

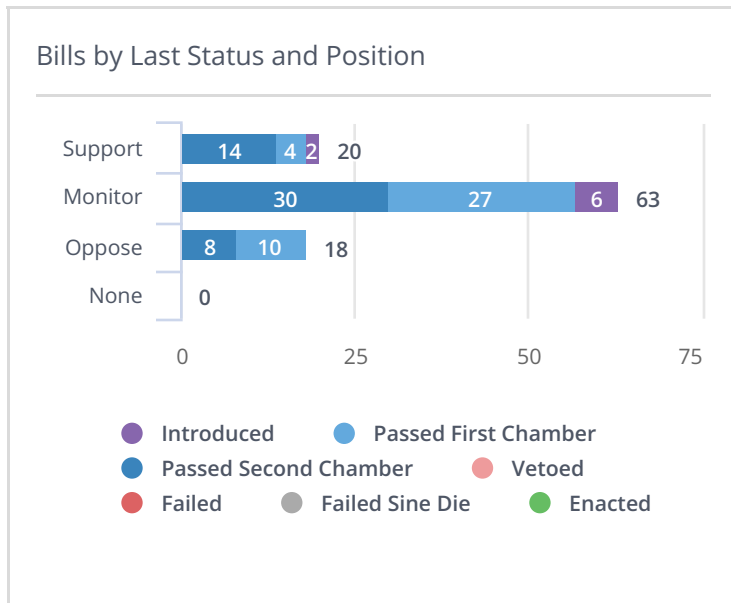


VMA Weekly Legislative Update

Last Updated: February 22, 2021

Executive Summary

Member communications only. This report reviews all Priority Bills, Defensive Priority Bills, and Monitored bills that are still active in the VA General Assembly the week of February 22, 2021.



Bills by Issue

Civil Litigation (2)

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 2139	Senate Constitutional Reading Dispensed 32 Y 0 N 2021 02 19	In Senate	Oppose	Medium	97.1% 51.5%

Title

Accrual of cause of action; diagnosis of latent injury or disease.

Introduction Date: 2021-01-12

Labels: VMA

Description

Accrual of cause of action; diagnosis of latent injury or disease. Provides that a cause of action for a latent injury shall accrue when such injury and its causal connection to an injurious or disease-causing substance, product, or circumstance is first communicated to the injured person or his agent by a physician. The bill further provides that a diagnosis of a nonmalignant substance-related, product-related, or circumstance-related latent injury or disease shall not accrue an action based upon the subsequent diagnosis of a malignant substance-related latent injury or disease.

Primary Sponsors

Liz Guzman

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	SB 1180	House Subcommittee Failed To Recommend Reporting 4 Y 4 N 2021 02 19	In House	Oppose	High	97.9% 56.9%

Title

Civil actions; actions filed on behalf of multiple similarly situated persons.

Introduction Date: 2021-01-08

Labels: VMA Defensive Priority Bill

Description

Civil actions filed on behalf of multiple persons. Provides that a circuit court may enter an order joining, coordinating, consolidating, or transferring civil actions upon finding that separate civil actions brought by a plaintiff on behalf of multiple similarly situated persons involve common questions of law or fact and arise out of the same transaction, occurrence, or series of transactions or occurrences. The bill requires the Supreme Court to promulgate rules no later than November 1, 2021, governing such actions. The bill has a delayed effective date of July 1, 2022.

Primary Sponsors

Scott Surovell

Organizational Notes

Last edited by Brett Vassey at Feb 22, 2021, 1:28 PM

Patron is trying to resurrect the bill in full committee. Advocates have offered a substitute that addresses the following concerns: 1) the use of depositions to support a motion for summary judgment in class action suits; 2) avoiding nonsuits for class actions after the class certification stage (similar to the federal rule, voluntary dismissal would be at the discretion of the court); and 3) ensuring Virginia's class action rules are consistent with the federal rules (deleting the "no more restrictive than" language). The bill would continue to include the July 1, 2002, effective date.

Last edited by Brett Vassey at Feb 19, 2021, 3:32 PM

Bill failed House Civil Subcommittee 4-4. VMA testified against the bill. Bill is expected to be heard in full House Court Committee.

Last edited by Brett Vassey at Feb 7, 2021, 3:51 PM

Enables class action lawsuits against companies. It also makes clear that the provisions of the federal Class Action Fairness Act will apply to any class actions brought in Virginia courts. VMA joined a business Coalition to oppose the bill.

Economic Development (6)

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 1881	Senate Continued To 2021 Sp Sess 1 In Commerce And Labor 15 Y 0 N 2021 02 05	In Senate	Monitor	Medium	96.5% 57.7%
Title Enterprise zone job creation grants; wage requirements.			Introduction Date: 2021-01-08			
Description Enterprise zone job creation grants. Provides that, for purposes of wage requirements for the enterprise zone job creation grant program, the minimum wage shall be the higher of the state minimum wage or the federal minimum wage. The bill also reduces the percentage of the minimum wage that grant eligible jobs must meet. The bill has a delayed effective date of January 1, 2022.			Labels: VMA Defensive Priority Bill			
Primary Sponsors Steve Heretick						

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 1923	Senate Passed Senate With Amendments 39 Y 0 N 2021 02 18	Passed Senate	Monitor	Medium	96.3% 56.1%
Title Electric utilities; expands existing broadband capacity pilot program.			Introduction Date: 2021-01-10			
Description Electric utilities; broadband capacity pilot program. Expands an existing pilot program under which Dominion Energy and Appalachian Power are authorized to provide or make available broadband capacity to Internet service providers in areas of the Commonwealth that are unserved by broadband to include municipal Internet service providers. The current program is restricted to nongovernmental Internet service providers.			Labels: VMA			
Primary Sponsors Hala Ayala						

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 1967	Governor Governors Action Deadline 11 59 P M February 26 2021 2021 02 19	Passed Senate	Monitor	Low	96.0% 51.5%

Title

Virginia Jobs Investment Program and Fund; minimum wage requirements.

Introduction Date: 2021-01-11

Labels: VMA Defensive Priority Bill

Description

Virginia Jobs Investment Program and Fund; minimum wage requirements. Adjusts the minimum entry-level wage rate per hour a company is required to pay in order to be eligible for assistance under the Virginia Jobs Investment Program from at least 1.35 times the federal minimum wage to at least 1.2 times the federal minimum wage or the Virginia minimum wage, whichever is higher.

Primary Sponsors

Lamont Bagby

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 2101	Senate Passed Senate With Substitute 37 Y 2 N 2021 02 18	Passed Senate	Monitor	Low	96.1% 62.2%

Title

GO Virginia Grants; matching funds, repeals sunset provision.

Introduction Date: 2021-01-12

Labels: VMA

Description

GO Virginia Grants; matching funds; sunset. Repeals the July 1, 2021, sunset of the provision of the Code of Virginia allowing a locality to use grant funds awarded by the Tobacco Region Revitalization Commission as matching funds for GO Virginia grants.

Primary Sponsors

William Wampler

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	SB 1158	House Vote Passage 95 Y 4 N 1 A 2021 02 18	Passed House	Support	High	95.5% 55.7%

Title

Port of Virginia tax credits; extends the sunset date.

Introduction Date: 2021-01-07

Labels: VMA Priority Bills

Description

Port of Virginia tax credits; sunset. Extends the sunset for the international trade facility tax credit, the barge and rail usage tax credit, and the port volume increase tax credit from taxable years before January 1, 2022, to taxable years before January 1, 2025.

Primary Sponsors

Lionell Spruill

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	SB 1171	House Subcommittee Recommends Laying On The Table 5 Y 3 N 2021 02 16	In House	Monitor	Low	95.5% 84.3%

Title

Conflict of Interests Act, State and Local Government; disclosure requirements.

Introduction Date: 2021-01-08

Labels: VMA

Description

State and Local Government Conflict of Interests Act; disclosure requirements; industrial development authorities and economic development authorities. Requires the executive director and members of each industrial development authority and economic development authority, as created by the Industrial Development and Revenue Bond Act, in a locality with a population in excess of 25,000 or in a region serving more than one locality that, in the aggregate, has a population in excess of 25,000 to file a Statement of Economic Interests (SOEI) with the clerk of the local governing body as a condition to assuming office and thereafter annually on or before February 1. Current law requires all executive directors and members of industrial development authorities and economic development authorities, as created by the Industrial Development and Revenue Bond Act, to file a SOEI.

Primary Sponsors

Tommy Norment

K-16 Career & Technical Education/Workforce Training (7)

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 1876	Senate Constitutional Reading Dispensed 32 Y 0 N 2021 02 19	In Senate	Monitor	Medium	95.7% 55.6%

Title

Workforce development; expands type of data sharing.

Introduction Date: 2021-01-08

Labels: VMA

Description

Workforce development; data sharing. Expands the type of workforce development data that state agencies may share with the Virginia Workforce System to support workforce program evaluation and policy analysis. The bill removes the requirement that all personal identifying information be removed before being shared among other state agencies and with the Workforce Development System and instead requires the identifying attribute information necessary to match entities across programs, support the coordination of services, and evaluate outcomes to be shared among agencies that enter into the memorandum of understanding supporting the Virginia Workforce Data Trust.

Primary Sponsors

Suhas Subramanyam

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 1904	Governor Governors Action Deadline 11 59 P M February 26 2021 2021 02 19	Passed Senate	Monitor	Low	97.5% 54.5%

Title

Teachers and other licensed school board employees; cultural competency.

Introduction Date: 2021-01-08

Labels: VMA

Description

Teachers and other licensed school board employees; cultural competency. Requires teacher, principal, and division superintendent evaluations to include an evaluation of cultural competency. The bill requires every person seeking initial licensure or renewal of a license from the Board of Education (i) to complete instruction or training in cultural competency and (ii) with an endorsement in history and social sciences to complete instruction in African American history, as prescribed by the Board. The bill also requires each school board to adopt and implement policies that require each teacher and any other school board employee holding a license issued by the Board to complete cultural competency training, in accordance with guidance issued by the Board, at least every two years. This bill is identical to SB 1196.

Primary Sponsors

Clint Jenkins

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 1905	Governor Governors Action Deadline 11 59 P M February 26 2021 2021 02 19	Passed Senate	Monitor	Low	97.6% 52.9%

Title

Economic education and financial literacy required in middle and high school grades; employment.

Introduction Date: 2021-01-08

Labels: VMA

Description

Economic education and financial literacy required in middle and high school grades; employment arrangements. Adds to objectives developed and approved by the Board of Education for economics education and financial literacy at the middle and high school levels the implications of various employment arrangements with regard to benefits, protections, and long-term financial sustainability. Employment arrangements is defined in the bill as full-time employment, part-time employment, independent contract work, gig work, piece work, contingent work, day labor work, freelance work, and 1099 work.

Primary Sponsors

Josh Cole

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 2204	Senate Passed Senate 37 Y 2 N 2021 02 17	Passed Senate	Support	High	92.6% 54.7%

Title

Get Skilled, Get a Job, Give Back (G3) Fund and Program; established.

Introduction Date: 2021-01-13

Labels: VMA Priority Bills

Description

Get Skilled, Get a Job, Give Back (G3) Fund and Program established. Establishes the Get Skilled, Get a Job, Give Back (G3) Fund and requires the Virginia Community College System to establish the G3 Program for the purpose of providing financial assistance from the Fund to certain low-income and middle-income Virginia students who are enrolled in an educational program at an associate-degree-granting public institution of higher education that leads to an occupation in a certain high-demand field. The bill contains provisions for student eligibility, financial assistance award amounts, and data reporting. This bill is identical to SB 1405.

