness, coordinating the Commonwealth's security and emergency preparedness strategies and plans following the attacks on September 11; and

WHEREAS, nominated by President George W. Bush to serve as the Assistant Secretary for Special Education and Rehabilitative Services within the United States Department of Education, John Hager guided the federal government's efforts to enhance the quality of life for people with disabilities from 2004 to 2007; and

WHEREAS, a passionate proponent of his conservative values and principles, John Hager served as chair of the Virginia Republican Party from 2007 to 2008, leading his party with good sense, vision, and compassion; and

WHEREAS, Governor Ralph Northam ordered the Commonwealth's flag to be flown at half-staff for 10 days to honor the life and memory of John Hager, a testament to the deep and lasting impact he had on the Commonwealth; and

WHEREAS, John Hager will be dearly remembered and fondly missed by his loving wife, Margaret; his children, John and Henry, and their families; and numerous other family members, friends, and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of the Honorable John Henry Hager, a former Lieutenant Governor of Virginia who inspired countless citizens of the Commonwealth through his determination, leadership, and grace; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable John Henry Hager as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 533

Commending Anna Leider.

Agreed to by the Senate, September 4, 2020

WHEREAS, Anna Leider retired on June 26, 2020, after more than two decades of service to the residents of Alexandria as the city's general registrar and director of elections; and

WHEREAS, a longtime resident of Alexandria, Anna Leider is a graduate of T.C. Williams High School and holds degrees from Amherst College and New York University; prior to working for the city, she owned Octameron Associates, a small educational publishing company; and

WHEREAS, desirous to be of further service to the community, Anna Leider pursued a career as an election official, working as a deputy registrar and a member of the Alexandria Electoral Board, ultimately serving as general registrar for six years; and

WHEREAS, over the course of her career, Anna Leider adapted to significant changes in technology and growth in the community; when she began serving as an election official, there were 67,400 registered voters and 24 polling places in the city, compared to 98,200 registered voters and 30 polling places in 2020; and

WHEREAS, Anna Leider helped manage 41 elections, including four presidential elections and three statewide or regional election recounts, becoming a trusted source of institutional knowledge, and she earned the admiration of her colleagues for her leadership and dedication; and

WHEREAS, Anna Leider has also served Alexandria as a member of the city's Budget and Fiscal Affairs Advisory Committee and its 250th Anniversary Commission, and she was the chair of the Alexandria Democratic Committee from 1993 to 1997; now, therefore, be it

RESOLVED by the Senate of Virginia, That Anna Leider hereby be commended on the occasion of her retirement as the general registrar and director of elections of Alexandria; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Anna Leider as an expression of the Senate of Virginia's admiration for her legacy of service to the Alexandria community.

SENATE RESOLUTION NO. 534

Celebrating the life of Bishop Gerald O. Glenn.

Agreed to by the Senate, September 9, 2020

WHEREAS, Bishop Gerald O. Glenn, the founding pastor of New Deliverance Evangelistic Church and a beloved member of the North Chesterfield community, died on April 11, 2020; and

WHEREAS, Gerald Glenn served the nation for more than a decade as a member of the United States Army and the United States Marine Corps and safeguarded the Portsmouth community as a law-enforcement officer; and

WHEREAS, in 1981, Gerald Glenn began working as an investigator for the Texas Board of Medical Examiners, then subsequently became chief of the Investigations Division of the Virginia Department of Health Professions, director of the Division of Program Compliance at the Virginia Department of Medical Assistance Services, and director of the Virginia Department of Juvenile Justice; and

WHEREAS, Gerald Glenn answered the call to ministry and became pastor of First Union Baptist Church in Richmond in 1988; under his wise and charismatic leadership, the church grew from 75 congregants to more than 700; and

WHEREAS, in 1995, Gerald Glenn and his family founded New Deliverance Evangelistic Church; he later established the New Deliverance Foundation and the New Deliverance Christian Academy to provide quality, affordable preschool and kindergarten through fifth-grade schooling to young people in the community; and

WHEREAS, Gerald Glenn was consecrated as a bishop in 2000, when he also established the New Deliverance Fellowship Conference of Churches, a nondenominational organization that served the needs of small and independent or aligned Christian ministries throughout the country; and

WHEREAS, a pillar of the faith community in the Richmond region, Gerald Glenn inspired the members of his congregation with his passionate sermons and touched countless lives through his commitment to philanthropy and servant leadership; and

WHEREAS, Gerald Glenn was affiliated with a wide range of community organizations, served as a chaplain with the Chesterfield County Police Department, and offered his wisdom and expertise to a statewide task force on preventing crime in minority neighborhoods; and

WHEREAS, Gerald Glenn produced Deliverance in Focus, a religious radio and television program that inspired a wide audience throughout Central Virginia; and

WHEREAS, Gerald Glenn will be fondly remembered and greatly missed by his wife of 40 years, Marcietia; his children, Quincye, Gerald, Jr., Mar-Gerie, Kathryn, Amanda, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Bishop Gerald O. Glenn, a highly admired spiritual leader who made numerous contributions to the North Chesterfield community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Bishop Gerald O. Glenn as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 535

Celebrating the life of Howard H. Foust, Jr.

Agreed to by the Senate, September 10, 2020

WHEREAS, Howard H. Foust, Jr., a passionate educator who touched countless lives over the course of his career in Portsmouth Public Schools, died on August 25, 2020; and

WHEREAS, a native of Burlington, North Carolina, Howard Foust graduated with honors from Jordan Sellars High School, then received a bachelor's degree from North Carolina Central University; he continued his education at Duke University, where he earned a master's degree in 1973; and

WHEREAS, Howard Foust began a long and fulfilling career with Portsmouth Public Schools in 1965; he taught mathematics and physics at I.C. Norcom High School for 36 years and Woodrow Wilson High School for one year; and

WHEREAS, Howard Foust also taught summer school and night classes at I.C. Norcom High School and was a part-time instructor at Elizabeth City State University, Tidewater Community College, and Norfolk State University; and

WHEREAS, respected among his peers, Howard Foust offered his insights and expertise to the Portsmouth Education Association, Virginia Education Association, and National Education Association; he earned countless awards and accolades for his professional achievements over the years; and

WHEREAS, after his well-earned retirement, Howard Foust served as financial secretary of the African American Historical Society of Portsmouth and financial secretary and treasurer of the Portsmouth Retired Educators Association; and

WHEREAS, Howard Foust volunteered with youth sports for many years and was one of the first certified African American youth bowling coaches in Portsmouth; he established a regional youth bowling association and organized a youth travel league, in addition to participating in adult tournaments; and

WHEREAS, Howard Foust enjoyed fellowship and worship with the community as an active member of Zion Baptist Church; and

WHEREAS, Howard Foust will be fondly remembered and greatly missed by his wife, Iva; his children, Michael, Monica, and Malcolm, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Howard H. Foust, Jr., a respected educator in Portsmouth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Howard H. Foust, Jr., as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 536

Celebrating the life of Leonard Jackson Hite.

Agreed to by the Senate, September 10, 2020

WHEREAS, Leonard Jackson Hite, an esteemed public servant, honored veteran, and beloved member of the Clarksville community, died on August 23, 2020; and

WHEREAS, raised in Clarksville, Leonard "Jack" Hite graduated from Bluestone High School and later earned a bachelor's degree in business from the Virginia State University and Polytechnic Institute; and

WHEREAS, a member of the Virginia Tech Corps of Cadets while in school, Jack Hite enlisted with the Virginia National Guard after graduation and served his country meritoriously for six years; and

WHEREAS, Jack Hite began his career managing a Plymouth automobile dealership with Banning & Sons in Hyattsville, Maryland, and would go on to serve the Virginia Department of Health in Clarksville for 31 years, retiring in 2001; and

WHEREAS, Jack Hite represented his community and advocated for its best interests while serving on the Clarksville Town Council, the Mecklenburg County Board of Supervisors, and the Mecklenburg County Electoral Board; and

WHEREAS, an active and engaged member of his community, Jack Hite gave generously of his time and talents to several local civic organizations, including the Southside District Planning Commission, Lake Country Development Corporation, Prestwold Foundation, Boyd Tavern Foundation, Clarksville Lions Club, and the Veterans of Foreign Wars Post 8163; and

WHEREAS, the Commonwealth and its citizens benefited from Jack Hite's experience and expertise following gubernatorial appointments to the State Board for Community Colleges, on which he served as chairman, and the Tobacco Indemnification and Community Revitalization Commission; and

WHEREAS, a lifelong supporter of the Democratic Party, Jack Hite served as treasurer of the Mecklenburg County Democratic Party, attended state conventions as a delegate, and facilitated the campaigns of various state and national candidates through fundraisers and other events; and

WHEREAS, guided throughout his life by his deep and abiding faith, Jack Hite enjoyed worship and fellowship with his community at Jamieson Memorial United Methodist Church for many years; and

WHEREAS, Jack Hite will be dearly remembered and fondly missed by his loving wife of 50 years, Carolyn; his sister, Mary Jane; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Leonard Jackson Hite, a dedicated public servant who made lasting contributions to the health and well-being of Mecklenburg County and the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Leonard Jackson Hite as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 537

Celebrating the life of the Honorable Bonnie Lineweaver Paul.

Agreed to by the Senate, September 10, 2020

WHEREAS, the Honorable Bonnie Lineweaver Paul, an active community leader and respected attorney who ably represented residents of the Shenandoah Valley in the House of Delegates for two terms, died on May 24, 2020; and

WHEREAS, a native of Harrisonburg, Bonnie Paul graduated as valedictorian of Harrisonburg High School and earned a bachelor's degree in art history from Wilson College in Pennsylvania; she subsequently worked as an assistant to the curator of the Virginia Museum of Fine Arts; and

WHEREAS, in the 1960s, Bonnie Paul relocated to a military base in Thailand while her husband was deployed to Vietnam and demonstrated her commitment to lifelong learning by establishing a library on the base; and

WHEREAS, after returning to the Commonwealth, Bonnie Paul taught art history at what is now James Madison University and pursued an interest in government as founder of a local League of Women Voters and a Virginia representative to the 1980 Republican National Convention; and

WHEREAS, desirous to be of further service to the Commonwealth, Bonnie Paul ran for and was elected to the House of Delegates in 1975, becoming the first woman from the Shenandoah Valley to serve as a member of the body; and

WHEREAS, during her time as a state lawmaker, Bonnie Paul introduced and supported important pieces of legislation to benefit all Virginians and offered her unique insights to committees and commissions; and

WHEREAS, Bonnie Paul went on to earn a law degree from Washington and Lee University and practiced law in Charlottesville before opening her own practice in Harrisonburg, where she served the community for 30 years; and

WHEREAS, Bonnie Paul offered her wisdom and expertise to the James Madison University Board of Visitors, the Harrisonburg-Rockingham Historical Society, the Women's Health Center at Rockingham Memorial Hospital, and many other nonprofit organizations; and

WHEREAS, Bonnie Paul nurtured her passion for the arts throughout her life, painting watercolor scenes of the beautiful mountain vistas around the home she personally designed; in 2010, she researched, organized, and designed an engaging exhibition on fraktur folk art, an elaborate form of illuminated art related to the calligraphic fraktur script; and

WHEREAS, Bonnie Paul will be fondly remembered and greatly missed by her children, Penelope, John, and Thomas, and their families; her sister, Debra; and numerous other family members, friends, and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of the Honorable Bonnie Lineweaver Paul, a respected attorney and former state legislator who made numerous contributions to communities in the Blue Ridge Mountains; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable Bonnie Lineweaver Paul as an expression of the Senate of Virginia's respect for her memory.

SENATE RESOLUTION NO. 538

Commending Geraldine Bailey Williams Johnson.

Agreed to by the Senate, September 10, 2020

WHEREAS, Geraldine Bailey Williams Johnson, a beloved member of the Richmond community for the past century, celebrated her 100th birthday on August 31, 2020; and

WHEREAS, born in the Newtown neighborhood in South Richmond, Geraldine Johnson was a graduate of Dunbar Elementary School and Armstrong High School; and

WHEREAS, guided throughout her life by her deep and abiding faith, Geraldine Johnson was baptized by the Reverend William L. Ransome at the historic First Baptist Church of South Richmond, where seven generations of her family have been parishioners; and

WHEREAS, an alumna of the Van de Vyver Institute, where she majored in business, Geraldine Johnson later enrolled at Virginia Union University from 1960 to 1964, making the dean's list and earning a degree in elementary education; and

WHEREAS, for over a half-century, Geraldine Johnson has been a passionate and indefatigable supporter of her alma mater, generously supporting the growth and development of tomorrow's leaders; and

WHEREAS, Geraldine Johnson taught at Blackwell Elementary School in Richmond, helping untold children achieve success both in and out of the classroom; and

WHEREAS, Geraldine Johnson hails from an illustrious family of accomplished individuals; her grandfather, Frank L'Overture Williams, Sr., was a graduate of the historic Storer College in Harpers Ferry, West Virginia, and her uncle, Frederick Douglas Williams, was a distinguished veteran of World War I who was honored by Virginia Union University; and

WHEREAS, devoted to her family and Christian faith all her life, Geraldine Johnson has been an inspiration to all whom she has known over the past 100 years; now, therefore, be it

RESOLVED by the Senate of Virginia, That Geraldine Bailey Williams Johnson, an educator and model of integrity who touched countless lives in the Commonwealth, hereby be commended on the occasion of her centennial birthday; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Geraldine Bailey Williams Johnson as an expression of the Senate of Virginia's congratulations and best wishes.

SENATE RESOLUTION NO. 540

Celebrating the life of Lori Lee Brickley.

Agreed to by the Senate, September 16, 2020

WHEREAS, Lori Lee Brickley, a highly admired community leader in Dale City, died on August 23, 2020, after a valiant battle against pancreatic cancer; and

WHEREAS, born into a military family, Lori Brickley traveled throughout the United States and the world at a young age; she attended elementary and middle school in San Antonio, Texas, and graduated from Woodbridge Senior High School after relocating to the Commonwealth; and

WHEREAS, Lori Brickley received an associate's degree from Northern Virginia Community College and worked in Arlington and Washington, D.C.; and

WHEREAS, Lori Brickley met her husband, the Honorable David Brickley, in 1981, while he was presiding over a swearing-in ceremony for members of the Dale City Civic Association, of which she was the new treasurer; the couple married a year later and enjoyed 38 happy years together; and

WHEREAS, in 1991, Lori Brickley became the school financial officer of the newly opened Beville Middle School, where she remained until her well-earned retirement; and

WHEREAS, known for her unflinching kindness, generosity, and grace, Lori Brickley was an active volunteer in the Dale City community, including as a life member of the Dale City Volunteer Fire Department Auxiliary, the Dale City Civic Association, and during her illness continued to volunteer with Action in Community Through Service; and

WHEREAS, while overcoming breast cancer, Lori Brickley became an officer on the American Cancer Society's Prince William Board and chaired the local Relay for Life for many years; and

WHEREAS, Lori Brickley's greatest joy in life was her beloved family, and she will be fondly remembered and greatly missed by her husband, David; her son, Justin, and his family; her stepchildren, Terri and David, Jr., and their families; her father, Bud; her sister, Cindy; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Lori Lee Brickley; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Lori Lee Brickley as an expression of the Senate of Virginia's respect for her memory.

SENATE RESOLUTION NO. 541

Commending Strike Fighter Squadron 213.

Agreed to by the Senate, September 15, 2020

WHEREAS, Strike Fighter Squadron 213, a fighter attack squadron of the United States Navy, commemorated the 75th anniversary of the end of World War II with a ceremonial flyover on September 2, 2020; and

WHEREAS, stationed at Naval Air Station Oceana in Virginia Beach, the "Fighting Blacklions" of Strike Fighter Squadron 213 flew over the USS *Wisconsin* in Norfolk at 9:08 a.m., the precise time 75 years ago that Japanese officials signed the documents of surrender that ended World War II; and

WHEREAS, the USS *Wisconsin* that Strike Fighter Squadron 213 flew over is a sister ship of the USS *Missouri* that Japanese officials boarded in 1945 to formally surrender to U.S. General Douglas MacArthur; and

WHEREAS, to execute the flyover, Strike Fighter Squadron 213 deployed two F/A-18F Super Hornets, creating a distinguished and inspirational spectacle for all in attendance to enjoy; and

WHEREAS, the Strike Fighter Squadron 213's flyover highlighted a celebratory event organized by the General Assembly's Virginia World War I and World War II Commemoration Commission, which has been organizing events to honor veterans for the past several years; and

WHEREAS, Strike Fighter Squadron 213 provided a fitting and memorable conclusion to the Commonwealth's official series of events honoring the 100th anniversary of World War I and the 75th anniversary of World War II; now, therefore, be it

RESOLVED by the Senate of Virginia, That Strike Fighter Squadron 213, a fighter attack squadron of the United States Navy, hereby be commended for their ceremonial flyover commemorating the end of World War II; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Commander Leslie A. Mintz, commanding officer of Strike Fighter Squadron 213, as an expression of the Senate of Virginia's admiration for the squadron's service on behalf of the Commonwealth and the country.

SENATE RESOLUTION NO. 542

Commending Lieutenant Colonel Alexander Semyon Vindman, USA, Ret.

Agreed to by the Senate, September 25, 2020

WHEREAS, Lieutenant Colonel Alexander Semyon Vindman, USA Ret., retired from military service in July 2020 after a distinguished 21-year career, including service as Director of European Affairs for the United States National Security Council; and

WHEREAS, born in Ukraine, Alexander Vindman immigrated to the United States with his family and grew up in New York; he attended State University of New York at Binghamton, where he participated in the Reserve Officers' Training Corps program and was commissioned as a second lieutenant in the United States Army after graduation; and

WHEREAS, Alexander Vindman completed foreign deployments to South Korea and Germany and served a tour of duty during the Iraq War, earning a Purple Heart after he was wounded by a roadside bomb in October 2004; he later became a foreign area officer specializing in Eurasia and was assigned to United States embassies in Ukraine and Russia; and

WHEREAS, in 2015, Alexander Vindman achieved the rank of lieutenant colonel and was assigned to the Chairman of the Joint Chiefs of Staff as a politico-military affairs officer with a focus on Russia; and

WHEREAS, in July 2018, Lieutenant Colonel Vindman was assigned to the United States National Security Council and participated in high-level policy discussions related to Europeans affairs; and

WHEREAS, over the course of his military career, Lieutenant Colonel Vindman earned the Ranger Tab and the Parachutist Badge, as well as two Defense Meritorious Service Medals, four Army Commendation Medals, and two Army Achievement Medals, among many other awards and decorations; and

WHEREAS, Lieutenant Colonel Vindman courageously served the United States with dedication, distinction, and dignity; now, therefore, be it

RESOLVED by the Senate of Virginia, That Lieutenant Colonel Alexander Semyon Vindman, USA, Ret., hereby be commended for his honorable military service and his commitment to the preservation and defense of the Constitution and its values upon which this nation was founded; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Lieutenant Colonel Alexander Semyon Vindman, USA, Ret., as an expression of the Senate of Virginia's admiration for his achievements in service to the nation.

SENATE RESOLUTION NO. 543

Celebrating the life of Jacqueline Kidd King.

Agreed to by the Senate, September 16, 2020

WHEREAS, Jacqueline Kidd King, an accomplished businesswoman and the longtime vice mayor of Wytheville, died on April 30, 2020; and

WHEREAS, a graduate of Rural Retreat High School who attended Radford University, Jacqueline "Jackie" King relocated to Wytheville with her husband, Bill, after his period of service in the United States Army; and

WHEREAS, as owners and operators of Bill King's Furniture, Inc., in Wytheville for more than 30 years, Jackie King and her husband provided their community with exceptional home furnishings and customer service; and

WHEREAS, a valued member of the Wytheville-Wythe-Bland Chamber of Commerce and the first woman to serve as the organization's president, Jackie King was an esteemed advocate for economic development in the region; and

WHEREAS, for 28 years, Jackie King was an invaluable guiding force as a member of the Wytheville Town Council; in 1994, she also became the first woman to be elected vice mayor of Wytheville, spearheading various initiatives over her 26-year tenure; and

WHEREAS, a fixture on several of the Wytheville Town Council's committees and commissions, Jackie King played an instrumental role in the creation of the Wytheville Community Center, which has since become an important gathering place in town; and

WHEREAS, Jackie King was actively engaged in her community through her involvement with the Links Women's Club and the Junior Woman's Club, both of which she served as president, and as a drive chairwoman for the American Cancer Society and a volunteer at the Wythe County Community Hospital Auxiliary; and

WHEREAS, in recognition of her years of service, Jackie King's name was added to the Civic Monument at the Wytheville Wall of Honor in Withers Park in 2017; a year later, she was the recipient of the Wytheville-Wythe-Bland Chamber of Commerce's Outstanding Citizen of the Year Award; and

WHEREAS, guided throughout her life by her deep and abiding faith, Jackie King enjoyed worship and fellowship with her community at Holy Trinity Lutheran Church for more than a half-century; and

WHEREAS, preceded in death by her daughter, Karen, Jackie King will be dearly remembered and fondly missed by her loving husband of 62 years, Bill; her children, Jeffrey and Michael, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Jacqueline Kidd King, the first female vice mayor of Wytheville, who touched countless lives with her kindness and generosity; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Jacqueline Kidd King as an expression of the Senate of Virginia's respect for her memory.

SENATE RESOLUTION NO. 544

Celebrating the life of Jeff Matthew Wescott, Jr.

Agreed to by the Senate, September 25, 2020

WHEREAS, Jeff Matthew Wescott, Jr., an honored veteran, esteemed longshoreman, and beloved member of the Norfolk community, died on July 21, 2020; and

WHEREAS, born and raised in Norfolk, Jeff Wescott graduated from Booker T. Washington High School in 1964, whereupon he voluntarily enlisted in the United States Marine Corps and served his country valiantly for four years during the Vietnam War; and

WHEREAS, returning home, Jeff Wescott studied at Norfolk State University and joined the Merchant Marines before he was ultimately inspired to follow in his father's footsteps and join the brotherhood of the International Longshoremen Association 1248; and

WHEREAS, Jeff Wescott worked as a checker in the Port of Virginia, contributing to the safe, responsible, and efficient operation of a major lifeline of the Commonwealth's economy; and

WHEREAS, a lover of nature who enjoyed working along the water, photographing mountains, and driving with the windows down, Jeff Wescott brightened untold lives with his humor and high spirits; and

WHEREAS, preceded in death by his brother and best friend, Leroy, Jeff Wescott will be dearly remembered and fondly missed by his loving wife, Ida; his children, Giovanni, Domergue, Nichole, Dominique, and Rudy, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Jeff Matthew Wescott, Jr., an honored veteran and accomplished longshoreman who touched countless lives in the Norfolk community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Jeff Matthew Wescott, Jr., as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 545

Celebrating the life of Richard Rigney.

Agreed to by the Senate, October 1, 2020

WHEREAS, Richard Rigney, an honored veteran, esteemed education professional, and beloved member of the Virginia Beach community, died on August 21, 2020; and

WHEREAS, raised in Philadelphia, Pennsylvania, Richard "Durk" Rigney graduated from Villanova University in 1958 and later earned a degree in education from Rutgers University; and

WHEREAS, an educator dedicated to the growth and development of young people, Durk Rigney briefly taught grade school in New Jersey and later enjoyed a successful career in K-12 educational publishing that spanned more than a half-century; and

WHEREAS, while a member of the United States Army Reserve, Durk Rigney was called to active duty and served his country with courage and valor during the Berlin Crisis of 1961; and

WHEREAS, Durk Rigney moved to Virginia Beach in 2002 and quickly became an active and engaged member of his newfound community, generously volunteering his time and talents to the Virginia Beach Republican Party and the local chapter of Meals on Wheels; and

WHEREAS, guided throughout his life by his deep and abiding faith, Durk Rigney enjoyed worship and fellowship with his communities at St. Nicholas Catholic Church and Church of the Holy Family in Virginia Beach, serving several ministries over the years; and

WHEREAS, a passionate fan of Villanova University sports, Durk Rigney would regularly drive hundreds of miles from Virginia Beach to Philadelphia to attend home football and basketball games; and

WHEREAS, Durk Rigney will be dearly remembered and fondly missed by his loving wife, Kathleen; his children, Michael, Robert, Richard, Mark, Kevin, and Jon, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Richard Rigney, who made lasting contributions to the education of young people throughout his career and touched countless lives in the Virginia Beach community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Richard Rigney as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 546

Celebrating the life of Joseph Alexander.

Agreed to by the Senate, October 1, 2020

WHEREAS, Joseph Alexander, a dedicated public servant who represented the Lee District on the Fairfax County Board of Supervisors for more than three decades and was well known for his expertise on transportation issues in Northern Virginia, died on August 30, 2020; and

WHEREAS, a native of Pittsburgh, Pennsylvania, Joseph "Joe" Alexander relocated to Virginia with his family and graduated from Mount Vernon High School and Virginia Polytechnic Institute and State University; and

WHEREAS, Joe Alexander served his country during the Korean War as a member of the United States Air Force, rising to the rank of first lieutenant; and

WHEREAS, after his honorable military service, Joe Alexander returned to the Commonwealth and followed in his father's footsteps as the owner of Franconia Hardware; and

WHEREAS, desirous to be of further service, Joe Alexander ran for and was elected to the Fairfax County Board of Supervisors in 1963; his experience as a hardware store owner translated to a practical leadership style and an unparalleled level of constituent service; and

WHEREAS, during his long tenure as a county supervisor, Joe Alexander witnessed significant population growth in the Lee District and throughout Fairfax County; he oversaw the establishment of modern water and sewer systems, the installation of sidewalks and streetlights, and the creation of new green spaces and parks to better serve the community; and

WHEREAS, as a longtime member of the Franconia Volunteer Fire Department, Joe Alexander was also a champion for public safety issues and worked diligently to support law-enforcement officers and other first responders in the region; and

WHEREAS, having joined the Northern Virginia Transportation Commission (NVTC) as a founding member in 1964, Joe Alexander represented the region before organizations like the Virginia Railway Express and the Washington Metropolitan Area Transit Authority (WMATA); and

WHEREAS, most notably, Joe Alexander was one of the chief architects of the Washington Metro, overseeing the design and construction of the rail system, as well as working with other regional leaders to establish the Metrobus system; and

WHEREAS, upon his well-earned retirement in 1995, Joe Alexander was the longest-serving member of the Fairfax County Board of Supervisors; in recognition of his legacy contributions to the Lee District, NVTC, and WMATA, the Joe Alexander Franconia-Springfield Transit Center was named in his honor; and

WHEREAS, Joe Alexander served the Virginia Transportation Association for over three decades in many leadership roles, including as president and as a member of the executive committee and board of directors; and

WHEREAS, at the national level, Joe Alexander served as chair of the American Public Transportation Association for two years and was inducted into the organization's Hall of Fame in 2008; and

WHEREAS, Joe Alexander also offered his expertise as a vice president of Washington-Lee Savings and Loan Association and preserved the history and heritage of the region as a board member and volunteer at the Franconia Museum; and

WHEREAS, Joe Alexander will be fondly remembered and greatly missed by his wife of 64 years, Davina; his daughters, Cathy and Cheri, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Joseph Alexander, a highly respected former member of the Fairfax County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Joseph Alexander as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 547

Celebrating the life of Kevin Beekman.

Agreed to by the Senate, September 25, 2020

WHEREAS, Kevin Beekman, an economist and community advocate who was a pillar of the Arlandria neighborhood in Alexandria for many years, died on August 24, 2020; and

WHEREAS, as an economist specializing in travel and transportation forecasting, Kevin Beekman worked tirelessly in support of environmental issues, smart growth strategies, and social justice, both in his neighborhood and beyond; and

WHEREAS, Kevin Beekman moved to Arlandria, a neighborhood situated along the border of Alexandria and Arlington County, in the 1990s and devoted his life to the responsible development and oversight of his newfound home; and

WHEREAS, a proponent for economic revitalization efforts and affordable housing, Kevin Beekman inspired others with his vision for a thriving and inclusive Arlandria; and

WHEREAS, in recent years, Kevin Beekman was a member of the joint task force of the Four Mile Run Restoration Project and helped cofound the Four Mile Run Conservatory Foundation, greatly enhancing the park for the enjoyment of all; and

WHEREAS, Kevin Beekman was co-founder and ever-present supporter of the Four Mile Run Farmers and Artisans Market, a convivial weekly gathering that has promoted local agriculture and community ties since 2010; and

WHEREAS, as editor of the local blog, "The Arlandrian," Kevin Beekman gave generously of his time and energy to celebrate the spirit and diversity of his beloved community; and

WHEREAS, Kevin Beekman will be dearly remembered and fondly missed by his loving wife, Nathalie; his children, Claire and Nora; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Kevin Beekman, an economist and community advocate whose legacy in the Arlandria neighborhood of Alexandria will be cherished for years to come; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Kevin Beekman as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 548

Commending Elaine R. Jones.