Primary Sponsors

Eileen Filler-Corn

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	SB 1314	House Passed House With Amendment 83 Y 17 N 2021 02 19	Passed House	Monitor	High	95.3% 51.3%

Title

Education and Labor Market Alignment, Office of; established.

Introduction Date: 2021-01-12

Labels: VMA

Description

Virginia Economic Development Partnership Authority; Office of Education and Labor Market Alignment established; workforce and higher education alignment. Directs the Virginia Economic Development Partnership Authority to establish an Office of Education and Labor Market Alignment (the Office) to coordinate data analysis on workforce and higher education alignment and translate data to partners. The Office shall provide a unified, consistent source of information or analysis for policy development and implementation related to talent development and shall partner with the State Council of Higher Education for Virginia, institutions of higher education, the Virginia Employment Commission, GO Virginia, and other relevant entities to offer resources and expertise related to education and labor market alignment.

Primary Sponsors

Ghazala Hashmi

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	SB 1401	House Subcommittee Failed To Recommend Reporting 4 Y 4 N 2021 02 15	In House	Monitor	Medium	78.4% 57.6%

Title

Standards of Learning; reduces total number & type of required assessments to minimum requirements.

Introduction Date: 2021-01-13

Labels: VMA

Description

Standards of Learning assessments; reduction; report. Reduces the total number and type of required Standards of Learning assessments to the minimum requirements established by the federal Elementary and Secondary Education Act of 1965, as amended. The bill requires the Department of Education to annually report on the estimated projected and actual savings from the implementation of the bill and report the amount of such savings to the Governor and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations no later than the first day of each Regular Session of the General Assembly. The bill also requires that such amount be included in the total for Direct Aid to Public Education in any general appropriation act.

Primary Sponsors

Todd Pillion

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	SB 1405	House Signed By Speaker 2021 02 18	Passed House	Support	High	97.1% 52.1%

Title

Get Skilled, Get a Job, Give Back (G3) Fund and Program; established.

Introduction Date: 2021-01-13

Labels: VMA Priority Bills

Description

Get Skilled, Get a Job, Give Back (G3) Fund and Program established. Establishes the Get Skilled, Get a Job, Give Back (G3) Fund and requires the Virginia Community College System to establish the G3 Program for the purpose of providing financial assistance from the Fund to certain low-income and middle-income Virginia students who are enrolled in an educational program at an associate-degree-granting public institution of higher education that leads to an occupation in a certain high-demand field. The bill contains provisions for student eligibility, financial assistance award amounts, and data reporting. This bill is identical to HB 2204.

Primary Sponsors

Dick Saslaw

Employment & Safety (4)

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 2134	Senate Continued To 2021 Sp Sess 1 In Commerce And Labor 15 Y 0 N 2021 02 05	In Senate	Support	Medium	97.6% 56.0%

Title

Employee classification; provision of personal protective equipment in response to a disaster.

Introduction Date: 2021-01-12

Labels: VMA Priority Bills

Description

Employee classification: disaster; personal protective equipment. Prohibits the consideration, in any determination regarding whether an individual is an employee or independent contractor, for the purposes of a civil action for employment misclassification, unemployment compensation, and workers' compensation, of the provision of personal protective equipment by a hiring party to the individual in response to a disaster caused by a communicable disease of public health threat for which a state of emergency has been declared.

Primary Sponsors

Amanda Batten

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 2321	Senate Passed Senate With Substitute 20 Y 18 N 1 A 2021 02 18	Passed Senate	Monitor	High	96.2% 52.5%

Title

Labor, Secretary of; position created in Governor's Cabinet.

Introduction Date: 2021-01-21

Labels: VMA

Description

Governor's Secretaries; Secretary of Labor created. Creates in the Governor's Cabinet the position of Secretary of Labor. The bill transfers from the Secretary of Commerce and Trade to the Secretary of Labor responsibility for the Department of Labor and Industry, the Department of Professional and Occupational Regulation, and the Virginia Employment Commission. The bill removes the position of Chief Workforce Development Advisor and reassigns its duties to the Secretary of Labor. The bill also adds the Secretary of Labor to the Governor's comprehensive economic development policy committee.

Primary Sponsors

Shelly Simonds

Organizational Notes

Last edited by Brett Vassey at Feb 10, 2021, 9:10 PM
Amend to Secretary of Workforce

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 2328	House Incorporated By Health Welfare And Institutions Hb 2333 Bagby By Voice Vote 2021 01 26	In House	Support	Medium	2.1% 51.5%

Title

COVID-19; administration of vaccine.

Introduction Date: 2021-01-22

Labels: VMA Priority Bills

Description

Facilitate the administration of the COVID-19 vaccine; emergency.

Primary Sponsors

Kathy Byron

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	SB 1362	House Subcommittee Recommends Laying On The Table 8 Y 0 N 2021 02 17	In House	Oppose	High	95.4% 56.6%

Title

Employers; reporting outbreaks of COVID-19, effective clause.

Introduction Date: 2021-01-13

Labels: VMA Defensive Priority Bill

Description

Employers; reporting outbreaks of COVID-19. Requires that, upon determination that a worksite cluster of COVID-19 has occurred at a workplace with 50 or more employees, the Department of Health (the Department) shall make a report available to the public on a website maintained by the Department that includes (i) the name of the employer at which a worksite cluster has been reported and (ii) the number of confirmed cases of COVID-19 reported by such employer. The Department shall also report when previously reported outbreaks are under control. The bill defines "worksite cluster" as five or more cases with illness onset or initial positive results within a 14-day period and a likely epidemiologic linkage between cases. The bill provides that the provisions of the act shall expire upon expiration of the Governor's declared state of emergency in response to the continued spread of the SARS-CoV-2 novel coronavirus, or COVID-19. The provisions of the bill are contingent on funding in a general appropriation act.

Primary Sponsors

Lynwood Lewis

Organizational Notes

Last edited by Brett Vassey at Feb 1, 2021, 3:39 PM

This will does not cover government offices, Colleges and Universities, or other public organizations. Also, the permanent regulation (16 VAC25-220) now forces a VDH and VOSH notice along with removal of infected or likely to be infected employees from the workplace along with VDH tracing and notice to all that were exposed. A public notice is built into the permanent regulation. By the time this bill is implemented, an employer would have noticed the state agencies, removed sick people and exposed people from the workplace, sanitized the affected spaces, and returned to normal work (72 hours). As such, this bill would just disrupt work and create confusion because the public wouldn't get the "public notice" before the entire issue is resolved. After the fact information is just a scarlet letter. Perhaps there is an administrative function at VDH that can help give constituents more confidence in the permanent regulation? VMA recommends a Section 1 bill requiring disclosure of confirmed infections by risk category of employer (very high, high, medium, and low) and industry (retail, wholesale, manufacturing, construction, agriculture, service, banking and finance, government) but only disclose the organization names if they have received a "willfull violation" from VOSH.

Last edited by Brett Vassey at Jan 28, 2021, 12:41 PM

Virginia has already adopted a permanent COVID-19 regulation. This would conflict with the regulation and create regulatory confusion.

Energy Regulation (22)

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 1834	Senate Passed Senate With Substitute 39 Y 0 N 2021 02 18	Passed Senate	Oppose	Medium	95.0% 53.8%

Title

Electric generating facility closures; public disclosure, integrated resource plans.

Introduction Date: 2021-01-06

Labels: VMA Defensive Priority Bill

Description

Electric utilities; closure of carbon-emitting generating units. Requires each owner of a large carbon-emitting power plant to provide notice to relevant localities and state agencies about the decision to close the plant within 30 days of making such decision. The bill requires localities in which such facilities are located, and planning district commissions in such localities, to conduct public hearings regarding the impending closure within six months of receipt of such notice. The bill requires the Division of Energy to maintain a public website listing the facilities subject to the requirements of the bill and their anticipated closure dates. As part of an integrated resource plan, the bill requires each utility to submit a facility retirement study for its carbon-emitting facilities and disclose the study to relevant localities and state agencies.

Primary Sponsors

Suhas Subramanyam

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 1835	House Incorporated By Labor And Commerce Hb 1914 Helmer By Voice Vote 2021 02 02	In House	Monitor	High	4.1% 50.0%

Title

Electric utilities; rate reductions.

Introduction Date: 2021-01-06

Labels: VMA

Description

Electric utilities; rate reductions. Eliminates provisions that limit any rate reduction ordered by the State Corporation Commission in the first triennial review of Dominion Energy Virginia after January 1, 2021, to \$50 million in annual revenues and provides that in any triennial review, regardless of whether the Commission has ordered bill credits, the utility earned above its authorized rate of return during the test period under review, or the utility has made a request regarding any customer credit reinvestment offsets, the Commission may order any rate reduction it deems necessary and appropriate unless it finds that the resulting rates will not provide the utility with the opportunity to (i) fully recover its costs of providing its services and (ii) earn not less than a fair combined rate of return on its generation and distribution services. This bill was incorporated into HB 1835.

Primary Sponsors

Suhas Subramanyam

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 1855	Senate Rereferred To Finance And Appropriations 2021 02 16	In Senate	Monitor	Low	95.4% 52.0%

Title

Mines, Minerals and Energy, Department of; renamed the Department of Energy.

Introduction Date: 2021-01-07

Labels: VMA

Description

Department of Mines, Minerals and Energy. Renames the Department of Mines, Minerals and Energy as the Department of Energy. Within the Department, the bill renames the Division of Mined Land Reclamation as the Division of Mined Land Repurposing and renames the Division of Energy as the Division of Renewable Energy and Energy Efficiency.

Primary Sponsors

Rip Sullivan

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 1907	Senate Passed Senate 38 Y 1 N 2021 02 18	Passed Senate	Monitor	High	95.3% 55.2%

Title

Electric utilities; advanced renewable energy buyers.

Introduction Date: 2021-01-08

Labels: VMA Defensive Priority Bill

Description

Electric utilities; advanced renewable energy buyers. Provides that certain accelerated renewable energy buyers that are customers of Dominion Energy Virginia and had subscribed to, as of March 1, 2020, a voluntary companion experimental tariff offering for the purchase of renewable attributes from renewable energy facilities that requires a renewable facilities agreement and the purchase of a minimum of 2,000 renewable attributes annually is exempt from the allocation of the net costs related to procurement of new solar or onshore wind generation capacity, energy, or environmental attributes, or energy storage facilities, by Dominion Energy Virginia. The exemption is based on the amount of Renewable Energy Certificates associated with the customer's renewable facilities agreements associated with the tariff offering in proportion to the customer's total electric energy consumption, on an annual basis.

Primary Sponsors

Rip Sullivan

Organizational Notes

Last edited by Brett Vassey at Jan 27, 2021, 9:50 PM
Bill gives a preferential bypass to VCEA charges to Facebook.

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 1919	House Senate Substitute Agreed To By House 21200236 D S 1 56 Y 42 N 2021 02 19	Passed Senate	Monitor	Low	96.1% 51.5%

Title

Local green banks; authorizes a locality, by ordinance, to establish.