Agreed to by the Senate, October 1, 2020

WHEREAS, Elaine R. Jones became the first African American woman to graduate from the University of Virginia School of Law in 1970 and went on to serve as a distinguished civil rights attorney; and

WHEREAS, a native of Norfolk, Elaine Jones earned a bachelor's degree from Howard University and subsequently taught English in Turkey as a member of the Peace Corps before applying to the University of Virginia School of Law in 1967; and

WHEREAS, Elaine Jones was one of only seven women and only two African Americans admitted in the Class of 1970; after graduation, she distinguished herself as a determined civil rights litigator and a trailblazing leader for other African American women in the legal field; and

WHEREAS, Elaine Jones joined the NAACP Legal Defense and Educational Fund and spent the majority of her career with the organization, except two years when she served as special assistant to the Secretary of Transportation under President Gerald Ford, during which time she played a role in opening service in the United States Coast Guard to women; and

WHEREAS, in 1972, Elaine Jones was the counsel of record in the landmark United States Supreme Court case *Furman v. Georgia*, the decision that struck down death penalty statutes in 37 states and held for more than a decade; and

WHEREAS, Elaine Jones participated in numerous civil rights cases, including several employment discrimination cases and class action lawsuits; and

WHEREAS, in 1993, Elaine Jones became the first woman president and director-counsel of the NAACP Legal Defense and Educational Fund; she expanded the organization's practice areas to include health care and environmental law while maintaining a strong focus on education, voting rights, criminal justice, and economic access; and

WHEREAS, after 34 years of outstanding service and leadership, Elaine Jones retired from the NAACP Legal Defense and Educational Fund in 2004; and

WHEREAS, among many accolades throughout her career, Elaine Jones earned the 1998 Distinguished Alumna Award and the 1999 Thomas Jefferson Foundation Medal in Law from the Foundation and the University of Virginia; now, therefore, be it

RESOLVED by the Senate of Virginia, That Elaine R. Jones hereby be commended on the occasion of the 50th anniversary of her historic graduation from the University of Virginia School of Law; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Elaine R. Jones as an expression of the Senate of Virginia's admiration for her legacy of achievements and contributions to the legal field.

SENATE RESOLUTION NO. 549

Commending the captain and crew of the Smuggler's Point fishing vessel.

Agreed to by the Senate, September 25, 2020

WHEREAS, on August 20, 2020, the captain and crew of *Smuggler's Point*, a menhaden fishing vessel that is owned by Ocean Harvesters and operates exclusively for Omega Protein Corporation, participated in an at-sea rescue of six people aboard a recreational boat that had caught fire near Ocean City, Maryland; and

WHEREAS, after a routine day of fishing, *Smuggler's Point* was returning to the Omega Protein Corporation facility in Reedville to unload its catch of Atlantic menhaden; and

WHEREAS, while steaming off the coast near Ocean City, Maryland, *Smuggler's Point* crewmembers received a mayday call over the radio from another nearby vessel, *No Filter*, that was in distress approximately one-half mile from their location; and

WHEREAS, Captain Robert Huff and the crew of *Smuggler's Point* immediately sprang into action, changing course and heading toward the coordinates broadcasted by *No Filter*; and

WHEREAS, *Smuggler's Point* was first to arrive on the scene, where the crew found *No Filter* on fire and six people in the water; the crew maneuvered its 170-foot vessel toward the distressed people and deployed lifesaving rescue equipment to bring them safely on board; and

WHEREAS, the captain and crew of *Smuggler's Point* remained in constant communication with the United States Coast Guard and maritime officials in Maryland throughout the rescue; and

WHEREAS, the individuals rescued by the *Smuggler's Point* crew were offered a warm space in the pilothouse, as well as water and masks, and waited with the crew until authorities arrived to take the rescued recreational fishermen safely back to shore; and

WHEREAS, the captain and crew of *Smuggler's Point* had been trained for this type of dangerous and life-threatening situation in numerous safety meetings conducted by Omega Protein Corporation, and had developed a detailed plan that they executed with extreme care and concern, following all safety protocols and exhibiting the highest degree of maritime professionalism; and

WHEREAS, the crewmembers of *Smuggler's Point* are longtime menhaden fishermen with decades of experience in the industry, including Captain Huff, who has been with the menhaden fishery since the late 1970s and a captain since 1985, and First Mate Roger Smith, also a captain, who has been with the fishery since 1988; and

WHEREAS, the crewmembers of *Smuggler's Point* are dedicated employees of Omega Protein Corporation, which is a nutritional product company that has developed, produced, and delivered healthy products throughout the world to improve the nutritional integrity of foods, dietary supplements, and animal feeds for more than 100 years; and

WHEREAS, Omega Protein Corporation is a division of Cooke, Inc., a family-owned fishery company based in New Brunswick, Canada, that also owns and operates Wanchese Fish Company in Suffolk; the company's mission is to help people lead healthier lives with better nutrition through sustainably sourced ingredients such as highly refined specialty oils, specialty proteins products, and nutraceuticals; and

WHEREAS, Omega Protein Corporation operates seven manufacturing facilities in the United States, Canada, and Europe and maintains a long-term supply contract with Ocean Harvesters, which owns 30 vessels, including *Smuggler's Point*, that harvest menhaden, a fish abundantly found in the Atlantic Ocean and Gulf of Mexico; and

WHEREAS, Omega Protein Corporation is proud to include as a significant part of its workforce members of the United Food and Commercial Workers Local 400, some of whom were aboard *Smuggler's Point* and played an integral role in the successful rescue of the recreational fishermen; now, therefore, be it

RESOLVED by the Senate of Virginia, That the captain and crew of the *Smuggler's Point* fishing vessel hereby be commended for their selfless efforts to rescue distressed individuals aboard *No Filter* on August 20, 2020; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare copies of this resolution for presentation to the captain and crew of the *Smuggler's Point* fishing vessel and Omega Protein Corporation as an expression of the Senate of Virginia's admiration for the captain's and the crew's professionalism, bravery, and care and concern for their fellow mariners.

SENATE RESOLUTION NO. 550

Commending Annie Eliza Lewis.

Agreed to by the Senate, September 25, 2020

WHEREAS, Annie Eliza Lewis, a beloved member of the Henrico County community, marked her 100th birthday on July 2, 2020; and

WHEREAS, affectionately known to family and friends as “Annie Pie,” Annie Lewis was born and raised in eastern Henrico County, where she lovingly raised five children and supported her community for many years; and

WHEREAS, guided by her deep and abiding faith, Annie Lewis is a congregant at St. James Baptist Church in Henrico County, where she has enjoyed worship and fellowship with her community throughout her life; and

WHEREAS, Annie Lewis was active in the civil rights movement of the 1960s through her involvement in her church, which worked closely with the NAACP at the time; alongside her family, she provided meals at meetings and events and helped disseminate information throughout the community; and

WHEREAS, on July 5, 2020, at St. James Baptist Church, hundreds of friends, family, and local politicians, including Delegate Dolores McQuinn, Senator Joe Morrissey, and former Richmond mayor Dwight C. Jones, held a car parade to honor Annie Lewis; and

WHEREAS, exuding grace, good humor, and kindness while reliably helping anyone in need, Annie Lewis embodies the best of what makes the Commonwealth a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the Senate of Virginia, That Annie Eliza Lewis, a distinguished citizen of Henrico County, hereby be commended on the occasion of her 100th birthday; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Annie Eliza Lewis as an expression of the Senate of Virginia’s admiration for her remarkable life and contributions to the Commonwealth over the past century.

SENATE RESOLUTION NO. 551

Celebrating the life of Oliver White Hill, Jr.

Agreed to by the Senate, October 1, 2020

WHEREAS, Oliver White Hill, Jr., a distinguished educator and a respected member of the Richmond community, died on July 7, 2020; and

WHEREAS, affectionately known to family and friends as “Duke,” Oliver Hill was the son of the renowned civil rights attorney, Oliver W. Hill, Sr., and followed his father’s example as a servant-leader; and

WHEREAS, Oliver Hill enjoyed a long and fulfilling career with Virginia State University (VSU), serving as a professor of psychology, chair of the Psychology Department, and interim dean of VSU’s College of Natural and Health Sciences; and

WHEREAS, Oliver Hill also played an instrumental role in creating VSU’s first doctoral program, a Ph.D. in health psychology; and

WHEREAS, Oliver Hill garnered national attention for his trailblazing research into school reform and bias in testing, and he worked diligently to address achievement gaps in mathematics that often prevented African Americans from pursuing careers in the sciences; and

WHEREAS, Oliver Hill will be fondly remembered and greatly missed by his wife, Renee; his children, Jananda, Maia, and Jamaa, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Oliver White Hill, Jr., an accomplished educator in Richmond who touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Oliver White Hill, Jr., as an expression of the Senate of Virginia’s respect for his memory.

SENATE RESOLUTION NO. 553

Celebrating the life of Douglas Dee Moore.

Agreed to by the Senate, October 1, 2020

WHEREAS, Douglas Dee Moore, accomplished businessman, skilled logger, and beloved member of the Dugspur community, died on July 28, 2020; and

WHEREAS, a graduate of the SHARP Logger program at the Virginia Polytechnic Institute and State University, Douglas Moore worked in the logging industry for more than a half-century; and

WHEREAS, Douglas Moore founded and operated Moore Logging and managed projects throughout the Counties of Bland, Carroll, Floyd, Giles, Grayson, Henry, Montgomery, Patrick, Pulaski, Wythe, and other parts of Southwest Virginia; and

WHEREAS, an avid hunter, Douglas Moore was dedicated to the conservation of wildlife and preservation of hunting heritage as a member of the National Rifle Association, the Rocky Mountain Elk Foundation, and the National Wild Turkey Federation; and

WHEREAS, on November 8, 1973, Douglas Moore made history as the first person to check in a deer in the Commonwealth that was killed with a muzzleloader firearm; and

WHEREAS, a longtime competitor in street stock division races, Douglas Moore was a track champion at the Motor Mile Speedway in Pulaski County; and

WHEREAS, guided throughout his life by his deep and abiding faith, Douglas Moore enjoyed worship and fellowship with his community at Calvary Baptist Church in Dugspur, where he served as a deacon for 25 years; and

WHEREAS, later in life, Douglas Moore and his wife, Linda, proudly adopted Kayden and Riley Anderson, welcoming them into their home with great love and affection; and

WHEREAS, Douglas Moore will be dearly remembered and fondly missed by his loving wife, Linda; his children, Tammy, Tracy Dee, Teresa, Kayden, and Riley; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Douglas Dee Moore, a consummate logger and outdoorsman who was known by all in the Dugspur community as an honorable man of great integrity; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Douglas Dee Moore as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 554

Celebrating the life of Albert Sidney Johnston Tucker III.

Agreed to by the Senate, October 1, 2020

WHEREAS, Albert Sidney Johnston Tucker III, an accomplished audio engineer and active member of the Lexington community, died on April 30, 2020; and

WHEREAS, Albert "Al" Tucker spent the earliest years of his life overseas, as his father, a colonel in the United States Air Force, was stationed in England and Turkey before the family ultimately returned to Lexington; and

WHEREAS, starting his career at Maryland Sound Industries in the 1970s, Al Tucker built a reputation as a talented and reliable audio engineer, leading him to work with some of music's most famous entertainers over the years; and

WHEREAS, returning to his hometown of Lexington in 2005 to care for his father, Al Tucker quickly became a valued member of the community; he was a political leader in both local and state government and the longtime treasurer of the 6th District Republican Committee; and

WHEREAS, guided through life by his deep and abiding faith, Al Tucker enjoyed worship and fellowship with his community at St. Patrick Catholic Church in Lexington for many years; and

WHEREAS, predeceased by his first wife, Patricia, Al Tucker will be dearly remembered and fondly missed by his wife, Deborah; his children, Albert IV and Rachael, and their families; his father, Albert, Jr.; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Albert Sidney Johnston Tucker III, distinguished audio engineer and cherished member of the Lexington community, who touched countless lives through his humor, generosity, and unflagging optimism; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Albert Sidney Johnston Tucker III as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 555

Celebrating the life of Nancy Lewey Spigle.

Agreed to by the Senate, October 2, 2020

WHEREAS, Nancy Lewey Spigle, an esteemed educator, public servant, and dedicated and committed member of the Roanoke County community, died on February 11, 2020; and

WHEREAS, a graduate of The College of William and Mary, Nancy Spigle dedicated her career to teaching, aiding innumerable students on their path to success both in and out of the classroom; and

WHEREAS, after her retirement, Nancy Spigle was actively involved in a retired teachers' association, working tirelessly to support her fellow educators; and

WHEREAS, Nancy Spigle spent her life advancing Republican principles and values as a longtime committee member of the Roanoke County Republican Party; she was involved in many successful election campaigns and was a vocal opponent of Harry Byrd; and

WHEREAS, preceded in death by her loving husband William, Nancy Spigle will be fondly remembered and dearly missed by her son, Allen, and his family, as well as numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Nancy Lewey Spigle, who touched countless lives as a teacher, Republican Party supporter, and friend; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Nancy Lewey Spigle as an expression of the Senate of Virginia's respect for her memory.

SENATE RESOLUTION NO. 556

Celebrating the life of Walter H. Peake III.

Agreed to by the Senate, October 1, 2020

WHEREAS, Walter H. Peake III, an accomplished attorney who made many contributions to the Roanoke community and a beloved husband, father, and brother, died on April 3, 2019; and

WHEREAS, Walter “Walt” Peake attended Patrick Henry High School and earned a bachelor’s degree from Virginia Polytechnic Institute and State University; he remained a proud alumnus of the university and a passionate supporter of the Hokies football and basketball teams throughout his life; and

WHEREAS, after earning a law degree from George Mason University, Walt Peake moved to Roanoke and began his career with the firm Gentry, Locke, Rakes & Moore; he subsequently cofounded Frith Anderson + Peake, PC, where he practiced until the time of his passing; and

WHEREAS, Walt Peake developed an extensive understanding of professional liability law related to medical malpractice, further honing his keen intellect, analytical skills, and subject matter expertise with each case; and

WHEREAS, Walt Peake was a dedicated advocate for his clients and was well known for his engaging written and oral arguments, which were often punctuated with bits of his encyclopedic knowledge of song lyrics, sports trivia, and quotes; and

WHEREAS, in recognition of his legacy of achievements, the Virginia Association of Defense Attorneys posthumously awarded the 2019 Award for Excellence in Civil Litigation to Walt Peake; and

WHEREAS, outside of his career, Walt Peake enjoyed fellowship and worship with the community as a member of St. John’s Episcopal Church; and

WHEREAS, Walt Peake’s greatest joy in life was his family; he is fondly remembered and greatly missed by his wife, Nancy; his children, Meredith, Kathleen, and John, and their families; his brother, Mark, and his family; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Walter H. Peake III, a distinguished attorney and highly admired member of the Roanoke community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Walter H. Peake III as an expression of the Senate of Virginia’s respect for his memory.

SENATE RESOLUTION NO. 557

Celebrating the life of Cody Lee Wingate.

Agreed to by the Senate, October 1, 2020

WHEREAS, Cody Lee Wingate, a respected civic leader who served as general registrar of Grayson County, died on August 21, 2020; and

WHEREAS, Cody Wingate took office as general registrar of Grayson County in May 2012 and worked diligently to ensure that local voters had the opportunity to make their voices heard in well-managed local, state, and national elections; and

WHEREAS, Cody Wingate was a trusted mentor and friend to many people in the community, and he earned the admiration of his staff for his leadership style, generosity, and commitment to service; and

WHEREAS, a man of deep and abiding faith, Cody Wingate was a longtime member of Brush Creek Baptist Church, where he served the congregation as choir director and a deacon; he was also a loyal volunteer with the Grayson Gideon Camp for 26 years; and

WHEREAS, Cody Wingate’s greatest joy in life was his family, and he relished every opportunity to spend time with his beloved children and grandchildren; and

WHEREAS, Cody Wingate will be fondly remembered and greatly missed by his wife of 36 years, Karen; his daughters, Sarah and Renea, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Cody Lee Wingate, who made many contributions to the Grayson County community as general registrar; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Cody Lee Wingate as an expression of the Senate of Virginia’s respect for his memory.

SENATE RESOLUTION NO. 558

Commending Hilton Elementary School.

Agreed to by the Senate, October 7, 2020

WHEREAS, Hilton Elementary School, an outstanding public primary school in Scott County, received the 2020 National Blue Ribbon School award from the U.S. Department of Education; and

WHEREAS, the National Blue Ribbon Schools Program selects winning schools based on multiple criteria, with Hilton Elementary School earning the award for its overall achievement and consistent high performance on state assessments; and

WHEREAS, Hilton Elementary School has served the Scott County community for many years, helping countless students develop self-confidence and build a strong foundation for lifelong learning; and

WHEREAS, Hilton Elementary School joined an elite group of less than 400 schools nationwide and one of only seven schools in Virginia selected as a 2020 National Blue Ribbon School; it was also the only school in the Commonwealth's Region VII to receive the award; and

WHEREAS, Hilton Elementary School and the other 2020 National Blue Ribbon Schools will be honored by the U.S. Department of Education at a virtual conference and awards ceremony on November 12-13, 2020; now, therefore, be it

RESOLVED by the Senate of Virginia, That Hilton Elementary School be commended on its selection as a 2020 National Blue Ribbon School; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Hilton Elementary School as an expression of the Senate of Virginia's admiration for the hard work and dedication of the school's students, faculty, and staff.

SENATE RESOLUTION NO. 559

Commending Delby Huff.

Agreed to by the Senate, October 7, 2020

WHEREAS, Delby Huff, a patriotic veteran who served the United States during World War II and continued to support his fellow soldiers as a defense sector employee, celebrated his 100th birthday on September 19, 2020; and

WHEREAS, born in 1920, Delby Huff grew up in Grayson County, Kentucky, where he worked on his family's farm, which had been deeded to his forebears by George Washington; and

WHEREAS, Delby Huff joined the United States Army prior to World War II and was already deployed overseas in New Guinea when the attack on Pearl Harbor occurred; he subsequently reenlisted and trained at Fort Benning, Georgia, to become one of the nation's first paratroopers; and

WHEREAS, as a member of the 503rd Parachute Infantry Regiment, Delby Huff served under General Douglas MacArthur and helped liberate the Philippines; and

WHEREAS, after his honorable military service, Delby Huff continued to serve the nation as a parachute inspector for the U.S. Department of Defense; and

WHEREAS, Delby Huff relocated to Virginia in 1955 and pursued a 40-year career as a cataloguer at what is now known as Defense Supply Center, Richmond; and

WHEREAS, Delby Huff resides in Chesterfield with his daughter, Barbara, and near his son, Johnny, who followed in his father's footsteps as a member of the military; now, therefore, be it

RESOLVED by the Senate of Virginia, That Delby Huff hereby be commended on the occasion of his 100th birthday; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Delby Huff as an expression of the Senate of Virginia's admiration for his achievements in service to the United States and the Commonwealth.

SENATE RESOLUTION NO. 560

Celebrating the life of Charles C. Woods.

Agreed to by the Senate, October 7, 2020

WHEREAS, Charles C. Woods, a courageous and beloved firefighter who touched countless lives in Marion and Smyth County, died on September 23, 2020; and

WHEREAS, Charles Woods, affectionately known to friends and family as "Dog," was born in Smyth County, where he was an active and engaged member of his community all of his life; and

WHEREAS, Charles Woods worked at Hayes Carpet for nearly two decades and later oversaw maintenance at the Park Terrace Apartments in Marion for more than 17 years, demonstrating a tireless work ethic and conducting his business with great care and attention; and

WHEREAS, Charles Woods was a cherished member of the Adwolfe Volunteer Fire Department for 34 years, valiantly risking his life time and again to protect the citizens and property of Adwolfe and Smyth County; and

WHEREAS, a certified emergency medical technician, Charles Woods was a member of the Marion Life Saving Crew for several years, delivering timely and effective medical care to aid the health and well-being of others; and

WHEREAS, a devoted fan of NASCAR, Charles Woods was a proud member of the Bristol Motor Speedway fire team, ensuring the raceway's events were carried out in a safe and responsible manner; and

WHEREAS, in recognition of his decisive actions to assist an individual in need, Charles Woods was the recipient of a lifesaving award during his career; and

WHEREAS, to honor his bravery and service to others, full fireman's honors were rendered by the Adwolfe Volunteer Fire Department during Charles Woods' interment; and

WHEREAS, Charles Woods will be fondly remembered and dearly missed by his loving wife of 35 years, Missy; his children, Zack and Jimmy, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Charles C. Woods, an esteemed and honorable firefighter who inspired his community through his heroism and valor; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Charles C. Woods as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 561

Celebrating the life of Myrl Lewis Hairfield.

Agreed to by the Senate, October 14, 2020

WHEREAS, Myrl Lewis Hairfield, an esteemed real estate developer and admired member of the Williamsburg community, died on September 14, 2020; and

WHEREAS, born in Roanoke, Myrl Hairfield attended Smithdeal-Massey Business College, Virginia Commonwealth University, and the T.C. Williams School of Law at the University of Richmond; and

WHEREAS, throughout his long and illustrious career as a developer, Myrl Hairfield held executive positions with several prominent real estate companies, contributing greatly to the growth and economic prosperity of the Commonwealth; and

WHEREAS, Myrl Hairfield's achievements as a builder, which include the Kingsmill Resort in Williamsburg, the Scott's Creek Marina in Portsmouth, and the Stonehouse at Mill Pond development in James City County, have benefitted innumerable Virginians over the years; and

WHEREAS, Myrl Hairfield was dedicated to the advancement of the real estate industry as a member of the National Association of Realtors, the Home Builders Association of Virginia, and the Peninsula Housing and Builders Association, for which he served as director from 1976 to 1979; and

WHEREAS, in recognition of his many professional accomplishments, Myrl Hairfield was listed as a noteworthy development company executive by the publishing company Marquis Who's Who; and

WHEREAS, an avid hunter and fisherman, one of Myrl Hairfield's most cherished pastimes was his annual pheasant hunting trip to South Dakota, where he enjoyed bonding with close friends in the great outdoors; and

WHEREAS, Myrl Hairfield will be dearly remembered and fondly missed by his loving wife, Alice; his children, Carol and Sandra, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Myrl Lewis Hairfield, an accomplished real estate developer who was beloved by many for his wisdom and friendship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Myrl Lewis Hairfield as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 562

Celebrating the life of John Manley Garber.

Agreed to by the Senate, October 14, 2020

WHEREAS, John Manley Garber, a civic leader and entrepreneur who played a pivotal role in bringing electricity to rural Prince William County, died on September 13, 2020; and

WHEREAS, a native of Augusta County, Manley Garber relocated to Prince William County at a young age and worked full time on his family's farm after graduating high school; he later established multiple businesses of his own, including a waste management company, a mobile-home park, a camper and trailer dealership, and a commercial real estate enterprise; and

WHEREAS, when an investor-owned electric utility company refused to provide service to any home or business not located on a main road, Manley Garber took electric service from the fledgling Prince William Electric Cooperative; and

WHEREAS, Manley Garber was elected to the Prince William Electric Cooperative Board of Directors at the age of 25 in 1950 and served as secretary of the board until his election as chairman in 1974; and

WHEREAS, after the Prince William Electric Cooperative merged with the Tri-County Electric Cooperative in 1983, Manley Garber was elected as chairman of the newly formed Northern Virginia Electric Cooperative (NOVEC), a position he held until 2008; and

WHEREAS, Manley Garber remained on the NOVEC Board of Directors and subsequently became the longest-serving board member of any electric cooperative in the United States; he was named Director Emeritus upon his well-earned retirement from the board after more than 68 years; and

WHEREAS, at the regional level, Manley Garber served on the board of the Virginia, Maryland & Delaware Association of Electric Cooperatives for five decades, including two terms as chairman; and

WHEREAS, over the course of his long career, Manley Garber earned a reputation for generosity and integrity, touching countless lives throughout the region; and

WHEREAS, among many awards and accolades, Manley Garber proudly accepted the 2018 Charles J. Colgan Visionary Award from the Prince William Chamber of Commerce, a fitting tribute to his extraordinary civic leadership and advocacy for the residents of Northern Virginia; and

WHEREAS, Manley Garber was a life trustee of Bridgewater College and also offered his wisdom and business acumen to the boards of Prince William Hospital, First Manassas Bank, and Commonwealth Savings and Loan Association; and

WHEREAS, Manley Garber was a founding member of Woodbridge Church of the Brethren, where he enjoyed fellowship and worship with the community for many years; and

WHEREAS, predeceased by his first wife, Jeannette, Manley Garber will be fondly remembered and greatly missed by his wife of 22 years, Kay; his children, Neil, Gerri, Danny, and John, and their families; his stepsons, Young, Richard, and Jay, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of John Manley Garber, highly admired civic and business leader in Prince William County; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of John Manley Garber as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 565

Celebrating the life of Lois Saunier Hornsby.

Agreed to by the Senate, October 14, 2020

WHEREAS, Lois Saunier Hornsby, longtime community activist and education advocate who was a guiding light in the Williamsburg community over the past half century, died on August 26, 2020; and

WHEREAS, Lois Hornsby grew up in Richmond and graduated from Mary Washington College, where her role leading a well-traveled vocal trio would foretell a lifetime dedicated to the promotion of the arts; and

WHEREAS, settling in Williamsburg to raise a family, Lois Hornsby helped establish the local Head Start program in the 1960s and later chaired several Parent Teacher Association councils, working particularly to improve minority student achievement throughout Williamsburg-James City County Public Schools; and

WHEREAS, Lois Hornsby was a founding member of All Together Williamsburg, an organization that has spearheaded diversity awareness initiatives and other educational programs in the community for the past 25 years; and

WHEREAS, with a brilliance for leveraging the arts to unite people, Lois Hornsby was an active supporter of the international arts program Up With People and formed a youth musical group called Sing Out Williamsburg, which inspired students with its songs about patriotism, morality, and racial equality; and

WHEREAS, Lois Hornsby was integral to the founding of Williamsburg's Virginia Shakespeare Festival at The College of William & Mary, which in 2013 was designated as the official Shakespeare Festival of the Commonwealth; and

WHEREAS, through her work with Campus Ministries United and the Christian Science college organization at The College of William & Mary, untold students benefitted from Lois Hornsby's spiritual guidance over the years; and

WHEREAS, Lois Hornsby's boundless optimism and drive also led her to support a plethora of local civic organizations, including the Cultural Alliance of Hampton Roads, the NAACP of Williamsburg, the Williamsburg Clergy Fellowship, and many others; and

WHEREAS, in celebration of her remarkable achievements in the areas of education, social justice, and the arts, Lois Hornsby has been honored by several prominent community and civic organizations, including the Daughters of the American Revolution, the NAACP, Church Women United, WHRO Public Media, and the Williamsburg Chamber of Commerce; and

WHEREAS, Lois Hornsby was notably the recipient of both the Prentis Award and the Algernon Sydney Sullivan Award from The College of William & Mary, two of the institution's most prestigious service awards; and

WHEREAS, in recognition of her outsized impact on Williamsburg-James City County Public Schools, the newly constructed Lois S. Hornsby Middle School in Williamsburg was named in her honor in 2010, preserving her legacy for generations to come; and

WHEREAS, guided throughout her life by her deep and abiding faith, Lois Hornsby enjoyed worship and fellowship with her community at First Church of Christ, Scientist in Williamsburg for many years; and

WHEREAS, preceded in death by her loving husband, Robert, Lois Hornsby will be dearly remembered and fondly missed by her children, Robert, Bruce, and Jonathan, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Lois Saunier Hornsby, a beloved community advocate who fought passionately for public education, racial reconciliation, and the arts in Williamsburg and James City County; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Lois Saunier Hornsby as an expression of the Senate of Virginia's respect for her memory.

SENATE RESOLUTION NO. 566

Celebrating the life of John Conover.

Agreed to by the Senate, October 16, 2020

WHEREAS, John Conover, a dedicated civic activist who served the Charlottesville community as a former city councilor and vice mayor, died on October 4, 2020; and

WHEREAS, a native of New Jersey, John Conover received a bachelor's degree from the University of Virginia, studied economics at the University of Chicago, then worked as a teacher at Norfolk State University; he subsequently relocated to Charlottesville, where he worked for the printing company Black Flag Press; and

WHEREAS, John Conover and his wife, Virginia, purchased Black Flag Press, later known as Papercraft Printing, and served local residents from the business's downtown Charlottesville location for many years; and

WHEREAS, desirous to be of further service to the community, John Conover ran for and was elected to the Charlottesville City Council, serving from 1980 to 1984, including a term as vice mayor; and

WHEREAS, after John Conover sold the printing business in 2000, he began a second career as an attorney with the Legal Aid Justice Center, assisting his fellow Charlottesville residents with landlord and tenant disputes and other cases; and

WHEREAS, John Conover helped preserve the community's heritage as a member of the Albemarle Charlottesville Historical Society and safeguarded its natural resources as a member of the Thomas Jefferson Soil and Water Conservation District; and

WHEREAS, John Conover also played a critical role in the creation of the Rivanna Trail system as a founding member of the Rivanna Trails Foundation, and in 2002, he earned the prestigious Charlottesville Bridge Builder award for his legacy of contributions to the city; and

WHEREAS, John Conover will be fondly remembered and greatly missed by his wife, Virginia; his daughters, Ginnie and Joey, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of John Conover, a public servant and community leader in Charlottesville; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of John Conover as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 567

Celebrating the life of Saba Labib Shami.