Introduction Date: 2021-01-10

Labels: VMA

Description

Local green banks. Authorizes a locality, by ordinance, to establish a green bank to promote the investment in clean energy technologies in its locality and provide financing for clean energy technologies, defined in the bill. The bill establishes certain powers and functions of a green bank, including developing rules and procedures, financing and providing loans for clean energy projects, and stimulating demand for renewable energy. The bill requires the green bank to be a public entity, quasi-public entity, or nonprofit entity and requires the locality to hold a hearing and publish notice in a newspaper of general circulation prior to establishing the green bank.

Primary Sponsors

Kaye Kory

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 1994	Senate Passed Senate 39 Y 0 N 2021 02 18	Passed Senate	Support	High	97.4% 55.1%

Title

Small agricultural generators; expands definition.

Introduction Date: 2021-01-11

Labels: VMA Priority Bills

Description

Small agricultural generators; definition. Expands the definition of small agricultural generator to include any business operating a small agricultural generating facility that has been granted a manufacturer license as a distillery, limited distillery, brewery, limited brewery, winery, or farm winery. Under current law, small agricultural generators include only those businesses operating a small agricultural generating facility as part of an agricultural business. This bill incorporates HB 2215.

Primary Sponsors

Kat Murphy

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 2006	Senate Passed Senate 37 Y 1 N 1 A 2021 02 17	Passed Senate	Monitor	High	97.1% 55.3%

Title

Energy storage systems; definitions, tax exemption, revenue share for systems.

Introduction Date: 2021-01-11

Labels: VMA Defensive Priority Bill

Description

Tax exemptions for energy storage systems. Declares that energy storage systems are included in the definition of certified pollution control equipment and facilities, making energy storage systems exempt from state and local taxation. The bill defines "energy storage system" as equipment, facilities, or devices that are capable of absorbing energy, storing it for a period of time, and redelivering that energy after it has been stored. The tax exemption applies only to certain projects with alternating current (AC) storage capacity of more than five megawatts and less than 150 megawatts.

Primary Sponsors

Steve Heretick

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 2057	House Incorporated By Labor And Commerce Hb 2200 Jones By Voice Vote 2021 02 02	In House	Monitor	High	17.1% 50.5%

Title

Electric utilities; triennial review.

Introduction Date: 2021-01-12

Labels: VMA

Description

Electric utilities; triennial review. Makes various changes to procedures under which the State Corporation Commission reviews the earnings and sets the rates of investor-owned incumbent electric utilities. The bill requires the Commission, in determining a fair rate of return on common equity for an investor-owned utility, to consider the average of either (i) the returns on common equity reported to the Securities and Exchange Commission for the three most recent annual periods for which such data is available by not less than a majority of a selected peer group of the utility or (ii) the authorized returns on common equity that are set by the applicable regulatory commissions for the same selected peer group. Under current law, the Commission is required to set such return not lower than either such average.

Primary Sponsors

Lee Ware

Title

Virginia Electric Vehicle Grant Fund and Program; created, report.

Introduction Date: 2021-01-12

Labels: VMA Defensive Priority Bill

Description

Electric Vehicle Grant Fund and Program; creation; workgroup report. Establishes the Electric Vehicle Grant Fund and Program for the purpose of (i) awarding grants on a competitive basis to public school divisions for (a) assisting with costs of replacing diesel school buses with electric school buses; (b) the implementation of recharging infrastructure or other infrastructure needed to charge or maintain such electric school buses; and (c) workforce development and training to support the maintenance, charging, and operation of such electric school buses and (ii) projects by public, private, and non-profit Virginia entities to assist with replacing diesel-fueled vehicles and machinery with electric vehicles. No allocation of funds shall be made to the Fund or the Program unless federal or nonstate funds are available to cover the entire cost of such allocation. The bill contains provisions relating to grant applications, priority, awards, and uses. The Department of Environmental Quality shall convene a stakeholder workgroup to develop recommendations for establishing and administering the Fund and Program and shall report the workgroup findings to the General Assembly.

Primary Sponsors

Mark Keam

Organizational Notes

Last edited by Brett Vassey at Feb 1, 2021, 6:42 PM

Substitute bill passed that removes the 5 cents per gallon dyed diesel fuel increase. Creates a new dedicated government fund that allows electric utilities to provide financial contributions using electric ratepayer resources.

Last edited by Brett Vassey at Jan 31, 2021, 11:25 PM

5 cent per gallon dyed diesel fuel charge. Will increase costs for off-road vehicle refueling and diesel generation back-up costs. No correlation between the tax and spending. Spending will be on electric vehicle recharging infrastructure and electric school buses at \$265,000 per unit. According to a recent report, diesel buses cost about \$90,000; propane buses cost about \$98,000; compressed natural gas buses cost about \$120,000. <https://stnonline.com/special-reports/new-school-transportation-studies-compare-costs-advantages-and-wages/#:~:text=Propane%20school%20buses%20cost%20about,percent%20more%20than%20diesel%20buses.>

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 2148	Senate Rereferred To Finance And Appropriations 2021 02 16	In Senate	Support	Medium	97.6% 58.0%

Title

Small renewable energy projects; energy storage.

Introduction Date: 2021-01-12

Labels: VMA

Description

Small renewable energy projects; energy storage. Includes in the definition of a "small renewable energy project" certain energy storage facilities and projects that include storage facility components. Such facilities are eligible for special permitting, review, and inspection requirements. The bill directs the Department of Environmental Quality to promulgate initial regulations to implement the provisions of the bill by January 1, 2022.

Primary Sponsors

Rod Willett

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 2227	Senate Rereferred To Finance And Appropriations 2021 02 17	In Senate	Oppose	High	96.2% 57.4%

Title

Uniform Statewide Building Code; amendments, energy efficiency and conservation.

Introduction Date: 2021-01-13

Labels: VMA Defensive Priority Bill

Description

Uniform Statewide Building Code; amendments; energy efficiency and conservation. Directs the Board of Housing and Community Development, upon each publication by the International Code Council of a new version of the International Energy Conservation Code (IECC), to consider adopting amendments to the Uniform Statewide Building Code to address changes in the IECC related to energy efficiency and conservation.

Primary Sponsors

Kaye Kory

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 2282	Senate Passed Senate 38 Y 1 N 2021 02 18	Passed Senate	Oppose	High	97.0% 57.1%

Title

State Corporation Commission; transportation electrification, utility recovery of certain costs.

Introduction Date: 2021-01-15

Labels: Renewable Energy

Transportation and Climate Initiative

VMA Defensive Priority Bill

Description

State Corporation Commission; transportation electrification; utility recovery of certain costs; report. Directs the State Corporation Commission (Commission) to report on policy proposals to accelerate transportation electrification in the Commonwealth. The bill requires the Commission to submit, no later than May 1, 2022, a report to the General Assembly recommending policy proposals that could govern public electric utility programs to accelerate widespread transportation electrification in the Commonwealth. The bill requires the Commission to utilize a public process, facilitated by a third party with expertise in transportation

electrification, in which the Commission, the Department of Environmental Quality, the Department of Mines, Minerals and Energy, the Department of Transportation, and appropriate stakeholders participate. The bill requires that the Commission, in developing its policy recommendations, evaluate (i) areas where utility or other public investment may best complement private efforts to effectively deploy charging infrastructure, with particular focus on low-income, minority, and rural communities; (ii) how smart growth policies can complement and enhance the Commonwealth's transportation electrification goals; (iii) how utility programs, investments, or incentives to customers or third parties to facilitate the deployment of charging infrastructure and related upgrades can support or enhance (a) statewide transportation electrification, including electrification of public transit; (b) the electrification of medium-duty and heavy-duty vehicles, school buses, vehicles at ports and airports, personal vehicles, and vehicle fleets; (c) increased access to electric transportation and improved air quality in low-income and medium-income communities; (d) achievement of existing energy storage targets; (e) improvements to the distribution grid or to specific sites necessary to accommodate charging infrastructure; and (f) customer education and outreach programs that increase awareness of such programs and the benefits of transportation electrification. The bill requires that the report also address whether and how transportation electrification can, under current law, (a) reduce total ratepayer rates and costs; (b) assist in grid management and more efficient use of the grid, in a manner that does not increase peak demand, through time-of-use rates, managed charging programs, vehicle-to-grid programs, or other alternative rate designs; (c) utilize increased generation from renewable energy resources; and (d) reduce fueling costs for vehicles. The bill requires that, to the extent that the Commission and stakeholders conclude that transportation electrification cannot currently deliver these benefits, the report include public policy r... (click bill link to see more).

Primary Sponsors

Rip Sullivan

Organizational Notes

Last edited by Brett Vassey at Feb 15, 2021, 12:53 PM

Bill establishes an SCC study to justify banning combustion engines and clearing Virginia for the Transportation & Climate Initiative multi-state compact. • This bill should assess the environmental and health impacts of toxic materials and hazardous waste from automotive and grid stabilization sources of Lithium Ion and other batteries, new landfill capacity needed to dispose of batteries, new mining permits needed to produce raw materials for batteries, and the impact of "conflict minerals" in batteries attributable to environmental, child labor and human rights abuses. VA should avoid another coal-ash disposal catastrophe – electrifying Virginia's 7.5 million automobiles will produce an estimated 4.13 billion pounds of toxic battery waste . o Lithium Ion batteries (the cleanest of four battery technologies) can contaminate water if not disposed of properly. o Lithium Ion batteries contain cobalt, copper, nickel and iron. o Cobalt sourced for Lithium-Ion batteries primarily comes from the Democratic Republic of the Congo and is tied to armed conflict, illegal mining, human rights abuses, and harmful environmental practices. o Recycling is non-existent. o Less than 5% of Australian, European, and US Lithium-Ion batteries are recycled (Source: International Energy Agency, US Department of Energy). • The bill should require an assessment of the economic impact to the manufacturing supply chain that currently manufactures and services products for combustion engines and vehicles. • The bill should assess whether the electric vehicle registration fee is adequate to cover the transportation construction and maintenance costs currently paid for by transportation fuel taxes. • The bill should assess the national security risk that moving all forms of transportation fuel to electrification presents. • The bill should assess competition among electricity providers to lower costs.

Last edited by Brett Vassey at Jan 25, 2021, 1:49 PM

HB2282 further captures consumers within monopoly electric utility markets for transportation energy essential to global competitiveness. This bill does not effectively incorporate an analysis of the potential ramifications for national security, costs to consumers, technical limits for the grid, and technical limits of automotive technology for specific users (e.g., residential, large families, commercial business, industrial business, maritime/port infrastructure, etc.).

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 2304	Senate Passed Senate With Substitute 38 Y 1 N 2021 02 18	Passed Senate	Monitor	High	96.7% 54.2%

Title

Phase I or Phase II electric utilities; petitions to provide broadband capacity.

Introduction Date: 2021-01-19

Labels: VMA Defensive Priority Bill

Description

Provision of broadband capacity by Phase I or Phase II electric utilities. Makes permanent the pilot program under which a Phase I or Phase II electric utility is permitted to petition the State Corporation Commission to provide broadband capacity to unserved areas of the Commonwealth. The bill expands the program to allow for the participation of municipalities and government-owned broadband authorities. The bill provides that investor-owned electric utilities may recover costs of and revenue generated from providing broadband capacity that serves as an electric grid transformation project in areas unserved by broadband, as defined in the bill. The bill also consolidates the State Corporation Commission petition approval process into one hearing.

Primary Sponsors

Roz Tyler

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 2330	Senate Senators Mason Lewis Norment 2021 02 19	Passed Senate	Oppose	High	97.4% 59.9%

Title

Percentage of Income Payment Program and Fund; DHCD & DSS to adopt rules, etc., for adoption.

Introduction Date: 2021-01-22

Labels: VMA Defensive Priority Bill

Description

Electric utilities; Percentage of Income Payment Program. Requires the Department of Social Services (the Department), in consultation with, as it deems necessary, the Department of Housing and Community Development, to adopt rules or establish guidelines for the adoption, implementation, and general administration of the Percentage of Income Payment Program (PIPP) and the Percentage of Income Payment Fund (Fund). The bill requires the PIPP to commence no later than March 1, 2022. The bill establishes the Fund for the purposes of implementing and administering the PIPP and related programs. The bill requires Dominion Energy Virginia and American Electric Power to cooperate with the requests of the Department and the State Corporation Commission (the Commission) in the implementation and administration of the PIPP. The Commission is required to promulgate any rules necessary to ensure that funds collected from each utility's universal service fee are directed to the Fund. The bill requires the Commission to initiate proceedings to provide for an annual true-up of the universal service fee within 60 days of the commencement of the PIPP and on an annual or semiannual basis thereafter. The bill provides that the PIPP may utilize existing energy efficiency or related programs approved by the Commission. The bill authorizes the Department to determine what deficiencies exist in existing and available federal, state, local,

or nonprofit programs to meet energy reduction obligations and to
(i) make recommendations to the Commission or the utilities
regarding such deficiency analysis and (ii) develop programs to
address such deficiencies.

Primary Sponsors

Kaye Kory

Organizational Notes

Last edited by Brett Vassey at Feb 22, 2021, 2:14 PM

Bill was amended in the Senate. Conference committee appointed to negotiate final details of bill. Delegates: Kory, Sullivan, O'Quinn and Senators: Mason, Lewis, Norment. Major changes are as follows: 1) Removes language requiring full electrification of homes; 2) Reduces qualification from 200% of federal poverty level to 150% of federal poverty level; 3) Adds a 2022 re-enactment clause; 4) Deletes Section E of the prior version which authorized the Department of Social Services to develop and implement non-utility energy efficient programs and other programs for the reduction of energy use for eligible participants in the PIPP. Here is the struck language. E. The Department may develop and implement non-utility energy efficiency programs and other programs for the reduction of energy use for eligible participants in the PIPP, which programs shall be funded by the universal service fee, provided that the Department engages in a stakeholder process and undertakes a cost-benefit analysis in the development of any such programs. 1. The Department shall convene a stakeholder working group regarding the implementation of whole home retrofits for eligible participants and shall consider program design and coordination of public and private funding streams to implement such whole home retrofits at no cost to the eligible participants, as well as any additional funding needed from the universal service fee to fund such programs. 2. The Commission shall make adjustments to the universal service fee as necessary to provide adequate funding for such programs of the Department. This leaves existing energy efficiency of related programs approved by the Commission which should only be existing DEV and APCO programs. The new language is as follows: D. In carrying out the PIPP's objective of electricity usage reductions, the PIPP may, to the extent reasonably possible, utilize existing energy efficiency or related programs approved by the Commission for a Phase I and Phase II Utility. The Department may determine what deficiencies exist in existing and available federal, state, local, or nonprofit programs to meet the energy reduction obligations of this section. The Department may make recommendations to the Commission or the utilities regarding such deficiency analysis. However, in 56-585.6 Section A of the bill, the universal service charge will still be allocated to retail customers based on kWh usage. This is the worst possible allocator for industrial customers because industrial (unlike residential or commercial) customers purchase power at a very high load factor so a kWh usage based allocator hits us the hardest. The "based on kWh usage" language must be changed to "based on total revenue minus fuel." An allocator based on total revenue minus fuel is not as good as basing it on demand but on the other hand it is very easy to implement and it would be a significant improvement over a kWh based allocator. Without it, industrial customers could pay as much as 40% of the subsidy without any cap.

Last edited by Brett Vassey at Feb 15, 2021, 12:52 PM

- This is rewriting the VA Clean Economy Act. The Democrat members have stated repeatedly that it is premature to amend the VCEA.
- This is "triple dipping" – VCEA, RGGI and PIPP all tax ratepayers to pay for energy efficiency.
- The Universal Service Fee is an electricity tax paid by ratepayers based upon their kWh consumption.
- o In other words, if 40% of the electricity is consumed by commercial and industrial consumers, 40% of the PIPP costs will be assessed to them. There is no correlation between the tax and use.
- Substantially expands the pool of qualified recipients from 10 welfare program participants (e.g., TANF) to anyone within 200% of the Federal poverty level.
- o This will subsidize the cost of electricity for a couple making less than \$35,000 a year by guaranteeing they will not have to spend more than 6-10% of their annual income on electricity. By comparison, TANF participants (mother and two children) must have a gross income below \$784 a month and countable assets of less than \$1,000.
- Ratepayer costs are not capped or distributed equitably.
- o The administration costs alone are \$3 million per year (see fiscal impact statement)!
- o This may be a \$200 million impact to Dominion Energy ratepayers alone.
- Electricity is not a social service. The bill requires the Department of Social Services and Department of Housing and Community Development to govern the program and the SCC to regulate the tax. This is a constitutional problem – the SCC governs utility programs and ratepayer funds are not General Funds.
- Any customer not served by an investor-owned electric utility should not have to pay this tax. The non-bypassable language on Line 299 must be struck.
- Low-income customers should use the existing utility weatherization programs.

Last edited by Brett Vassey at Feb 2, 2021, 2:02 PM

This redefines eligibility proscribed in the VCEA (2020) and diverts authority over the governance, rate, and cost-benefit determination to Executive Branch social service agencies and removes the SCC. The bill has no fiscal impact statement.

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	SB 1201	House Signed By Speaker 2021 02 18	Passed House	Monitor	High	97.0% 55.1%

Title

Energy storage systems; definitions, tax exemption, revenue share for systems.

Introduction Date: 2021-01-11

Labels: Renewable Energy VMA Defensive Priority Bill

Description

Taxation of public service corporations; electric suppliers; storage. Amends the definition of electric supplier to include certain battery storage facilities with a storage capacity greater than 25 megawatts and subjects such facilities to central assessment by the State Corporation Commission. The bill also requires battery storage facilities qualifying as electric suppliers to file an annual report to the Commission.

Primary Sponsors

Chap Petersen

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	SB 1223	House Vote Passage 57 Y 42 N 2021 02 19	Passed House	Oppose	High	95.3% 54.3%

Title

Virginia Energy Plan; amends Plan to include an analysis of electric vehicle charging infrastructure

Introduction Date: 2021-01-11

Labels: Greenhouse Gas
Transportation and Climate Initiative
VMA Defensive Priority Bill

Description

Transportation electrification; Virginia Energy Plan. Amends the Virginia Energy Plan to include an analysis of electric vehicle charging infrastructure and other infrastructure needed to support the 2045 net-zero carbon target in the transportation sector.

Primary Sponsors

Jennifer Boysko

Organizational Notes

Last edited by Brett Vassey at Feb 15, 2021, 12:51 PM

This bill should be amended to assess the environmental and health impacts of toxic materials and hazardous waste from automotive and grid stabilization sources of Lithium Ion and other batteries, new landfill capacity needed to dispose of batteries, new mining permits needed to produce raw materials for batteries, and the impact of "conflict minerals" in batteries attributable to environmental, child labor and human rights abuses. VA should avoid another coal-ash disposal catastrophe – electrifying Virginia’s 7.5 million automobiles will produce an estimated 4.13 billion pounds of toxic battery waste .

- o Lithium Ion batteries (the cleanest of four battery technologies) can contaminate water if not disposed of properly.
- o Lithium Ion batteries contain cobalt, copper, nickel and iron.
- o Cobalt sourced for Lithium-Ion batteries primarily comes from the Democratic Republic of the Congo and is tied to armed conflict, illegal mining, human rights abuses, and harmful environmental practices.
- o Recycling is non-existent.
- o Less than 5% of Australian, European, and US Lithium-Ion batteries are recycled (Source: International Energy Agency, US Department of Energy).

- The bill should require an assessment of the economic impact to the manufacturing supply chain that currently manufactures and services products for combustion engines and vehicles.
- The bill should assess whether the electric vehicle registration fee is adequate to cover the transportation construction and maintenance costs currently paid for by transportation fuel taxes.
- The bill should assess the national security risk that moving all forms of transportation fuel to electrification presents.
- The bill should assess competition among electricity providers to lower costs.

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	SB 1265	House Read Second Time 2021 02 19	In House	Monitor	Medium	96.3% 53.1%

Title

Natural gas pipelines; stop work orders.

Introduction Date: 2021-01-11

Labels: VMA

Description

Natural gas pipelines; stop work orders. Authorizes the Department of Environmental Quality to conduct inspections of the land-disturbing activities related to construction of any natural gas transmission pipeline equal to or greater than 24 inches inside diameter. Current law authorizes such inspections only if such inside diameter is greater than 36 inches. The bill also specifies certain instances that may give rise to such inspection and authorizes the Department to issue a stop work order for every work area in Virginia in the event that substantial adverse impacts or likely adverse impacts are found on a repeated, frequent, and widespread basis.

Primary Sponsors

Creigh Deeds

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	SB 1282	House Read Second Time 2021 02 19	In House	Oppose	High	97.0% 55.0%

Title

Greenhouse gas emissions inventory; regulations.

Introduction Date: 2021-01-11

Labels: Greenhouse Gas VMA Defensive Priority Bill

Description

Greenhouse gas emissions inventory; regulations. Directs the Department of Environmental Quality to conduct a statewide baseline and projection inventory of all greenhouse gas emissions and to update such inventory every four years. The bill requires that the inventory be published and included in the annual report of the State Air Pollution Control Board. The bill also authorizes the Board to adopt regulations necessary to collect data needed to conduct, update, and maintain the inventory. The bill exempts proprietary information collected by the Department from the mandatory disclosure requirements of the Virginia Freedom of Information Act.

Primary Sponsors

Joe Morrissey

Organizational Notes

Last edited by Brett Vassey at Jan 25, 2021, 10:41 PM

Board authority is too expansive and exemption from the Virginia Administrative Process Act is inappropriate.

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	SB 1284	House Passed House 55 Y 45 N 2021 02 19	Passed House	Oppose	High	95.0% 53.3%

Title

Commonwealth Clean Energy Policy; established.

Introduction Date: 2021-01-11

Labels: VMA Defensive Priority Bill

Description

Commonwealth Clean Energy Policy. Establishes the Commonwealth Clean Energy Policy, replacing the Commonwealth Energy Policy. The bill sets out the energy policy and objectives of the Commonwealth Clean Energy Policy, which include: (i) the Commonwealth recognizes that effectively addressing climate change and enhancing resilience will advance the health, welfare, and safety of the residents of the Commonwealth and that addressing climate change requires reducing greenhouse gas emissions across the Commonwealth's economy sufficient to reach net-zero emission by 2045 in all sectors, including the electric power, transportation, industrial, agricultural, building, and infrastructure sectors; (ii) the Commonwealth recognizes the need to promote environmental justice and ensure that it is carried out throughout the Commonwealth and the need to address and prevent energy inequities in historically economically disadvantaged communities; and (iii) the Commonwealth must continue to prioritize economic competitiveness and workforce development in an equitable manner.