Agreed to by the Senate, October 16, 2020

WHEREAS, Saba Labib Shami, a highly respected public servant and leader of the Arab American community, passed away surrounded by his family on September 17, 2020; and

WHEREAS, Saba Labib Shami was born an indigenous Christian Palestinian on April 15, 1955, in the village of Maghar and grew up and went to school in the City of Haifa, which is near where Jesus Christ grew up in Galilee, while he and his father worked as painters; and

WHEREAS, while attending high school in Haifa, Saba Labib Shami organized against his school's segregation of Jews and Palestinians, leading to his expulsion from the Israeli education system in its entirety for doing so; and

WHEREAS, Saba Labib Shami moved to the United States, settling first in Indiana, so that he could complete high school and then earn a bachelor's degree in social sciences from Goshen College; he studied philosophy and peace studies at Bethany Theological Seminary, and many years later, he graduated from Virginia Commonwealth University's Virginia Executive Institute; and

WHEREAS, in 1983, Saba Labib Shami moved to the Washington, D.C., Metropolitan Area, where he would work as the Director of Marketing and Assistant Editor of the publication *Arab Traveler*, as vice president of business development at the Bank of Northern Virginia in Arlington, and as principal at Washington Works, LLC, a public affairs firm; and

WHEREAS, Saba Labib Shami then moved into public service in local and state government by working as the Chief Deputy Commissioner for the Virginia Department of Agriculture and Consumer Services; Director of the Virginia Taskforce for Business Development with the Near East; Special Assistant to the Commissioner of the Virginia Department of Motor Vehicles, where he founded the Office of Outreach and served as its first director; Director of Special Projects for the Virginia Port Authority; Chief Deputy Director of the Virginia Department of Professional and Occupational Regulation; member of the Virginia Small Business Advisory Board; and member of the Board of Directors of Arlington Home Ownership Made Easier (AHOME); and

WHEREAS, Saba Labib Shami assisted and served Senator and Governor Tim Kaine, Senator and Governor Mark Warner, Congressman Jim Moran, Congressman and Lieutenant Governor Don Beyer, and many other Virginia local and state elected officials; and

WHEREAS, Saba Labib Shami also founded and sat on the board of directors for a number of charities and political action committees, including The Galilee Fund, New Dominion PAC, and the Virginia Coalition for Human Rights; and

WHEREAS, Saba Labib Shami pursued a lifelong commitment to advocacy for peace and justice, including equal rights and human rights for the Palestinian and Israeli people; and

WHEREAS, Saba Labib Shami spoke many dialects of Arabic, which made him a very popular speaker at Arab American functions, including annual candidate forums, as well as in print and on television; and

WHEREAS, Saba Labib Shami is survived by his wife, Amira Mazzawi Shami; his sons, Amir and Yousef; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Saba Labib Shami, who dedicated years of exemplary service to many communities and citizens of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate of Virginia prepare a copy of this resolution for presentation to the family of Saba Labib Shami as an expression of the Senate of Virginia's respect for his memory and admiration for his extraordinary dedication to human rights and justice.

SUMMARY OF 2020 SPECIAL SESSION I LEGISLATION

TOTAL INTRODUCED LEGISLATION	488
House Bills	149
Senate Bills	121
House Joint Resolutions	13
Senate Joint Resolutions	1
House Resolutions	137
Senate Resolutions	67
TOTAL LEGISLATION PASSED AND/OR AGREED TO	254
House Bills	31
Senate Bills	25
House Joint Resolutions	1
Senate Joint Resolutions	0
House Resolutions	135
Senate Resolutions	62
TOTAL BILLS ENACTED INTO LAW	56
House Bills	31
Senate Bills	25
House Joint Resolutions	0
Senate Joint Resolutions	0
TOTAL CHAPTERS	56
BILLS VETOED BY GOVERNOR	0
House Bills	0
Senate Bills	0

HOUSE BILLS APPROVED SHOWING CHAPTERS AND PAGE NUMBERS

			HOUSE		HOUSE	
HB	Chapter	Page				
5005	56	163				
5029	25	30				
5041	10 E	7				
5043	41	90				
5045	26	30				
5046	44 E	105				
5047	16	18				
5048	12 E	15				
5049	55	155				
5050	38	84				
5051	27	31				
5052	4	3				
5055	29	37				
5058	45	111				
5059	6 E	5				
5062	21	25				
5064	46 E	122				
5068	39 E	87				
5069	35	63				
5072	18	22				
5087	8 E	6				
5093	14	16				
5098	22	28				
5099	31	47				
5104	32	48				
5106	47	124				
5108	28	36				
5109	48	126				
5113	2	2				
5115	49 E	131				
5148	50	132				

Note: E signifies emergency status

SENATE BILLS APPROVED SHOWING CHAPTERS AND PAGE NUMBERS

SENATE			SENATE		
SB	Chapter	Page			
5007	43	103			
5013	3	3			
5014	36	64			
5017	23	29			
5018	33	53			
5024	19	23			
5029	51	134			
5030	37	68			
5031	5	4			
5033	20	24			
5034	52	144			
5035	30	42			
5036	34 E	54			
5038	42	97			
5039	17	19			
5042	11 E	11			
5080	53 E	147			
5081	24 E	29			
5082	7 E	5			
5083	9 E	7			
5088	54 E	153			
5090	13	15			
5106	40	89			
5117	15	17			
5120	1	1			

Note: E signifies emergency status

**THE SENATE
2020 SPECIAL SESSION I**

District Number	Name	County and/or City Represented
39	Barker, George L. (D)	Counties of Fairfax (part) and Prince William (part); City of Alexandria (part)
13	Bell, John J. (D)	Counties of Loudoun (part) and Prince William (part)
33	Boysko, Jennifer B. (D)	Counties of Fairfax (part) and Loudoun (part)
38	Chafin, A. Benton, Jr. (R)	Counties of Bland, Buchanan, Dickenson, Montgomery (part), Pulaski, Russell, Smyth (part), Tazewell, and Wise (part); Cities of Norton and Radford
11	Chase, Amanda F. (R)	Counties of Amelia and Chesterfield (part); City of Colonial Heights
14	Cosgrove, John A., Jr. (R)	Counties of Isle of Wight (part) and Southampton (part); Cities of Chesapeake (part), Franklin (part), Portsmouth (part), Suffolk (part), and Virginia Beach (part)
25	Deeds, R. Creigh (D)	Counties of Albemarle (part), Alleghany, Bath, Highland, Nelson, and Rockbridge; Cities of Buena Vista, Charlottesville, Covington, and Lexington
8	DeSteph, Bill (R)	City of Virginia Beach (part)
12	Dunnivant, Siobhan S. (R)	Counties of Hanover (part) and Henrico (part)
30	Ebbin, Adam P. (D)	Counties of Arlington (part) and Fairfax (part); City of Alexandria (part)
21	Edwards, John S. (D)	Counties of Giles, Montgomery (part), and Roanoke (part); City of Roanoke
31	Favola, Barbara A. (D)	Counties of Arlington (part), Fairfax (part), and Loudoun (part)
24	Hanger, Emmett W., Jr. (R)	Counties of Augusta, Culpeper (part), Greene, Madison, and Rockingham (part); Cities of Staunton and Waynesboro
10	Hashmi, Ghazala F. (D)	Counties of Chesterfield (part) and Powhatan; City of Richmond (part)
32	Howell, Janet D. (D)	Counties of Arlington (part) and Fairfax (part)
7	Kiggans, Jen A. (R)	Cities of Norfolk (part) and Virginia Beach (part)
6	Lewis, Lynwood W., Jr. (D)	Counties of Accomack, Mathews, and Northampton; Cities of Norfolk (part) and Virginia Beach (part)
2	Locke, Mamie E. (D)	County of York (part); Cities of Hampton (part), Newport News (part), and Portsmouth (part)
18	Lucas, L. Louise (D)	Counties of Brunswick (part), Greenville, Isle of Wight (part), Southampton (part), Surry (part), and Sussex; Cities of Chesapeake (part), Emporia, Franklin (part), Portsmouth (part), and Suffolk (part)
37	Marsden, David W. (D)	County of Fairfax (part)

THE SENATE
2020 SPECIAL SESSION I

District Number	Name	County and/or City Represented
1	Mason, T. Montgomery (D)	Counties of James City (part) and York (part); Cities of Hampton (part), Newport News (part), Suffolk (part), and Williamsburg
9	McClellan, Jennifer L. (D)	Counties of Charles City, Hanover (part), and Henrico (part); City of Richmond (part)
4	McDougle, Ryan T. (R)	Counties of Caroline, Essex, Hanover (part), King George (part), Lancaster, Middlesex, Northumberland, Richmond, Spotsylvania (part), and Westmoreland (part)
29	McPike, Jeremy S. (D)	County of Prince William (part); Cities of Manassas and Manassas Park
16	Morrissey, Joseph D. (D)	Counties of Chesterfield (part), Dinwiddie (part), and Prince George (part); Cities of Hopewell, Petersburg, and Richmond (part)
23	Newman, Stephen D. (R)	Counties of Bedford (part), Botetourt, Campbell (part), Craig, and Roanoke (part); City of Lynchburg (part)
3	Norment, Thomas K., Jr. (R)	Counties of Gloucester, Isle of Wight (part), James City (part), King and Queen, King William, New Kent, Surry (part), and York (part); Cities of Hampton (part), Poquoson, and Suffolk (part)
26	Obenshain, Mark D. (R)	Counties of Page, Rappahannock, Rockingham (part), Shenandoah, and Warren; City of Harrisonburg
22	Peake, Mark J. (R)	Counties of Amherst, Appomattox, Buckingham, Cumberland, Fluvanna, Goochland, Louisa (part), and Prince Edward; City of Lynchburg (part)
34	Petersen, J. Chapman (D)	County of Fairfax (part); City of Fairfax
40	Pillion, Todd E. (R)	Counties of Grayson, Lee, Scott, Smyth (part), Washington, Wise (part), and Wythe (part); City of Bristol
17	Reeves, Bryce E. (R)	Counties of Albemarle (part), Culpeper (part), Louisa (part), Orange, and Spotsylvania (part); City of Fredericksburg
15	Ruff, Frank M., Jr. (R)	Counties of Brunswick (part), Campbell (part), Charlotte, Dinwiddie (part), Halifax (part), Lunenburg, Mecklenburg, Nottoway, Pittsylvania (part), and Prince George (part); City of Danville (part)
35	Saslaw, Richard L. (D)	County of Fairfax (part); Cities of Alexandria (part) and Falls Church
5	Spruill, Lionell, Sr. (D)	Cities of Chesapeake (part) and Norfolk (part)
20	Stanley, William M., Jr. (R)	Counties of Carroll (part), Franklin (part), Halifax (part), Henry, Patrick, and Pittsylvania (part); Cities of Danville (part), Galax, and Martinsville

THE SENATE
2020 SPECIAL SESSION I

District Number	Name	County and/or City Represented
28	Stuart, Richard H. (R)	Counties of King George (part), Prince William (part), Spotsylvania (part), Stafford (part), and Westmoreland (part)
19	Suetterlein, David R. (R)	Counties of Bedford (part), Carroll (part), Floyd, Franklin (part), Montgomery (part), Roanoke (part), and Wythe (part); City of Salem
36	Surovell, Scott A. (D)	Counties of Fairfax (part), Prince William (part), and Stafford (part)
27	Vogel, Jill Holtzman (R)	Counties of Clarke, Culpeper (part), Fauquier, Frederick, Loudoun (part), and Stafford (part); City of Winchester

**THE HOUSE OF DELEGATES
2020 SPECIAL SESSION I**

District Number	Name	County and/or City Represented
68	Adams, Dawn M. (D)	Counties of Chesterfield (part) and Henrico (part); City of Richmond (part)
16	Adams, Leslie R. (R)	Counties of Henry (part) and Pittsylvania (part); City of Martinsville
63	Aird, Lashreese D. (D)	Counties of Chesterfield (part) and Dinwiddie (part); City of Petersburg
85	Askew, Alex Q. (D)	City of Virginia Beach (part)
19	Austin, Terry L. (R)	Counties of Alleghany, Bedford (part), and Botetourt (part); City of Covington
20	Avoli, G. John (R)	Counties of Augusta (part), Highland, and Nelson (part); Cities of Staunton and Waynesboro
51	Ayala, Hala S. (D)	County of Prince William (part)
74	Bagby, Lamont (D)	County of Henrico (part)
96	Batten, Amanda E. (R)	Counties of James City (part) and York (part)
58	Bell, Robert B. (R)	Counties of Albemarle (part), Fluvanna (part), Greene, and Rockingham (part)
100	Bloxom, Robert S., Jr. (R)	Counties of Accomack and Northampton; Cities of Norfolk (part) and Virginia Beach (part)
71	Bourne, Jeffrey M. (D)	City of Richmond (part)
64	Brewer, Emily M. (R)	Counties of Isle of Wight, Prince George (part), and Surry; City of Suffolk (part)
37	Bulova, David L. (D)	County of Fairfax (part); City of Fairfax
22	Byron, Kathy J. (R)	Counties of Bedford (part), Campbell (part), and Franklin (part); City of Lynchburg (part)
6	Campbell, Jeffrey L. (R)	Counties of Carroll, Smyth (part), and Wythe
24	Campbell, Ronnie R. (R)	Counties of Amherst (part), Augusta (part), Bath, and Rockbridge; Cities of Buena Vista and Lexington
69	Carr, Betsy B. (D)	City of Richmond (part)
2	Carroll Foy, Jennifer D. (D)†††	Counties of Prince William (part) and Stafford (part)
50	Carter, Lee J. (D)	County of Prince William (part); City of Manassas
28	Cole, Joshua G. (D)	County of Stafford (part); City of Fredericksburg (part)
88	Cole, Mark L. (R)	Counties of Fauquier (part), Spotsylvania (part), and Stafford (part); City of Fredericksburg (part)
29	Collins, Christopher E. (R)†	Counties of Frederick (part) and Warren (part); City of Winchester
21	Convirs-Fowler, Kelly K. (D)	Cities of Chesapeake (part) and Virginia Beach (part)