Primary Sponsors

Barbara Favola

Organizational Notes

Last edited by Brett Vassey at Jan 27, 2021, 9:19 PM

Bill amended to include protection of natural gas as well as affordable and reliable energy. Still contains 100% carbon-free electricity in all sectors by 2040.

Title

Electric utilities; procurement of certain equipment.

Introduction Date: 2021-01-12

Labels: VMA Priority Bills

Description

Electric utilities; procurement. Requires a utility, in the construction of certain onshore wind, solar, and energy storage facilities, to procure, subject to a competitive process, equipment from a Virginia-based or United States-based manufacturer using materials or product components made in Virginia or the United States, if reasonably available and competitively priced.

Additionally, the bill requires a utility, in the construction of certain offshore wind projects, to develop and submit a plan for review to the State Corporation Commission that includes considerations for the procurement of equipment from a Virginia-based or United States-based manufacturer using materials or product components made in Virginia or the United States, if reasonably available and competitively priced.

Primary Sponsors

Bill DeSteph

Organizational Notes

Last edited by Brett Vassey at Jan 26, 2021, 12:32 PM

Action VMA Members should take the following actions on SB1295: 1) Email the Senate Commerce & Labor Committee by THURSDAY (1/28/21) to "SUPPORT SB1295 - Buy American Clean Energy" Membership: Chair - Sen. Saslaw (district35@senate.virginia.gov); Sen. Norment (district03@senate.virginia.gov); Sen. Obenshain (district26@senate.virginia.gov); Sen. Lucas (district18@senate.virginia.gov); Sen. Spruill (district05@senate.virginia.gov); Sen. Edwards (district21@senate.virginia.gov); Sen. Deeds (district25@senate.virginia.gov); Sen. Barker (district39@senate.virginia.gov); Sen. Marsden (district37@senate.virginia.gov); Sen. Ebbin (district30@senate.virginia.gov); Sen. Lewis (district06@senate.virginia.gov); Sen. Surovell (district36@senate.virginia.gov); Sen. Mason (district01@senate.virginia.gov); and Sen. Bell (district13@senate.virginia.gov); 2) Email Senator Bill DeSteph (district08@senate.virginia.gov) by 1/28/21 to thank him for introducing SB1295 3) Call your Senator to support SB1295. Use the "Who's My Legislator?" tool to see who represents you in the Virginia Senate: <https://whosmy.virginiageneralassembly.gov/> 4) Email this information to five colleagues and/or friends urging them to do the same. Background The Virginia Clean Economy Act (VCEA) will require Virginia to construct over 16,100 MW of renewable electricity over the next few decades. The bill does not require electric utilities to consider American manufactured products and materials in their procurement, not does it require an environmental impact comparison of imported products or materials. SB1295 is not a mandate, but it does require consideration and comparative analysis to ensure that Virginians are not paying for more expensive and dirtier products and materials to construct the VCEA mandated facilities. View The Carbon Loophole in Climate Policy Report for more information about the impact of importing clean energy products and materials. This bill will also help ensure that the VCEA generates 13,000 new jobs per year as promised by Advanced Energy Economy. See the Clean Energy Virginia dashboard for regular reports about Virginia's progress toward a cleaner electric grid.

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	SB 1380	House Passed By For The Day 2021 02 19	In House	Oppose	High	97.3% 54.9%

Title

Electric utilities; electric school bus projects.

Introduction Date: 2021-01-12

Labels: VMA Defensive Priority Bill

Description

Electric utilities; electric school bus projects; report. Authorizes electric utilities to partner with school divisions to implement projects designed to encourage the proliferation of school buses that are fueled in whole or in part by electricity, along with associated charging and other infrastructure, for the purpose of transporting students and that may also serve as electric grid stabilization or peak-shaving resources. The bill provides that if an electric school bus project meets the requirements in the bill, then it is in the public interest and may constitute an energy storage resource. The bill requires an electric school bus project and its corresponding agreement to include a provision to compensate a participating school division for the use of the school bus battery by the electric utility as a grid stabilizing or peak-shaving resource and a provision that the electric school buses shall be titled under the participating school division, but the utility shall own the associated batteries and charging stations. The bill also provides a tax exemption for electric school buses and associated charging and other infrastructure that is related or incidental to an authorized electric school bus project.

Primary Sponsors

Louise Lucas

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	SB 1385	House Reported From Counties Cities And Towns With Amendment S 11 Y 10 N 2021 02 19	In House	Monitor	High	95.9% 52.0%

Title

Underground utility facilities; Fairfax County.

Introduction Date: 2021-01-12

Labels: VMA Defensive Priority Bill

Description

Underground utility facilities; Fairfax County. Removes the sunset on a pilot program allowing a locality that has adopted the urban county executive form of government (Fairfax County) to request an electric utility to place underground electric distribution lines as part of a transportation infrastructure improvement project and changes a number of provisions in the program including (i) expanding the scope to include electric cooperatives, telecommunications providers, cable providers, and other utilities; (ii) expanding the scope to include all underground facilities; (iii) making negotiable in the agreement the costs of relocating the facilities; (iv) placing additional limits on the levy to fund the project and the types of projects for which it may be imposed; and (v) authorizing the locality to secure necessary permits on behalf of the utility or provider.

Primary Sponsors

Scott Surovell

Organizational Notes

Last edited by Brett Vassey at Feb 19, 2021, 12:47 PM

VMA moved position from oppose to monitor. Patron has assured the VMA that this bill will not result in additional power line undergrounding costs to be borne by all ratepayers.

Environmental (24)

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 1801	Senate Passed Senate 23 Y 14 N 2021 02 17	Passed Senate	Monitor	High	95.6% 55.4%

Title

Disposing of litter; penalty.

Introduction Date: 2021-01-04

Labels: VCC Priority Bill VMA Priority Bills

Description

Disposing of litter; penalty. Increases the minimum fine for dumping or disposing of litter, trash, or other unsightly matter on public or private property from \$250 to \$500.

Primary Sponsors

James Edmunds

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 1836	Senate Passed Senate With Substitute 25 Y 13 N 2021 02 19	Passed Senate	Monitor	Low	97.2% 57.9%

Title

Natural Resources, Secretary of; changes name to the Secretary of Natural and Cultural Resources.

Introduction Date: 2021-01-06

Labels: VMA

Description

Secretary of Natural Resources. Renames the Secretary of Natural Resources as the Secretary of Natural and Cultural Resources. The bill also designates the Secretary as the Chief Resilience Officer and removes the Virginia Museum of Natural History from the purview of the Secretary.

Primary Sponsors

Ken Plum

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 1965	Senate Passed Senate With Amendments 21 Y 15 N 2021 02 19	Passed Senate	Oppose	High	95.9% 54.2%

Title

State Air Pollution Control Board; low-emissions and zero-emissions vehicle program.

Introduction Date: 2021-01-11

Labels: Renewable Energy

Transportation and Climate Initiative

VMA Defensive Priority Bill

Description

State Air Pollution Control Board; low-emissions and zero-emissions vehicle program. Directs the State Air Pollution Control Board to implement a low-emissions and zero-emissions vehicle program for motor vehicles with a model year of 2025 and later. Regulations adopted by the Board to implement the program are exempt from the Administrative Process Act and shall not become effective prior to January 1, 2024. The bill also authorizes the State Corporation Commission to exclude sales related to such vehicles from certain energy efficiency calculations.

Primary Sponsors

Lamont Bagby

Organizational Notes

Last edited by Brett Vassey at Feb 15, 2021, 12:56 PM

Delegates low-emissions and zero-emissions vehicle sales and engine regulations to the State Air Pollution Control Board. • A study of the impact on increasing hazardous battery waste, new landfill capacity, new mining permits, and impact of “conflict minerals” on Congolese child labor (e.g., Cobalt) should be assessed first. • This bill obfuscates the true intent which is to force Virginia into the Transportation and Climate Initiative multi-state compact (see Line 71). This is backed by the same organization that developed RGGI. The Virginia General Assembly cannot delegate its authority to an unelected citizen Board entirely appointed by the Governor. • This bill is a Trojan horse – it is described as directing the State Air Pollution Control Board to regulate a low-emissions and zero-emissions vehicle program, but it says: o “The Board may adopt by regulation and enforce any model year standards relating to the control of emissions from new motor vehicles or new motor vehicle engines, including LEV and ZEV standards...” (see Line 63). • The State Air Pollution Control Board will move to ban combustion engines after 2025 following the California model. • The General Assembly should be required to vote on banning combustion engines and cannot delegate that responsibility to an unelected Air Pollution Control Board appointed by the Governor. The Board is politically biased and not representative of the Commonwealth. • NO ENVIRONMENTAL REGULATION SHOULD BE EXEMPT FROM THE VIRGINIA ADMINISTRATIVE PROCESS ACT (LINE 74). WHAT ARE ADVOCATES TRYING TO HIDE? • Why are utilities allowed to reduce their GHG emission reduction targets? They will need to produce MORE energy to handle the transportation load. • This is a national and economic security risk. Fuel and energy diversity is critical to a secure economy. Forcing economy wide electrification and limiting service to effectively only two monopoly electric utilities and cooperatives is a national security and economic security risk. What happens if the entire economy is dependent upon essentially 2 monopoly companies? • There is no impact assessment on businesses, homeowners, or the Commonwealth. Virginia DMV reports 7.5 million registered vehicles. According to LendingTree, the average new car costs \$40,000. The Tesla S retails at over \$60,000 after Federal subsidies. Insuring electric vehicles is also over 40% more expensive than other vehicles. The economic impact of forcing drivers to electric cars or LEVs will be \$billions! • The Senate Commerce & Labor Committee should hold no less than 12 live public hearings across the Commonwealth over the next 2 years to hear from the voters before acting.

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 1982	Senate Passed Senate 39 Y 0 N 2021 02 19	Passed Senate	Support	High	95.2% 55.9%

Title

Nutrient credits; use by facility with certain stormwater discharge permit.

Introduction Date: 2021-01-11

Labels: Nutrient Trading VMA Priority Bills

Description

Nutrient credits; use by facility with certain stormwater discharge permit. Authorizes a facility that has been issued a Virginia Pollution Discharge Elimination System (VPDES) permit regulating stormwater discharges to acquire, use, and transfer nutrient credits for compliance with any waste load allocation established as an effluent limitation in its VPDES permit. Current law allows only a facility registered under the Industrial Stormwater General Permit to use nutrient credits for such purpose.

Primary Sponsors

David Bulova

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 1983	Senate Passed Senate 39 Y 0 N 2021 02 19	Passed Senate	Monitor	Medium	96.7% 53.7%

Title

Wetland and stream mitigation banks; proximity of impacted site.

Introduction Date: 2021-01-11

Labels: VMA Water

Description

Wetland and stream mitigation banks; proximity of impacted site. Provides that when a water protection permit applicant is required to purchase wetland or stream mitigation bank credits but no credits are available (i) in any mitigation provider's primary service area or (ii) at a cost of less than 200 percent of the price of credits available from a fund dedicated to achieving no net loss of wetland acreage and functions, the applicant may purchase or use credits from a mitigation provider's secondary service area. The bill provides certain requirements that the permit applicant must comply with in order to purchase or use such credits from a secondary service area, including minimum tree canopy requirements.

Primary Sponsors

David Bulova

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 2030	Senate Passed By For The Day 2021 02 19	In Senate	Monitor	High	96.4% 55.3%

Title

Neonicotinoid pesticides; application in residentially zoned outdoor areas, civil penalty.

Introduction Date: 2021-01-12

Labels: VCC Defensive Priority Bill VMA Defensive Priority Bill

Description

Neonicotinoid pesticides; notice; civil penalty. Prohibits any person from applying an aerosolized neonicotinoid insecticide for personal use unless the person (i) is certified or under the direct supervision of a certified applicator or (ii) provides 24 hours' notice to the owner of any managed beehive within the line of sight of the application area. A person who violates the prohibition shall be subject to a civil penalty of \$100.

Primary Sponsors

Paul Krizek

Organizational Notes

Last edited by Brett Vassey at Jan 22, 2021, 7:37 PM
Bill amended for VMA, VCC, ACC.

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 2042	House Senate Amendments Agreed To By House 57 Y 43 N 2021 02 19	Passed Senate	Monitor	High	97.5% 56.0%

Title

Trees; replacement and conservation during development, effective date.

Introduction Date: 2021-01-12

Labels: VMA

Description

Replacement and conservation of trees during development. Gives a locality the ability to exceed general requirements in its tree replacement and conservation ordinances in specific circumstances, including development that impacts stormwater permit requirements, recurrent flooding, formerly redlined areas, and comprehensive plan compliance. The provisions of the bill shall become effective July 1, 2022.

Primary Sponsors

Nancy Guy

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 2074	Senate Rereferred To Finance And Appropriations 2021 02 17	In Senate	Monitor	High	97.2% 54.9%

Title

Environmental justice; interagency working group.

Introduction Date: 2021-01-12

Labels: Environmental Justice VCC Defensive Priority Bill

Description

Environmental justice; interagency working group. Establishes the Interagency Environmental Justice Working Group as an advisory council in the executive branch of state government to further environmental justice in the Commonwealth and directs each of the Governor's Secretaries to designate at least one environmental justice coordinator to represent the secretariat as a member of the Working Group. The bill directs the Working Group to focus its work during its first year on the environmental justice of current air quality monitoring practices in Virginia and provides that the Working Group shall expire on July 1, 2031.

VMA Defensive Priority Bill

Primary Sponsors

Shelly Simonds

Organizational Notes

Last edited by Brett Vassey at Feb 2, 2021, 2:35 PM

Bill does not conform to SB1318 (Sen Hashmi) Interagency EJ Working Group. However, the substitute bill does remove Section 10.1-1186.7 which added all of the onerous permitting language that would have applied to most permitting including Title V renewables. Now, the only perview of the Interagency EJ Working Group is "Covered Agency Actions" defined under Section 2.2-4001. "Agency action" means either an agency's regulation or case decision or both, any violation, compliance, or noncompliance with which could be a basis for the imposition of injunctive orders, penal or civil sanctions of any kind, or the grant or denial of relief or of a license, right, or benefit by any agency or court. In other words, this bill now only applies to regulations, case decisions, and some enforcement actions but not environmental permitting.

Last edited by Brett Vassey at Jan 25, 2021, 4:04 PM

The bill requires extensive amendments. To participate in the VMA EJ Working Group, contact Kimberly Noonan at knoonan@vamanufacturers.com.

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 2129	Senate Rereferred To Finance And Appropriations 2021 02 16	In Senate	Monitor	High	96.9% 55.4%

Title

Chesapeake Bay; wastewater treatment, Enhanced Nutrient Removal Certainty Program established.

Introduction Date: 2021-01-12

Labels: VMA Water

Description

Chesapeake Bay; wastewater treatment; Enhanced Nutrient Removal Certainty Program. Requires the State Water Control Board to adopt regulations establishing a Phase III Watershed Implementation Plan Enhanced Nutrient Removal Certainty Program (ENRC Program), consisting of a number of total nitrogen and total phosphorous waste load allocation reductions assigned to particular water treatment facilities with schedules for compliance. The bill provides that the ENRC Program shall operate in lieu of certain Chesapeake Bay waste load regulations. The bill directs the Board to modify affected discharge permits to incorporate the provisions of the ENRC Program and requires certain compliance plans due from treatment works beginning February 1, 2023, to address the requirements of the ENRC Program.

Primary Sponsors

Alfonso Lopez

Organizational Notes

Last edited by Brett Vassey at Jan 26, 2021, 2:50 PM
Gives select POTWs preferential access to WQIF funds.

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 2187	Senate Passed Senate 39 Y 0 N 2021 02 19	Passed Senate	Support	High	96.3% 54.8%

Title

Recurrent Flooding Resiliency, Commonwealth Center; study topics to manage water quality, etc.

Introduction Date: 2021-01-13

Labels: VMA Priority Bills Water

Description

Commonwealth Center for Recurrent Flooding Resiliency; development of Flood Resiliency Clearinghouse Program. Directs the Commonwealth Center for Recurrent Flooding Resiliency (the Center) to evaluate the development of a Flood Resiliency Clearinghouse Program and to work with the Department of Conservation and Recreation to evaluate solutions that manage both water quality and flooding and emphasize nature-based solutions. The bill requires the Center to report its findings by November 1, 2021.

Primary Sponsors

Keith Hodges

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 2221	Senate Continued To 2021 Sp Sess 1 In Agriculture Conservation And Natural Resources 14 Y 0 N 2021 02 05	In Senate	Monitor	High	95.1% 56.7%

Title

Environmental permits; community and environmental justice outreach.

Introduction Date: 2021-01-13

Labels: Environmental Justice VCC Defensive Priority Bill VMA Defensive Priority Bill

Description

Environmental permits; community and environmental justice outreach. Requires the applicant for any (i) new or major modified stationary air pollution source, (ii) new landfill or transfer station, (iii) certification of site approval for a hazardous waste facility, (iv) new individual Virginia Pollutant Discharge Elimination System permit, (v) new individual Virginia Water Protection permit, (vi) new individual Virginia Stormwater Management Program permit, (vii) new individual Virginia Pollution Abatement permit, or (viii) individual ground water withdrawal permit for a new ground water withdrawal to complete certain public notice requirements, including (a) holding a public hearing; (b) publishing notices in English and Spanish in a newspaper, on social media, and on signage at the site location at least 60 days prior to such public meeting; (c) mailing notices to interested parties; (d) accepting written comments; (e) transcribing meeting information; and (f) responding to community concerns to the satisfaction of the Department of Environmental Quality.

Primary Sponsors

Cliff Hayes

Organizational Notes

Last edited by Brett Vassey at Feb 2, 2021, 3:28 PM

The VMA submitted friendly amendments. Our intent is two-fold: 1) make this regulation more practicable; and 2) eliminate minor air sources. Our rationale is as follows: • Exempting all minor air sources, except greenfield stationary sources, will still enable the focus of EJ to continue without capturing hundreds of other small permittees that will not have the staff or resources to conduct this level of effort for truly minor environmental impacts. We also acknowledge this will make the regulation more manageable for DEQ. • Applying a uniform public notice requirement will better ensure compliance. Three and five miles is unmanageable and arbitrary. For example, in dense urban areas, this could be tens of thousands of people. A one-mile radius is reasonable. Beyond these technical amendments, the expansive regulatory control established by this bill will have a substantial impact on industrial development at the State, Regional, and Local levels. The new poorly defined standards create substantial uncertainty that will repel most investors that have equal or better choices in competing states. There are other concerns about this bill such as Judicial Review of EJ cost-benefit analysis and modeling; better standards for pollution exposure vs. toxicity determinations; impacts of carbon leakage from suppressing industrial development; redefining "fenceline" communities to include proper consideration of local land use regulations beyond the control of permitted businesses; lack of industry involvement in citizen boards promulgating regulations and permit determinations; a better understanding of industry cluster policies of state and local economic development programs; and better understanding of the specific definition of EJ. It is advisable that this bill should be further evaluated for unintended consequences and directly engage the regulated community and economic development community to produce a better bill for the 2022 General Assembly.

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 2313	Senate Continued To 2021 Sp Sess 1 In General Laws And Technology 14 Y 0 N 2021 02 05	In Senate	Oppose	High	98.0% 57.5%

Title

Freedom of Information Act; exclusions, definition of 'Office of the Governor.'

Introduction Date: 2021-01-20

Labels: Environmental Justice VCC Defensive Priority Bill

Description

Freedom of Information Act; exclusions; definition of "Office of the Governor." Adds the Chief Workforce Development Advisor and the Director of Diversity, Equity, and Inclusion to the definition of "Office of the Governor" for purposes of excluding the working papers and correspondence of the Office of the Governor from mandatory disclosure under the Freedom of Information Act.

VMA Defensive Priority Bill

Primary Sponsors

Delores McQuinn

Organizational Notes

Last edited by Brett Vassey at Feb 10, 2021, 6:01 PM

VMA Comments to Delegate McQuinn: The VMA has concerns about the scope of the FOIA exemptions contemplated in this legislation and would like your consideration for an amendment. We would like the "working papers" of the Chief Workforce Development Advisor and the Director of Diversity, Equity, and Inclusion accessible. The amendment is below: Lines 38-39 "Working papers" means those records prepared by or for a public official identified in this subdivision for his personal or deliberative use except for those of the Chief Workforce Development Advisor and the Director of Diversity, Equity, and Inclusion. Our rationale is simple. These are not cabinet positions and have substantial programmatic and agency-level responsibilities that should be transparent and available for public access. Specifically, the Director of Diversity, Equity, and Inclusion will be the Chair of the Environmental Justice Working Group and have significant responsibilities in matters pertaining to environmental and energy regulation. The purpose of Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations, and policies. So, it is incongruous to exempt the working papers of this new position from FOIA. We think that demonstrating transparency at all levels is essential to achieve environmental justice. A similar argument can be made for ensuring that the working papers of the Chief Workforce Development Advisor are not exempt from FOIA. Workforce development is the top priority for business in Virginia. The influence of this position over everything from WIOA funding to community college training is immense. Transparency is essential for maintaining public trust in this position as well.

Last edited by Brett Vassey at Feb 2, 2021, 4:06 PM

The issues of workforce development and environmental justice require public transparency. Shielding these positions from FOIA requests should be opposed.

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HJ 538	Senate Reported From Rules With Amendments By Voice Vote 2021 02 19	In House	Monitor	Medium	95.9% 55.2%

Title

Access to water; human right.

Introduction Date: 2021-01-10

Labels: VMA Water

Description

Access to water; human right. Recognizing that access to clean, potable, and affordable water is a necessary human right.

Primary Sponsors

Lashrecse Aird

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	SB 1164	House Reported From Agriculture Chesapeake And Natural Resources 15 Y 5 N 2021 02 17	In House	Support	High	94.9% 57.2%

Title

Advanced recycling; not considered solid waste management, definition.

Introduction Date: 2021-01-08

Labels: Recycling VCC Priority Bill VMA Priority Bills

Description

Advanced recycling; not considered solid waste management; definition. Defines "advanced recycling" as a manufacturing process for the conversion of post-use polymers and recovered feedstocks into basic hydrocarbon raw materials and other materials. The bill provides that advanced recycling shall not be considered solid waste management. The bill also defines "gasification," "post-use polymer," and other terms related to advanced recycling.