**THE HOUSE OF DELEGATES
2020 SPECIAL SESSION I**

District Number	Name	County and/or City Represented
66	Cox, M. Kirkland (R)	County of Chesterfield (part); City of Colonial Heights
62	Coyner, Carrie E. (R)	Counties of Chesterfield (part) and Prince George (part); City of Hopewell (part)
84	Davis, Glenn R., Jr. (R)	City of Virginia Beach (part)
67	Delaney, Karrie K. (D)	Counties of Fairfax (part) and Loudoun (part)
60	Edmunds, James E., II (R)	Counties of Campbell (part), Charlotte, Halifax, and Prince Edward
59	Fariss, C. Matthew (R)	Counties of Albemarle (part), Appomattox, Buckingham, Campbell (part), and Nelson (part)
41	Filler-Corn, Eileen (D)	County of Fairfax (part)
55	Fowler, Hyland F., Jr. (R)	Counties of Caroline (part), Hanover (part), and Spotsylvania (part)
30	Freitas, Nicholas J. (R)	Counties of Culpeper (part), Madison, and Orange
15	Gilbert, C. Todd (R)	Counties of Page, Rockingham (part), Shenandoah, and Warren (part)
10	Gooditis, Gwendolyn W. (D)	Counties of Clarke (part), Frederick (part), and Loudoun (part)
83	Guy, Nancy D. (D)	Cities of Norfolk (part) and Virginia Beach (part)
31	Guzman, Elizabeth R. (D)	Counties of Fauquier (part) and Prince William (part)
77	Hayes, C.E. Cliff, Jr. (D)	Cities of Chesapeake (part) and Virginia Beach (part)
17	Head, Christopher T. (R)	Counties of Botetourt (part) and Roanoke (part); City of Roanoke (part)
40	Helmer, Daniel I. (D)	Counties of Fairfax (part) and Prince William (part)
79	Heretick, Stephen E. (D)	Cities of Chesapeake (part), Norfolk (part), and Portsmouth (part)
46	Herring, Charniele L. (D)	City of Alexandria (part)
98	Hodges, M. Keith (R)	Counties of Essex, Gloucester, King and Queen, King William (part), Mathews, and Middlesex
47	Hope, Patrick A. (D)	County of Arlington (part)
57	Hudson, Sally L. (D)	County of Albemarle (part); City of Charlottesville
12	Hurst, Chris L. (D)	Counties of Giles, Montgomery (part), and Pulaski (part); City of Radford
76	Jenkins, Clinton L. (D)	Cities of Chesapeake (part) and Suffolk (part)
89	Jones, Jerrauld C. (D)	City of Norfolk (part)
35	Keam, Mark L. (D)	County of Fairfax (part)

**THE HOUSE OF DELEGATES
2020 SPECIAL SESSION I**

District Number	Name	County and/or City Represented
1	Kilgore, Terry G. (R)	Counties of Lee, Scott, and Wise (part); City of Norton
81	Knight, Barry D. (R)	Cities of Chesapeake (part) and Virginia Beach (part)
38	Kory, Kaye (D)	County of Fairfax (part)
44	Krizek, Paul E. (D)	County of Fairfax (part)
33	LaRock, David A. (R)	Counties of Clarke (part), Frederick (part), and Loudoun (part)
78	Leftwich, James A., Jr. (R)	City of Chesapeake (part)
45	Levine, Mark H. (D)	Counties of Arlington (part) and Fairfax (part); City of Alexandria (part)
90	Lindsey, Joseph C. (D)††	Cities of Norfolk (part) and Virginia Beach (part)
49	Lopez, Alfonso H. (D)	Counties of Arlington (part) and Fairfax (part)
14	Marshall, Daniel W., III (R)	Counties of Henry (part) and Pittsylvania (part); City of Danville
56	McGuire, John J., III (R)	Counties of Goochland (part), Henrico (part), Louisa, and Spotsylvania (part)
8	McNamara, Joseph P. (R)	Counties of Craig, Montgomery (part), and Roanoke (part); City of Salem
70	McQuinn, Delores L. (D)	Counties of Charles City, Chesterfield (part), and Henrico (part); City of Richmond (part)
82	Miyares, Jason S. (R)	City of Virginia Beach (part)
3	Morefield, James W. (R)	Counties of Bland, Buchanan, Russell (part), and Tazewell
91	Mugler, Martha M. (D)	County of York (part); Cities of Hampton (part) and Poquoson
93	Mullin, Michael P. (D)	Counties of James City (part) and York (part); Cities of Newport News (part) and Williamsburg
34	Murphy, Kathleen J. (D)	Counties of Fairfax (part) and Loudoun (part)
5	O'Quinn, Israel D. (R)	Counties of Grayson, Smyth (part), and Washington (part); Cities of Bristol and Galax
54	Orrock, Robert D., Sr. (R)	Counties of Caroline (part) and Spotsylvania (part)
36	Plum, Kenneth R. (D)	County of Fairfax (part)
9	Poindexter, Charles D. (R)	Counties of Franklin (part), Henry (part), and Patrick
95	Price, Marcia S. (D)	City Newport News (part)
99	Ransone, Margaret B. (R)	Counties of Caroline (part), King George, Lancaster, Northumberland, Richmond, and Westmoreland

**THE HOUSE OF DELEGATES
2020 SPECIAL SESSION I**

District Number	Name	County and/or City Represented
11	Rasoul, Sam (D)	City of Roanoke (part)
32	Reid, David A. (D)	County of Loudoun (part)
27	Robinson, Roxann L. (R)	County of Chesterfield (part)
13	Roem, Danica A. (D)	County of Prince William (part); City of Manassas Park
25	Runion, Chris (R)	Counties of Albemarle (part), Augusta (part), and Rockingham (part)
7	Rush, L. Nick (R)	Counties of Floyd, Montgomery (part), and Pulaski (part)
86	Samirah, Ibraheem S. (D)	Counties of Fairfax (part) and Loudoun (part)
80	Scott, Don L., Jr. (D)	City of Portsmouth (part)
43	Sickles, Mark D. (D)	County of Fairfax (part)
53	Simon, Marcus B. (D)	County of Fairfax (part); City of Falls Church
94	Simonds, Shelly A. (D)	City of Newport News (part)
87	Subramanyam, Suhas (D)	Counties of Loudoun (part) and Prince William (part)
48	Sullivan, Richard C., Jr. (D)	Counties of Arlington (part) and Fairfax (part)
52	Torian, Luke E. (D)	County of Prince William (part)
42	Tran, Kathy KL (D)	County of Fairfax (part)
75	Tyler, Roslyn C. (D)	Counties of Brunswick, Greensville, Lunenburg (part), Southampton, and Sussex; Cities of Emporia and Franklin
72	VanValkenburg, Schuyler T. (D)	County of Henrico (part)
23	Walker, Wendell S. (R)	Counties of Amherst (part) and Bedford (part); City of Lynchburg (part)
4	Wampler, William C., III (R)	Counties of Dickenson, Russell (part), Washington (part), and Wise (part)
92	Ward, Jeion A. (D)	City of Hampton (part)
65	Ware, R. Lee (R)	Counties of Chesterfield (part), Fluvanna (part), Goochland (part), and Powhatan
39	Watts, Vivian E. (D)	County of Fairfax (part)
18	Webert, Michael J. (R)	Counties of Culpeper (part), Fauquier (part), Rappahannock, and Warren (part)
29	Wiley, William D. (R)	Counties of Frederick (part) and Warren (part); City of Winchester
73	Willett, Rodney T. (D)	County of Henrico (part)

**THE HOUSE OF DELEGATES
2020 SPECIAL SESSION I**

District Number	Name	County and/or City Represented
26	Wilt, Tony O. (R)	County of Rockingham (part); City of Harrisonburg
61	Wright, Thomas C., Jr. (R)	Counties of Amelia, Cumberland, Lunenburg (part), Mecklenburg, and Nottoway
97	Wyatt, Scott A. (R)	Counties of Hanover (part), King William (part), and New Kent

†Resigned June 28, 2020

††Resigned November 15, 2020

†††Resigned December 12, 2020

‡Elected November 3, 2020 to fill vacancy of Christopher E. Collins. Sworn in November 19, 2020

**SENATORS AND DELEGATES BY COUNTIES
2020 SPECIAL SESSION I**

COUNTIES	SENATORS	DELEGATES
Accomack.....	Lynwood W. Lewis, Jr. (D)	Robert S. Bloxom, Jr. (R)
Albemarle.....	R. Creigh Deeds (D)..... Bryce E. Reeves (R)	Robert B. Bell (R) C. Matthew Fariss (R) Sally L. Hudson (D) Chris Runion (R)
Alleghany.....	R. Creigh Deeds (D).....	Terry L. Austin (R)
Amelia.....	Amanda F. Chase (R)	Thomas C. Wright, Jr. (R)
Amherst.....	Mark J. Peake (R).....	Ronnie R. Campbell (R) Wendell S. Walker (R)
Appomattox.....	Mark J. Peake (R).....	C. Matthew Fariss (R)
Arlington.....	Adam P. Ebbin (D)..... Barbara A. Favola (D) Janet D. Howell (D)	Patrick A. Hope (D) Mark H. Levine (D) Alfonso H. Lopez (D) Richard C. Sullivan, Jr. (D)
Augusta.....	Emmett W. Hanger, Jr. (R)	G. John Avoli (R) Ronnie R. Campbell (R) Chris Runion (R)
Bath.....	R. Creigh Deeds (D).....	Ronnie R. Campbell (R)
Bedford.....	Stephen D. Newman (R)	Terry L. Austin (R) Kathy J. Byron (R) Wendell S. Walker (R)
Bland.....	A. Benton Chafin, Jr. (R)	James W. Morefield (R)
Botetourt.....	Stephen D. Newman (R)	Terry L. Austin (R) Christopher T. Head (R)
Brunswick.....	L. Louise Lucas (D)	Roslyn C. Tyler (D)
	Frank M. Ruff, Jr. (R)	
Buchanan.....	A. Benton Chafin, Jr. (R)	James W. Morefield (R)
Buckingham.....	Mark J. Peake (R).....	C. Matthew Fariss (R)
Campbell.....	Stephen D. Newman (R)	Kathy J. Byron (R) James E. Edmunds, II (R) C. Matthew Fariss (R)
	Frank M. Ruff, Jr. (R)	
Caroline.....	Ryan T. McDougale (R).....	Hyland F. Fowler, Jr. (R) Robert D. Orrock, Sr. (R) Margaret B. Ransone (R)
Carroll.....	William M. Stanley, Jr. (R).....	Jeffrey L. Campbell (R)
	David R. Suetterlein (R)	
Charles City.....	Jennifer L. McClellan (D).....	Delores L. McQuinn (D)
Charlotte.....	Frank M. Ruff, Jr. (R).....	James E. Edmunds, II (R)
Chesterfield.....	Amanda F. Chase (R)..... Ghazala F. Hashmi (D) Joseph D. Morrissey (D)	Dawn M. Adams (D) Lashrecse D. Aird (D) M. Kirkland Cox (R) Carrie E. Coyner (R) Delores L. McQuinn (D) Roxann L. Robinson (R) R. Lee Ware (R)
Clarke.....	Jill Holtzman Vogel (R).....	Gwendolyn W. Gooditis (D) David A. LaRock (R)
Craig.....	Stephen D. Newman (R).....	Joseph P. McNamara (R)
Culpeper.....	Emmett W. Hanger, Jr. (R)..... Bryce E. Reeves (R) Jill Holtzman Vogel (R)	Nicholas J. Freitas (R) Michael J. Webert (R)
Cumberland.....	Mark J. Peake (R).....	Thomas C. Wright, Jr. (R)
Dickenson.....	A. Benton Chafin, Jr. (R)	William C. Wampler, III (R)

**SENATORS AND DELEGATES BY COUNTIES
2020 SPECIAL SESSION I**

COUNTIES	SENATORS	DELEGATES
Dinwiddie.....	Joseph D. Morrissey (D) Frank M. Ruff, Jr. (R)	Lashreese D. Aird (D)
Essex	Ryan T. McDougale (R)	M. Keith Hodges (R)
Fairfax	George L. Barker (D) Jennifer B. Boysko (D) Adam P. Ebbin (D) Barbara A. Favola (D) Janet D. Howell (D) David W. Marsden (D) J. Chapman Petersen (D) Richard L. Saslaw (D) Scott A. Surovell (D)	David L. Bulova (D) Karrie K. Delaney (D) Eileen Filler-Corn (D) Daniel I. Helmer (D) Mark L. Keam (D) Kaye Kory (D) Paul E. Krizek (D) Mark H. Levine (D) Alfonso H. Lopez (D) Kathleen J. Murphy (D) Kenneth R. Plum (D) Ibraheem S. Samirah (D) Mark D. Sickles (D) Marcus B. Simon (D) Richard C. Sullivan, Jr. (D) Kathy KL Tran (D) Vivian E. Watts (D)
Fauquier.....	Jill Holtzman Vogel (R).....	Mark L. Cole (R) Elizabeth R. Guzman (D) Michael J. Webert (R)
Floyd	David R. Suetterlein (R).....	L. Nick Rush (R)
Fluvanna.....	Mark J. Peake (R).....	Robert B. Bell (R) R. Lee Ware (R)
Franklin	William M. Stanley, Jr. (R)..... David R. Suetterlein (R)	Kathy J. Byron (R) Charles D. Poindexter (R)
Frederick	Jill Holtzman Vogel (R).....	Christopher E. Collins (R)† Gwendolyn W. Gooditis (D) David A. LaRock (R) William D. Wiley (D)‡
Giles	John S. Edwards (D).....	Chris L. Hurst (D)
Gloucester	Thomas K. Norment, Jr. (R).....	M. Keith Hodges (R)
Goochland	Mark J. Peake (R).....	John J. McGuire, III (R) R. Lee Ware (R)
Grayson	Todd E. Pillion (R)	Israel D. O'Quinn (R)
Greene	Emmett W. Hanger, Jr. (R)	Robert B. Bell (R)
Greensville	L. Louise Lucas (D)	Roslyn C. Tyler (D)
Halifax.....	Frank M. Ruff, Jr. (R)..... William M. Stanley, Jr. (R)	James E. Edmunds, II (R)
Hanover.....	Siobhan S. Dunnivant (R)..... Jennifer L. McClellan (D) Ryan T. McDougale (R)	Hyland F. Fowler, Jr. (R) Scott A. Wyatt (R)
Henrico.....	Siobhan S. Dunnivant (R)..... Jennifer L. McClellan (D)	Dawn M. Adams (D) Lamont Bagby (D) John J. McGuire, III (R) Delores L. McQuinn (D) Schuyler T. VanValkenburg (D) Rodney T. Willett (D)
Henry.....	William M. Stanley, Jr. (R).....	Leslie R. Adams (R) Daniel W. Marshall, III (R) Charles D. Poindexter (R)
Highland.....	R. Creigh Deeds (D).....	G. John Avoli (R)

**SENATORS AND DELEGATES BY COUNTIES
2020 SPECIAL SESSION I**

COUNTIES	SENATORS	DELEGATES
Isle of Wight.....	John A. Cosgrove, Jr. (R) L. Louise Lucas (D) Thomas K. Norment, Jr. (R)	Emily M. Brewer (R)
James City.....	T. Montgomery Mason (D) Thomas K. Norment, Jr. (R)	Amanda E. Batten (R) Michael P. Mullin (D)
King and Queen	Thomas K. Norment, Jr. (R).....	M. Keith Hodges (R)
King George.....	Ryan T. McDougle (R)..... Richard H. Stuart (R)	Margaret B. Ransone (R)
King William.....	Thomas K. Norment, Jr. (R).....	M. Keith Hodges (R) Scott A. Wyatt (R)
Lancaster	Ryan T. McDougle (R).....	Margaret B. Ransone (R)
Lee.....	Todd E. Pillion (R)	Terry G. Kilgore (R)
Loudoun	John J. Bell (D)	Karrie K. Delaney (D)
	Jennifer B. Boysko (D) Barbara A. Favola (D) Jill Holtzman Vogel (R)	Gwendolyn W. Gooditis (D) David A. LaRock (R) Kathleen J. Murphy (D) David A. Reid (D) Ibraheem S. Samirah (D) Suhass Subramanyam (D)
Louisa.....	Mark J. Peake (R)..... Bryce E. Reeves (R)	John J. McGuire, III (R)
Lunenburg	Frank M. Ruff, Jr. (R).....	Roslyn C. Tyler (D) Thomas C. Wright, Jr. (R)
Madison.....	Emmett W. Hanger, Jr. (R)	Nicholas J. Freitas (R)
Mathews.....	Lynwood W. Lewis, Jr. (D)	M. Keith Hodges (R)
Mecklenburg	Frank M. Ruff, Jr. (R).....	Thomas C. Wright, Jr. (R)
Middlesex.....	Ryan T. McDougle (R).....	M. Keith Hodges (R)
Montgomery.....	A. Benton Chafin, Jr. (R)	Chris L. Hurst (D)
	John S. Edwards (D) David R. Suetterlein (R)	Joseph P. McNamara (R) L. Nick Rush (R)
Nelson	R. Creigh Deeds (D).....	G. John Avoli (R) C. Matthew Fariss (R)
New Kent	Thomas K. Norment, Jr. (R).....	Scott A. Wyatt (R)
Northampton	Lynwood W. Lewis, Jr. (D)	Robert S. Bloxom, Jr. (R)
Northumberland	Ryan T. McDougle (R).....	Margaret B. Ransone (R)
Nottoway.....	Frank M. Ruff, Jr. (R).....	Thomas C. Wright, Jr. (R)
Orange.....	Bryce E. Reeves (R).....	Nicholas J. Freitas (R)
Page.....	Mark D. Obenshain (R).....	C. Todd Gilbert (R)
Patrick	William M. Stanley, Jr. (R).....	Charles D. Poindexter (R)
Pittsylvania.....	Frank M. Ruff, Jr. (R)..... William M. Stanley, Jr. (R)	Leslie R. Adams (R) Daniel W. Marshall, III (R)
Powhatan	Ghazala F. Hashmi (D).....	R. Lee Ware (R)
Prince Edward	Mark J. Peake (R).....	James E. Edmunds, II (R)
Prince George.....	Joseph D. Morrissey (D)	Emily M. Brewer (R)
	Frank M. Ruff, Jr. (R)	Carrie E. Coyner (R)
Prince William.....	George L. Barker (D)..... John J. Bell (D) Jeremy S. McPike (D) Richard H. Stuart (R) Scott A. Surovell (D)	Hala S. Ayala (D) Jennifer D. Carroll Foy (D)†† Lee J. Carter (D) Elizabeth R. Guzman (D) Daniel I. Helmer (D) Danica A. Roem (D) Suhass Subramanyam (D) Luke E. Torian (D)

**SENATORS AND DELEGATES BY COUNTIES
2020 SPECIAL SESSION I**

COUNTIES	SENATORS	DELEGATES
Pulaski.....	A. Benton Chafin, Jr. (R).....	Chris L. Hurst (D) L. Nick Rush (R)
Rappahannock.....	Mark D. Obenshain (R).....	Michael J. Webert (R)
Richmond.....	Ryan T. McDougle (R).....	Margaret B. Ransone (R)
Roanoke.....	John S. Edwards (D)..... Stephen D. Newman (R) David R. Suetterlein (R)	Christopher T. Head (R) Joseph P. McNamara (R)
Rockbridge.....	R. Creigh Deeds (D).....	Ronnie R. Campbell (R)
Rockingham.....	Emmett W. Hanger, Jr. (R)..... Mark D. Obenshain (R)	Robert B. Bell (R) C. Todd Gilbert (R) Chris Runion (R) Tony O. Wilt (R)
Russell.....	A. Benton Chafin, Jr. (R).....	James W. Morefield (R) William C. Wampler, III (R)
Scott.....	Todd E. Pillion (R).....	Terry G. Kilgore (R)
Shenandoah.....	Mark D. Obenshain (R).....	C. Todd Gilbert (R)
Smyth.....	A. Benton Chafin, Jr. (R)..... Todd E. Pillion (R)	Jeffrey L. Campbell (R) Israel D. O'Quinn (R)
Southampton.....	John A. Cosgrove, Jr. (R)..... L. Louise Lucas (D)	Roslyn C. Tyler (D)
Spotsylvania.....	Ryan T. McDougle (R)..... Bryce E. Reeves (R) Richard H. Stuart (R)	Mark L. Cole (R) Hyland F. Fowler, Jr. (R) John J. McGuire, III (R) Robert D. Orrock, Sr. (R)
Stafford.....	Richard H. Stuart (R)..... Scott A. Surovell (D) Jill Holtzman Vogel (R)	Jennifer D. Carroll Foy (D)†† Joshua G. Cole (D) Mark L. Cole (R)
Surry.....	L. Louise Lucas (D)..... Thomas K. Norment, Jr. (R)	Emily M. Brewer (R)
Sussex.....	L. Louise Lucas (D).....	Roslyn C. Tyler (D)
Tazewell.....	A. Benton Chafin, Jr. (R).....	James W. Morefield (R)
Warren.....	Mark D. Obenshain (R).....	Christopher E. Collins (R)† C. Todd Gilbert (R) Michael J. Webert (R) William D. Wiley (D)‡
Washington.....	Todd E. Pillion (R).....	Israel D. O'Quinn (R) William C. Wampler, III (R)
Westmoreland.....	Ryan T. McDougle (R)..... Richard H. Stuart (R)	Margaret B. Ransone (R)
Wise.....	A. Benton Chafin, Jr. (R)..... Todd E. Pillion (R)	Terry G. Kilgore (R) William C. Wampler, III (R)
Wythe.....	Todd E. Pillion (R)..... David R. Suetterlein (R)	Jeffrey L. Campbell (R)
York.....	Mamie E. Locke (D)..... T. Montgomery Mason (D) Thomas K. Norment, Jr. (R)	Amanda E. Batten (R) Martha M. Mugler (D) Michael P. Mullin (D)

†Resigned June 28, 2020

††Resigned December 12, 2020

‡Elected November 3, 2020 to fill vacancy of Christopher E. Collins. Sworn in November 19, 2020

**SENATORS AND DELEGATES BY CITIES
2020 SPECIAL SESSION I**

CITIES	SENATORS	DELEGATES
Alexandria.....	George L. Barker (D) Adam P. Ebbin (D) Richard L. Saslaw (D)	Charniele L. Herring (D) Mark H. Levine (D)
Bristol.....	Todd E. Pillion (R)	Israel D. O'Quinn (R)
Buena Vista	R. Creigh Deeds (D).....	Ronnie R. Campbell (R)
Charlottesville	R. Creigh Deeds (D).....	Sally L. Hudson (D)
Chesapeake.....	John A. Cosgrove, Jr. (R) L. Louise Lucas (D) Lionell Spruill, Sr. (D)	Kelly K. Convirs-Fowler (D) C.E. Cliff Hayes, Jr. (D) Stephen E. Heretick (D) Clinton L. Jenkins (D) Barry D. Knight (R) James A. Leftwich, Jr. (R)
Colonial Heights	Amanda F. Chase (R)	M. Kirkland Cox (R)
Covington.....	R. Creigh Deeds (D).....	Terry L. Austin (R)
Danville.....	Frank M. Ruff, Jr. (R)..... William M. Stanley, Jr. (R)	Daniel W. Marshall, III (R)
Emporia.....	L. Louise Lucas (D)	Roslyn C. Tyler (D)
Fairfax	J. Chapman Petersen (D).....	David L. Bulova (D)
Falls Church.....	Richard L. Saslaw (D).....	Marcus D. Simon (D)
Franklin	John A. Cosgrove, Jr. (R) L. Louise Lucas (D)	Roslyn C. Tyler (D)
Fredericksburg	Bryce E. Reeves (R).....	Joshua G. Cole (D) Mark L. Cole (R)
Galax	William M. Stanley, Jr. (R).....	Israel D. O'Quinn (R)
Hampton.....	Mamie E. Locke (D) T. Montgomery Mason (D) Thomas K. Norment, Jr. (R)	Martha M. Mugler (D) Jeion A. Ward (D)
Harrisonburg	Mark D. Obenshain (R).....	Tony O. Wilt (R)
Hopewell	Joseph D. Morrissey (D)	Carrie E. Coyner (R)
Lexington	R. Creigh Deeds (D).....	Ronnie R. Campbell (R)
Lynchburg	Stephen D. Newman (R) Mark J. Peake (R)	Kathy J. Byron (R) Wendell S. Walker (R)
Manassas	Jeremy S. McPike (D).....	Lee J. Carter (D)
Manassas Park.....	Jeremy S. McPike (D).....	Danica A. Roem (D)
Martinsville	William M. Stanley, Jr. (R).....	Leslie R. Adams (R)
Newport News.....	Mamie E. Locke (D) T. Montgomery Mason (D)	Michael P. Mullin (D) Marcia S. Price (D) Shelly A. Simonds (D)
Norfolk.....	Jen A. Kiggans (R) Lynwood W. Lewis, Jr. (D) Lionell Spruill, Sr. (D)	Robert S. Bloxom, Jr. (R) Nancy D. Guy (D) Stephen E. Heretick (D) Jerrauld C. Jones (D) Joseph C. Lindsey (D)††
Norton	A. Benton Chafin, Jr. (R)	Terry G. Kilgore (R)
Petersburg.....	Joseph D. Morrissey (D).....	Lashrecse D. Aird (D)
Poquoson.....	Thomas K. Norment, Jr. (R).....	Martha M. Mugler (D)
Portsmouth	John A. Cosgrove, Jr. (R) Mamie E. Locke (D) L. Louise Lucas (D)	Stephen E. Heretick (D) Don L. Scott, Jr. (D)
Radford.....	A. Benton Chafin, Jr. (R)	Chris L. Hurst (D)
Richmond.....	Ghazala F. Hashmi (D)..... Joseph D. Morrissey (D) Jennifer L. McClellan (D)	Dawn M. Adams (D) Jeffrey M. Bourne (D) Betsy B. Carr (D) Delores L. McQuinn (D)

**SENATORS AND DELEGATES BY CITIES
2020 SPECIAL SESSION I**

CITIES	SENATORS	DELEGATES
Roanoke.....	John S. Edwards (D).....	Christopher T. Head (R) Sam Rasoul (D)
Salem.....	David R. Suetterlein (R).....	Joseph P. McNamara (R)
Staunton	Emmett W. Hanger, Jr. (R)	G. John Avoli (R)
Suffolk.....	John A. Cosgrove, Jr. (R)	Emily M. Brewer (R)
	L. Louise Lucas (D)	Clinton L. Jenkins (D)
	T. Montgomery Mason (D)	
	Thomas K. Norment, Jr. (R)	
Virginia Beach.....	John A. Cosgrove, Jr. (R)	Alex Q. Askew (D)
	Bill DeSteph (R)	Robert S. Bloxom, Jr. (R)
	Jen A. Kiggans (R)	Kelly K. Convors-Fowler (D)
	Lynwood W. Lewis, Jr. (D)	Glenn R. Davis, Jr. (R)
		Nancy D. Guy (D)
		C. E. Cliff Hayes, Jr. (D)
		Barry D. Knight (R)
		Joseph C. Lindsey (D)††
		Jason S. Miyares (R)
Waynesboro.....	Emmett W. Hanger, Jr. (R)	G. John Avoli (R)
Williamsburg.....	T. Montgomery Mason (D)	Michael P. Mullin (D)
Winchester.....	Jill Holtzman Vogel (R).....	Christopher E. Collins (R)†
		William D. Wiley (D)‡

†Resigned June 28, 2020

††Resigned November 15, 2020

‡Elected November 3, 2020 to fill vacancy of Christopher E. Collins. Sworn in November 19, 2020

COUNTIES AND CITIES--LAND AREA AND POPULATION

United States Census of 2010 (December 21, 2010)

COUNTIES	Land Area in Square Miles	Population	COUNTIES	Land Area in Square Miles	Population
Accomack	449	33,164	Pittsylvania	969	63,506
Albemarle	721	98,970	Powhatan	260	28,046
Alleghany	445	16,250	Prince Edward	350	23,368
Amelia	355	12,690	Prince George	265	35,725
Amherst	474	32,353	Prince William	336	402,002
Appomattox	334	14,973	Pulaski	320	34,872
Arlington	26	207,627	Rappahannock	266	7,371
Augusta	967	73,750	Richmond	191	9,254
Bath	529	4,731	Roanoke	251	92,376
Bedford	753	68,676	Rockbridge	598	22,307
Bland	358	6,824	Rockingham	849	76,314
Botetourt	541	33,148	Russell	474	28,897
Brunswick	566	17,434	Scott	536	23,177
Buchanan	503	24,098	Shenandoah	509	41,993
Buckingham	580	17,146	Smyth	451	32,208
Campbell	504	54,842	Southampton	599	18,570
Caroline	528	28,545	Spotsylvania	401	122,397
Carroll	475	30,042	Stafford	269	128,961
Charles City	183	7,256	Surry	279	7,058
Charlotte	475	12,586	Sussex	490	12,087
Chesterfield	423	316,236	Tazewell	519	45,078
Clarke	176	14,034	Warren	213	37,575
Craig	330	5,190	Washington	561	54,876
Culpeper	379	46,689	Westmoreland	229	17,454
Cumberland	297	10,052	Wise	403	41,452
Dickenson	331	15,903	Wythe	462	29,235
Dinwiddie	504	28,001	York	105	65,464
Essex	257	11,151			
Fairfax	391	1,081,726	CITIES		
Fauquier	647	65,203	Alexandria	15	139,966
Floyd	380	15,279	Bedford*	7	6,222
Fluvanna	286	25,691	Bristol	13	17,835
Franklin	690	56,159	Buena Vista	7	6,650
Frederick	414	78,305	Charlottesville	10	43,475
Giles	356	17,286	Chesapeake	341	222,209
Gloucester	218	36,858	Colonial Heights	8	17,411
Goochland	282	21,717	Covington	5	5,161
Grayson	442	15,533	Danville	43	43,055
Greene	156	18,403	Emporia	7	5,927
Greensville	295	12,243	Fairfax	6	22,565
Halifax	818	36,241	Falls Church	2	12,332
Hanover	469	99,863	Franklin	8	8,582
Henrico	234	306,935	Fredericksburg	10	24,281
Henry	382	54,151	Galax	8	7,042
Highland	415	2,321	Hampton	51	137,436
Isle of Wight	316	35,270	Harrisonburg	17	48,914
James City	142	67,009	Hopewell	10	22,591
King and Queen	315	6,945	Lexington	2	7,042
King George	180	23,584	Lynchburg	49	75,568
King William	274	15,935	Manassas	10	37,821
Lancaster	133	11,391	Manassas Park	3	14,273
Lee	436	25,587	Martinsville	11	13,821
Loudoun	516	312,311	Newport News	69	180,719
Louisa	496	33,153	Norfolk	54	242,803
Lunenburg	432	12,914	Norton	7	3,958
Madison	321	13,308	Petersburg	23	32,420
Mathews	86	8,978	Poquoson	15	12,150
Mecklenburg	625	32,727	Portsmouth	34	95,535
Middlesex	130	10,959	Radford	10	16,408
Montgomery	387	94,392	Richmond	60	204,214
Nelson	471	15,020	Roanoke	43	97,032
New Kent	210	18,429	Salem	14	24,802
Northampton	212	12,389	Staunton	20	23,746
Northumberland	191	12,330	Suffolk	400	84,585
Nottoway	314	15,853	Virginia Beach	249	437,994
Orange	341	33,481	Waynesboro	15	21,006
Page	311	24,042	Williamsburg	9	14,068
Patrick	483	18,490	Winchester	9	26,203

Population of Virginia, 2010 Census, 8,001,024.