Primary Sponsors

Emmett Hanger

Organizational Notes

Last edited by Brett Vassey at Feb 22, 2021, 1:51 PM

Bill is on 3rd reading on House floor today. Weekend negotiations may have resolved Democratic Caucus opposition. All members in the plastics supply chain and recycling industry must reach their Delegates today.

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	SB 1210	House Signed By Speaker 2021 02 18	Passed House	Support	High	97.5% 57.3%

Title

Permit fee schedules; DEQ to revise current schedule for nonhazardous solid waste mgmt. facilities.

Introduction Date: 2021-01-11

Labels: VMA Defensive Priority Bill Waste Water

Description

Environmental permit fees; working groups. Directs the Director of the Department of Environmental Quality to convene working groups for the purpose of developing annual fee schedules for nonhazardous solid waste management facilities and annual maintenance fees for certain water withdrawal permits to replace the current annual fee schedules.

Primary Sponsors

Chap Petersen

Organizational Notes

Last edited by Brett Vassey at Feb 2, 2021, 9:02 PM

Substitute bill has been introduced that will create two working groups to develop consensus on environmental permit fees and complete their work by December 1, 2021. Industrial permittees will have a set on both working groups.

Last edited by Brett Vassey at Jan 26, 2021, 7:35 PM

Original bill should have gone through a stakeholder process for evaluation and rates should be included in the Code and capped. There is no standard for fees covering 50% of a regulated program except the US EPA's Title 5 program. There should be no exemption from VAPA. All fees should be codified. The bill should be sent to a working group for consensus building and return in FY22. VMA Supports the Substitute.

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	SB 1274	House Reported From Agriculture Chesapeake And Natural Resources With Amendment S 21 Y 1 N 2021 02 17	In House	Monitor	Medium	95.6% 59.9%

Title

Wildlife corridors; various agencies to consider and incorporate.

Introduction Date: 2021-01-12

Labels: VMA Defensive Priority Bill

Description

Government planning; wildlife corridors. Directs various agencies to consider and incorporate, where applicable, wildlife corridors and any recommendation of the Wildlife Corridor Action Plan. The bill directs the Department of Wildlife Resources to publish the Plan and subsequent updates on its website and to assist state agencies and political subdivisions, and by request any federal agency, in considering and incorporating, where applicable, wildlife corridors and the recommendations of the Plan when developing any governmental strategic plan, map, or action.

Primary Sponsors

Dave Marsden

Organizational Notes

Last edited by Brett Vassey at Feb 17, 2021, 12:16 PM
Amended appropriately. No immediate threat to MFG Competitiveness Plan.

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	SB 1282	House Read Second Time 2021 02 19	In House	Oppose	High	97.0% 55.0%

Title

Greenhouse gas emissions inventory; regulations.

Introduction Date: 2021-01-11

Labels: Greenhouse Gas VMA Defensive Priority Bill

Description

Greenhouse gas emissions inventory; regulations. Directs the Department of Environmental Quality to conduct a statewide baseline and projection inventory of all greenhouse gas emissions and to update such inventory every four years. The bill requires that the inventory be published and included in the annual report of the State Air Pollution Control Board. The bill also authorizes the Board to adopt regulations necessary to collect data needed to conduct, update, and maintain the inventory. The bill exempts proprietary information collected by the Department from the mandatory disclosure requirements of the Virginia Freedom of Information Act.

Primary Sponsors

Joe Morrissey

Organizational Notes

Last edited by Brett Vassey at Jan 25, 2021, 10:41 PM
Board authority is too expansive and exemption from the Virginia Administrative Process Act is inappropriate.

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	SB 1291	House Reported From Agriculture Chesapeake And Natural Resources 13 Y 8 N 2021 02 17	In House	Monitor	Medium	96.4% 55.2%

Title

Va. Water Protection Permit; withdrawal of surface water or ground water, plans for water auditing.

Introduction Date: 2021-01-12

Labels: VMA Water

Description

Virginia Water Protection Permit; withdrawal of surface water or ground water; plans for water auditing and leak detection and repair. Requires that any application for a permit to withdraw surface water or ground water include a water auditing plan and a leak detection and repair plan that comply with regulations adopted by the State Water Control Board pursuant to the provisions of the bill. The provisions of the bill shall not become effective until 30 days after the adoption by the Board of such regulations.

Primary Sponsors

Monty Mason

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	SB 1311	House Committee Substitute Printed 21200381 D H 1 2021 02 17	In House	Oppose	High	96.2% 56.4%

Title

Water quality standards; modification of permits and certifications.

Introduction Date: 2021-01-12

Labels: VMA Defensive Priority Bill Water

Description

Water quality standards; modification of permits and certifications. Requires an applicant for a natural gas transmission pipeline greater than 36 inches inside diameter to submit in the application a detailed erosion and sediment control plan and stormwater management plan in accordance with applicable regulations and subject to Department of Environmental Quality (the Department) review, modification, or approval. The bill requires such plans to be included in the Department's draft certification and decreases from 15 percent to 10 percent the slope grade that requires the inclusion of a description of all activities that will occur in upland areas in such application. If such project fail to provide adequate plans, the bill directs the Department to deny rather than waive certification under the federal Clean Water Act.

Primary Sponsors

Jenn McClellan

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	SB 1318	House Committee Substitute Printed 21200450 D H 1 2021 02 18	In House	Monitor	High	97.7% 52.1%

Title

Interagency Environmental Justice Working Group; established, report.

Introduction Date: 2021-01-12

Labels: Environmental Justice VCC Defensive Priority Bill

VMA Defensive Priority Bill

Description

Environmental justice; interagency working group. Establishes the Interagency Environmental Justice Working Group as an advisory council in the executive branch of state government to further environmental justice in the Commonwealth and directs each of the Governor's Secretaries to designate at least one environmental justice coordinator to represent the secretariat as a member of the Working Group. The bill provides that the Working Group shall expire on July 1, 2031.

Primary Sponsors

Ghazala Hashmi

Organizational Notes

Last edited by Brett Vassey at Feb 2, 2021, 2:26 PM

Bill was amended (11-5) to redefine cumulative impact as positive and negative on human health or the environment and added one non-legislative representative from the regulated community to the Interagency EJ Working Group.

Last edited by Brett Vassey at Jan 20, 2021, 2:33 PM

The bill requires amendment to define "Cumulative impact" to mean the impact, both positive and negative, on human health or the environment... Also, the Interagency Environmental Justice Working Group should include one non-legislative representative from the regulated community. The regulated community should have a seat at the table.

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	SB 1319	House Subcommittee Recommends Reporting 5 Y 2 N 2021 02 19	In House	Monitor	Medium	95.9% 58.9%

Title

Waste Diversion & Recycling Task Force; Department of Environmental Quality to continue Task Force.

Introduction Date: 2021-01-12

Labels: VMA Defensive Priority Bill Waste

Description

Waste Diversion and Recycling Task Force. Requests the Department of Environmental Quality to continue and expand the scope of the Waste Diversion and Recycling Task Force.

Primary Sponsors

Ghazala Hashmi

Organizational Notes

Last edited by Brett Vassey at Feb 17, 2021, 1:01 PM

Substitute is an improvement. Task force should assess the environmental and health impacts of toxic materials and hazardous waste from automotive and grid stabilization sources of Lithium Ion and other batteries, new landfill capacity needed to dispose of batteries, new mining permits needed to produce raw materials for batteries, and the impact of "conflict minerals" in batteries attributable to environmental, child labor and human rights abuses. VA should avoid another coal-ash disposal catastrophe – electrifying Virginia's 7.5 million automobiles will produce an estimated 4.13 billion pounds of toxic battery waste. o Lithium Ion batteries (the cleanest of four battery technologies) can contaminate water if not disposed of properly. o Lithium Ion batteries contain cobalt, copper, nickel and iron. o Cobalt sourced for Lithium-Ion batteries primarily comes from the Democratic Republic of the Congo and is tied to armed conflict, illegal mining, human rights abuses, and harmful environmental practices. o Recycling is non-existent. o Less than 5% of Australian, European, and US Lithium-Ion batteries are recycled (Source: International Energy Agency, US Department of Energy). Our recommended amendments to SB1319 were accepted in House Ag Subcommittee: Line 28 Amendment (iv) assess the landfill, hazardous waste, and recycling facilities needed to manage toxic materials generated by electric vehicle and electric grid backup battery waste

Last edited by Brett Vassey at Feb 5, 2021, 3:25 PM

Bill establishes moratorium on new mega landfills. Bill requires substantial amendment. Sets new precedent for intergovernmental approval of permits.

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	SB 1343	House Reported From General Laws 22 Y 0 N 2021 02 18	In House	Monitor	High	97.8% 56.8%

Title

Virginia Freedom of Information Act; proprietary records and trade secrets.

Introduction Date: 2021-01-12

Labels: VMA Defensive Priority Bill

Description

Virginia Freedom of Information Act; proprietary records and trade secrets; carbon sequestration agreements. Excludes from the mandatory disclosure provisions of the Virginia Freedom of Information Act proprietary information, voluntarily provided by a private business under a promise of confidentiality from a public body, used by the public body for a carbon sequestration agreement. The bill requires the private business to specify the records for which protection is sought before submitting them to the public body and to state the reasons why protection is necessary.

Primary Sponsors

Jill Vogel

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	SB 1354	House Vote Passage 65 Y 35 N 2021 02 18	Passed House	Support	Medium	95.3% 55.2%

Title

Chesapeake Bay; wastewater treatment, Enhanced Nutrient Removal Certainty Program established.

Introduction Date: 2021-01-12

Labels: VMA Priority Bills Water

Description

Chesapeake Bay; wastewater treatment; Enhanced Nutrient Removal Certainty Program. Requires the State Water Control Board to adopt regulations establishing a Phase III Watershed Implementation Plan Enhanced Nutrient Removal Certainty Program (ENRC Program), consisting of a number of total nitrogen and total phosphorous waste load allocation reductions assigned to particular water treatment facilities with schedules for compliance. The bill provides that the ENRC Program shall operate in lieu of certain Chesapeake Bay waste load regulations. The bill directs the Board to modify affected discharge permits to incorporate the provisions of the ENRC Program and requires certain compliance plans due from treatment works beginning February 1, 2023, to address the requirements of the ENRC Program.

Primary Sponsors

Emmett Hanger

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	SB 1374	Senate House Amendments Agreed To By Senate 38 Y 0 N 2021 02 18	Passed House	Monitor	Medium	94.9% 53.1%

Title

Carbon Sequestration Task Force; established.

Introduction Date: 2021-01-13

Labels: Greenhouse Gas VMA

Description

Carbon Sequestration Task Force; report. Directs the Secretary of Natural Resources, jointly with the Secretary of Agriculture and Consumer Services, to convene a task force for the purpose of studying carbon sequestration in the Commonwealth and submit a report of its findings before the first day of the 2022 Session of the General Assembly. The bill directs the task force to (i) consider possible methods of increasing carbon sequestration within the natural environment through state land and marine resources use policies; agricultural, aquacultural, and silvicultural practices; and other practices to achieve restoration of natural resources and long term conservation; (ii) recommend short-term and long-term benchmarks for increasing carbon sequestration; (iii) develop a standardized methodology to establish baseline carbon levels and account for increases in carbon sequestration over time; (iv) identify existing carbon markets and considerations relevant to potential participation by the Commonwealth; and (v) identify other potential funding mechanisms to encourage carbon sequestration practices in the Commonwealth.