*The City of Bedford became part of the Town of Bedford pursuant to Chapters 565 and 628 of the 2013 Acts of Assembly.

COUNTIES AND CITIES--RANKED BY POPULATION

United States Census of 2010 (December 21, 2010)

Population	County	Population	County	Population	County
2,321	Highland	17,286	Giles	36,241	Halifax
4,731	Bath	17,434	Brunswick	36,858	Gloucester
5,190	Craig	17,454	Westmoreland	37,575	Warren
6,824	Bland	18,403	Greene	41,452	Wise
6,945	King and Queen	18,429	New Kent	41,993	Shenandoah
7,058	Surry	18,490	Patrick	45,078	Tazewell
7,256	Charles City	18,570	Southampton	46,689	Culpeper
7,373	Rappahannock	21,717	Goochland	54,151	Henry
8,978	Mathews	22,307	Rockbridge	54,842	Campbell
9,254	Richmond	23,177	Scott	54,876	Washington
10,052	Cumberland	23,368	Prince Edward	56,159	Franklin
10,959	Middlesex	23,584	King George	63,506	Pittsylvania
11,151	Essex	24,042	Page	65,203	Fauquier
11,391	Lancaster	24,098	Buchanan	65,464	York
12,087	Sussex	25,587	Lee	67,009	James City
12,243	Greensville	25,691	Fluvanna	68,676	Bedford
12,330	Northumberland	28,001	Dinwiddie	73,750	Augusta
12,389	Northampton	28,046	Powhatan	76,314	Rockingham
12,586	Charlotte	28,545	Caroline	78,305	Frederick
12,690	Amelia	28,897	Russell	92,376	Roanoke
12,914	Lunenburg	29,235	Wythe	94,392	Montgomery
13,308	Madison	30,042	Carroll	98,970	Albemarle
14,034	Clarke	32,208	Smyth	99,863	Hanover
14,973	Appomattox	32,353	Amherst	122,397	Spotsylvania
15,020	Nelson	32,727	Mecklenburg	128,961	Stafford
15,279	Floyd	33,148	Botetourt	207,627	Arlington
15,533	Grayson	33,153	Louisa	306,935	Henrico
15,853	Nottoway	33,164	Accomack	312,311	Loudoun
15,903	Dickenson	33,481	Orange	316,236	Chesterfield
15,935	King William	34,872	Pulaski	402,002	Prince William
16,250	Alleghany	35,270	Isle of Wight	1,081,726	Fairfax
17,146	Buckingham	35,725	Prince George		

Population	Cities	Population	Cities	Population	Cities
3,958	Norton	16,408	Radford	43,475	Charlottesville
5,927	Emporia	17,411	Colonial Heights	48,914	Harrisonburg
5,961	Covington	17,835	Bristol	75,568	Lynchburg
6,222	Bedford*	21,006	Waynesboro	84,585	Suffolk
6,650	Buena Vista	22,565	Fairfax	95,535	Portsmouth
7,042	Galax	22,591	Hopewell	97,032	Roanoke
7,042	Lexington	23,746	Staunton	137,436	Hampton
8,582	Franklin	24,286	Fredericksburg	139,966	Alexandria
12,150	Poquoson	24,802	Salem	180,719	Newport News
12,332	Falls Church	26,203	Winchester	204,214	Richmond
13,821	Martinsville	32,420	Petersburg	222,209	Chesapeake
14,068	Williamsburg	37,821	Manassas	242,803	Norfolk
14,273	Manassas Park	43,055	Danville	437,994	Virginia Beach

*The City of Bedford became part of the Town of Bedford pursuant to Chapters 565 and 628 of the 2013 Acts of Assembly.

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Criminal Justice Services Board and Committee on Training ; increases number of members and responsibilities. (Patron—Guzman)	HB	5108	28	36
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Law-enforcement officers, deputy sheriff, jail officer, etc.; minimum qualifications, disclosure of information to a prospective hiring agency or jail, psychological examination. (Patron—Price) HB 5104 32 48

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Court authority in criminal cases; prosecutorial discretion to dispose of a criminal case, deferred disposition. (Patron—Mullin)

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COURTS OF RECORD

Court authority in criminal cases; prosecutorial discretion to dispose of a criminal case, deferred disposition. (Patron—Mullin)

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Local land use approvals; extension of approvals to address the COVID-19 pandemic. Patron—Lewis

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Law-enforcement officers; officers to complete crisis intervention training as part of the compulsory minimum training standards subsequent to employment, Department of Criminal Justice Services to update policies for personnel in awareness of systemic and individual racism, bias-based profiling, etc. (Patron—Edwards) SB 5014 36 64

Law-enforcement officers and jail officers, certified; sheriff, chief of police, or agency administrator shall notify the Criminal Justice Services Board in writing within 48 hours if any officer is terminated or resigns for engaging in serious misconduct, etc., report. (Patron—Simon) HB 5051 27 31

Mental health crises; Department of Criminal Justice Services to advise and assist the Department of Behavioral Health and Developmental Services, and support local law-enforcement agencies cooperation, with development and implementation of the mental health awareness response and community understanding services (Marcus) alert system, definitions, protocol and training for law-enforcement participation in Marcus alert system, response to mental health crises, comprehensive crisis system, report.
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Woods, Charles C.; recording sorrow upon death.

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DeMarco, Michael J.; commending. (Patron—Bulova) HR 573 578

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Disabled American Veterans; commemorating its 100th anniversary.

Patron—Cox	HR	537		561
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Emergency Services and Disaster Law; powers and duties of Governor, purchase of personal protective equipment (PPE) during a disaster caused by a communicable disease of public health threat, clarification of definition of "PPE," awarding contracts, purchasing PPE for private, nongovernmental entities.

Patron—Helmer	HB	5050	38	84
Patron—Marsden	SB	5039	17	19

Emergency Services and Disaster Law; powers and duties of the Governor, executive orders, penalty, sunset provision.

Patron—Watts	HB	5093	14	16
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Virginia House of Delegates; amending and readopting Rule 4 of the Rules, pertaining to conducting a session of the House, or a committee, etc., by electronic communication means during a disaster or other emergency. (Patron—Herring) HR 514 550

Virginia Post-Disaster Anti-Price Gouging Act; prohibits any manufacturer or distributor from selling necessary goods or services at an unconscionable price during a declared state of emergency, exception. (Patron—Murphy) HB 5047 16 18

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Eason, Eugenia Josephine; commemorating her 100th birthday. (Patron—Jenkins) HR 619 603

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School boards, certain; student meals, participation in the Community Eligibility Provision, waivers issued by the Superintendent of Public Instruction to schools.

Patron—Roem	HB	5113	2	2
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Eichelman, Fred and Carolyn; commemorating their 60th wedding anniversary. Patron—McNamara HR 576 580

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Elections, Department of; appropriations to be used to provide prepaid postage for return of absentee ballots for November 3, 2020, election, mailed absentee ballots shall be returned by mail to general registrar's office, in person to general registrar, to a drop-off location, etc. (Patron—Howell) SB 5120 1 1

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Nursing homes, certified nursing facilities, and hospice facilities; during a public health emergency related to the COVID-19 virus, facilities to establish a protocol to allow in-person visitation and virtual visitation, notice to family on facility website, written or electronic communication.

Patron—Head	HB	5041	10	7
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Virginia House of Delegates; amending and readopting Rule 4 of the Rules, pertaining to conducting a session of the House, or a committee, etc., by electronic communication means during a disaster or other emergency. (Patron—Herring) HR 514 550

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Elliot, Michael Thomas; recording sorrow upon death. (Patron—Cole, J.G.) HR 527 556

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Emergency laws; civil relief, citizens furloughed or otherwise receiving reduced wages or payments due to state of emergency declared by the Governor in response to the COVID-19 pandemic. (Patron—Price) HB 5115 49 131

Emergency relief payments; automatic exemption from creditor process, definition, financial institutions receiving such payments directly from federal government, etc. (Patron—Ayala) HB 5068 39 87

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Patron—Willett HB 5059 6 5

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Nursing homes, certified nursing facilities, and hospice facilities; during a public health emergency related to the COVID-19 virus, facilities to establish a protocol to allow in-person visitation and virtual visitation, notice to family on facility website, written or electronic communication.

Patron—Head HB 5041 10 7

Patron—Kiggans SB 5042 11 11

Outbreaks of communicable disease of public health threat; posting of information about cases, "reporting entity."

Patron—Sickles HB 5048 12 15

Patron—Barker SB 5081 24 29

School boards; board (as term is defined in section 22.1-1 of the Code of Virginia) required to post on its website the COVID-19 virus mitigation plan.

Patron—McClellan SB 5083 9 7

Telemedicine services; Board of Medical Assistance Services to amend state plan for medical assistance services to provide for payment of assistance for medically necessary health care services provided through telemedicine services, regardless of originating site, definition, etc.

Patron—Adams, D.M. HB 5046 44 105

Patron—Barker SB 5080 53 147

Unemployment compensation; extends the date by which the Virginia Employment Commission is required to establish and implement a short-time compensation program by January 1, 2022, repeals provisions that established a program that provides employers with option of reducing hours worked by employees, etc.

Patron—Tran HB 5087 8 6

Virginia Residential Landlord and Tenant Act; landlord remedies, noncompliance with rental agreement, payment plan, sunset provision.

Patron—Price HB 5064 46 122

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COVID-19 virus; Commissioner of Health shall make available to the public on a website maintained by Department of Health information about confirmed cases by week and by health district, confirmed cases by age group and by race and ethnicity, etc. (Patron—Dunnivant) SB 5090 13 15

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Evans, David Howard; recording sorrow upon death. (Patron—Krizek) HR 587 585

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Fariss, Bruce L., Sr.; recording sorrow upon death. (Patron—Rush) HR 609 597

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FOODE; commending. (Patron—Cole, J.G.) HR 522 554

FOUST, HOWARD H., JR.

Foust, Howard H., Jr.; recording sorrow upon death. (Patron—Lucas) SR 535 631

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Fredericksburg Regional Black Restaurant Week; commending.

Patron—Cole, J.G. HR 604 594

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COVID-19 virus; Commissioner of Health shall make available to the public on a website maintained by Department of Health information about confirmed cases by week and by health district, confirmed cases by age group and by race and ethnicity, etc. (Patron—Dunnivant) SB 5090 13 15

Emergency Services and Disaster Law; powers and duties of Governor, purchase of personal protective equipment (PPE) during a disaster caused by a communicable disease of public health threat, clarification of definition of "PPE," awarding contracts, purchasing PPE for private, nongovernmental entities.
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Nursing homes, certified nursing facilities, and hospice facilities; during a public health emergency related to the COVID-19 virus, facilities to establish a protocol to allow in-person visitation and virtual visitation, notice to family on facility website, written or electronic communication.
Patron—Head HB 5041 10 7
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Outbreaks of communicable disease of public health threat; posting of information about cases, "reporting entity."
Patron—Sickles HB 5048 12 15
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Telemedicine services; Board of Medical Assistance Services to amend state plan for medical assistance services to provide for payment of assistance for medically necessary health care services provided through telemedicine services, regardless of originating site, definition, etc.
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Hospices, certain, home care organizations, private providers, assisted living facilities, and adult day care centers; immunity from civil liability, COVID-19.

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Nursing homes, certified nursing facilities, and hospice facilities; during a public health emergency related to the COVID-19 virus, facilities to establish a protocol to allow in-person visitation and virtual visitation, notice to family on facility website, written or electronic communication.

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Person in custody of a law-enforcement officer, inmate, parolee, probationer, juvenile detainee, or pretrial defendant or posttrial offender; carnal knowledge of a person detained or arrested, adds private, local, or state law-enforcement agency to list, penalty. (Patron—Delaney) HB 5045 26 30

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COVID-19 virus; Commissioner of Health shall make available to the public on a website maintained by Department of Health information about confirmed cases by week and by health district, confirmed cases by age group and by race and ethnicity, etc. (Patron—Dunnavant) SB 5090 13 15

JAILS AND PRISONS

Law-enforcement officers and jail officers, certified; sheriff, chief of police, or agency administrator shall notify the Criminal Justice Services Board in writing within 48 hours if any officer is terminated or resigns for engaging in serious misconduct, etc., report. (Patron—Simon) HB 5051 27 31

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Hate crimes; falsely summoning or giving false reports to law-enforcement officials, increases penalty. (Patron—Askew)

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Law-enforcement agencies; acquisition and use of military property, Department of Criminal Justice Services required to establish training standards, etc., and update policies for law-enforcement personnel in handling and use of tear gas or other gases and kinetic impact munitions, etc., establish and administer a waiver process for agencies to use certain military property, etc., prohibited practices for law-enforcement officers during an arrest or detention, penalties. (Patron—Helmer)

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Law-enforcement officer training and qualifications; Department of Criminal Justice Services required to develop a uniform curriculum and lesson plans for the compulsory minimum entry-level, in-service, and advanced training standards, etc., criminal justice training academies, hiring agency or jail may require a candidate for employment to undergo a psychological examination. (Patron—Hope)

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Law-enforcement officers and jail officers, certified; sheriff, chief of police, or agency administrator shall notify the Criminal Justice Services Board in writing within 48 hours if any officer is terminated or resigns for engaging in serious misconduct, etc., report. (Patron—Simon)

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Person in custody of a law-enforcement officer, inmate, parolee, probationer, juvenile detainee, or pretrial defendant or posttrial offender; carnal knowledge of a person detained or arrested, adds private, local, or state law-enforcement agency to list, penalty. (Patron—Delaney) HB 5045 26 30

Policing reform; acquisition of military property, handling and use of tear gas or other gases and kinetic impact munitions, training for law-enforcement officers in de-escalation techniques, compulsory in-service training standards, guidelines and standards for psychological examinations, change in membership for the Criminal Justice Services Board, etc., report. (Patron—Locke) SB 5030 37 68

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