Primary Sponsors

Lynwood Lewis

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 1851	House Bill Text As Passed House And Senate Hb 1851 Er 2021 02 19	Passed Senate	Support	Low	95.2% 53.4%

Title

Unmanned aircraft; exempts an owner from the requirement to register.

Introduction Date: 2021-01-07

Labels: VMA

Description

Aircraft registration; unmanned aircraft. Exempts an owner of an unmanned aircraft from the requirement to register aircrafts. This bill is identical to SB 1098.

Primary Sponsors

Karrie Delaney

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 1988	Senate Constitutional Reading Dispensed 32 Y 0 N 2021 02 19	In Senate	Monitor	Medium	95.9% 57.3%

Title

Cannabis oil; processing and dispensing by pharmaceutical processors.

Introduction Date: 2021-01-11

Labels: VMA Defensive Priority Bill

Description

Board of Pharmacy; pharmaceutical processors; processing and dispensing cannabis oil; report. Effects numerous changes to the processing and dispensing of cannabis oil by pharmaceutical processors in the Commonwealth. The bill allows written certifications for use of cannabis oil to include an electronic practitioner signature. The bill also eliminates the requirement that a pharmacist have oversight of the cultivation and processing areas of a pharmaceutical processor, instead requiring pharmaceutical processors to designate a person to oversee cultivation and production areas; removes the requirement that a cannabis dispensing facility undergo quarterly inspections, instead requiring that inspections occur no more than once annually; and allows pharmaceutical processors to remediate cannabis oil that fails any quality testing standard. The bill requires pharmaceutical processors to maintain evidence of criminal background checks for all employees and delivery agents of the pharmaceutical processor. The bill directs the Board of Pharmacy to promulgate regulations implementing the provisions of the bill and regulations creating reasonable restrictions on advertising and promotion by pharmaceutical processors by July 1, 2021, and directs the Board of Pharmacy to solicit input from stakeholders and appropriate agencies of the Commonwealth in order to develop recommendations for legislative action to permit the acceptance of cannabis products by hospices and hospice facilities in the Commonwealth and report its findings and recommendations to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by October 1, 2021.

Primary Sponsors

Dawn Adams

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 2218	Senate Passed Senate With Substitute 31 Y 8 N 2021 02 18	Passed Senate	Monitor	Medium	95.7% 57.3%

Title

Pharmaceutical processors; permits processors to produce & distribute cannabis products.

Introduction Date: 2021-01-13

Labels: VMA

Description

Pharmaceutical processors; cannabis products. Permits pharmaceutical processors to produce and distribute cannabis products other than cannabis oil. The bill defines the terms "botanical cannabis," "cannabis product," and "usable cannabis." The bill requires the Board of Pharmacy to establish testing standards for botanical cannabis and botanical cannabis products, establish a registration process for botanical cannabis products, and promulgate emergency regulations to implement the provisions of the bill. The bill allows the Board of Pharmacy to assess and collect a one-time botanical cannabis regulatory fee from each pharmaceutical processor, not to exceed \$75,000, to cover costs associated with the implementation of the provisions of the bill, including costs for new personnel, training, promulgation of regulations and guidance documents, and information technology.

Primary Sponsors

Cliff Hayes

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 2307	House Senate Substitute Agreed To By House 21200206 D S 1 85 Y 8 N 2021 02 19	Passed Senate	Monitor	Medium	95.1% 58.1%

Title

Consumer Data Protection Act; establishes a framework for controlling and processing personal data.

Introduction Date: 2021-01-20

Labels: VMA

Description

Consumer Data Protection Act. Establishes a framework for controlling and processing personal data in the Commonwealth. The bill applies to all persons that conduct business in the Commonwealth and either (i) control or process personal data of at least 100,000 consumers or (ii) derive over 50 percent of gross revenue from the sale of personal data and control or process personal data of at least 25,000 consumers. The bill outlines responsibilities and privacy protection standards for data controllers and processors. The bill does not apply to state or local governmental entities and contains exceptions for certain types of data and information governed by federal law. The bill grants consumer rights to access, correct, delete, and obtain a copy of personal data and to opt out of the processing of personal data for the purposes of targeted advertising. The bill provides that the Attorney General has exclusive authority to enforce violations of the law, and the Consumer Privacy Fund is created to support this effort. The bill has a delayed effective date of January 1, 2023.

Primary Sponsors

Cliff Hayes

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 2312	Senate Continued To 2021 Sp Sess 1 In Rehabilitation And Social Services 14 Y 0 N 2021 02 05	In Senate	Monitor	High	97.0% 53.2%

Title

Marijuana; legalization of simple possession, etc.

Introduction Date: 2021-01-20

Labels: VMA Defensive Priority Bill

Description

Marijuana; legalization; retail sales; penalties. Eliminates criminal penalties for simple possession of marijuana, modifies several other criminal penalties related to marijuana, and provides for an automatic expungement process for those convicted of certain marijuana-related crimes to have such crimes automatically expunged by July 1, 2026. The bill creates the Virginia Cannabis Control Authority (the Authority) and establishes a regulatory structure for the cultivation, manufacture, wholesale, and retail sale of retail marijuana and retail marijuana products, to be administered by the Authority. The bill contains social equity provisions that, among other things, provide support and resources to persons and communities that have been historically and disproportionately affected by drug enforcement. The bill has staggered effective dates and allows retail marijuana sales to begin on January 1, 2024. This bill incorporates HB 1815. See H. B. 2312 General Laws Substitute PDF text:

Primary Sponsors

Charniele Herring

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	SB 1243	Senate Incorporated By Rehabilitation And Social Services Sb 1406 Ebbin 9 Y 3 N 2021 01 22	In Senate	Monitor	High	26.3% 55.7%

Title

Marijuana; legalization of cultivation, manufacture, sale, possession, and testing, penalties.

Introduction Date: 2021-01-11

Labels: VMA Defensive Priority Bill

Description

Marijuana; legalization of cultivation, manufacture, sale, possession, and testing; penalties. Establishes a regulatory scheme for the regulation of marijuana cultivation facilities, marijuana manufacturing facilities, marijuana testing facilities, and retail marijuana stores by the Board of Agriculture and Consumer Services. The bill also grants localities the authority to enact ordinances establishing additional licensing requirements for marijuana establishments located within such locality and allows the home cultivation of marijuana for personal use under certain circumstances. The bill imposes a tax on retail marijuana and retail marijuana products sold by a retail marijuana store at a rate of 9.7 percent (for a total sales tax of 15 percent) and provides that 67 percent of the revenues collected from the tax be deposited into the general fund and 33 percent of the revenues be deposited into a "Retail Marijuana Education Support Fund" to be used solely for purposes of public education. The bill establishes several new criminal penalties related to marijuana as well as modifies some existing criminal penalties. The bill requires the automatic expungement of records relating to the arrest, charge, conviction, adjudication or civil offense of a person for a misdemeanor violation of distribution or possession with intent to distribute marijuana and for a violation of possession of marijuana by July 1, 2022, or if, on July 1, 2022, the person who is the subject of the arrest, charge, conviction, adjudication, or civil offense has not completed all terms of sentencing and probation, including satisfaction of all court costs and fines and all orders of restitution, by three months after the date of completion of all terms of sentencing and probation. Finally, the bill permits any person who is convicted or adjudicated delinquent of a felony violation of distribution or possession with intent to distribute marijuana or charged with such violation which charge is deferred and dismissed, to petition for expungement of such charge, conviction, or adjudication under certain circumstances. This bill was incorporated into SB 1406.

Primary Sponsors

Joe Morrissey

Organizational Notes

Last edited by Brett Vassey at Jan 14, 2021, 2:34 AM

Bill has no protections for employers' Drug Free Workplace regulations or workplace safety regulations.

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	SB 1271	House Reported From General Laws 22 Y 0 N 2021 02 18	In House	Monitor	Medium	96.1% 52.3%

Title

Virginia Freedom of Information Act; meetings held through electronic communication means.

Introduction Date: 2021-01-12

Labels: VMA

Description

Virginia Freedom of Information Act; meetings held through electronic communication means during a state of emergency. Allows a public body, or a joint meeting thereof, to meet by electronic communication means without a quorum of the public body physically assembled at one location when a locality in which the public body is located has declared a local state of emergency, provided that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to provide for the continuity of operations of the public body or the discharge of its lawful purposes, duties, and responsibilities. Under current law, public bodies may only meet in such manner when the Governor has declared a state of emergency, and only for the purpose of addressing the emergency. Finally, the bill requires public bodies meeting through electronic communication means during a local or state declaration of a state of emergency to (a) make arrangements for public access to such meeting through electronic communication means, including videoconferencing if already used by the public body, and (b) provide the public with the opportunity to comment at such meetings when public comment is customarily received.

Primary Sponsors

Jeremy McPike

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	SB 1333	House Passed House With Substitute 87 Y 9 N 2 A 2021 02 19	Passed House	Monitor	High	97.1% 53.0%

Title

Pharmaceutical processors; permits processors to produce & distribute cannabis products.

Introduction Date: 2021-01-12

Labels: VMA Defensive Priority Bill

Description

Pharmaceutical processors; cannabis products. Permits pharmaceutical processors to produce and distribute cannabis products other than cannabis oil. The bill defines the terms "botanical cannabis," "cannabis product," and "usable cannabis." The bill requires the Board of Pharmacy to establish testing standards for botanical cannabis and botanical cannabis products, establish a registration process for botanical cannabis products, and promulgate emergency regulations to implement the provisions of the bill. The bill allows the Board of Pharmacy to assess and collect botanical cannabis regulatory fees to cover costs associated with the implementation of the provisions of the bill, including costs for new personnel, training, promulgation of regulations and guidance documents, and information technology.

Primary Sponsors

Louise Lucas

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	SB 1392	Senate Title Replaced 21200213 D H 1 2021 02 19	Passed House	Support	High	95.1% 54.1%

Title

Consumer Data Protection Act; establishes a framework for controlling and processing personal data.

Introduction Date: 2021-01-13

Labels: VMA Priority Bills

Description

Consumer Data Protection Act. Establishes a framework for controlling and processing personal data in the Commonwealth. The bill applies to all persons that conduct business in the Commonwealth and either (i) control or process personal data of at least 100,000 consumers or (ii) derive over 50 percent of gross revenue from the sale of personal data and control or process personal data of at least 25,000 consumers. The bill outlines responsibilities and privacy protection standards for data controllers and processors. The bill does not apply to state or local governmental entities and contains exceptions for certain types of data and information governed by federal law. The bill grants consumer rights to access, correct, delete, obtain a copy of personal data, and to opt out of the processing of personal data for the purposes of targeted advertising. The bill provides that the Attorney General has exclusive authority to enforce violations of the law, and the Consumer Privacy Fund is created to support this effort. The bill has a delayed effective date of January 1, 2023.

Primary Sponsors

Dave Marsden

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	SB 1393	Senate Bill Text As Passed Senate And House Sb 1393 Er 2021 02 19	Passed House	Monitor	High	96.1% 53.7%

Title

Trees; replacement and conservation during development.

Introduction Date: 2021-01-13

Labels: VMA Defensive Priority Bill

Description

Replacement and conservation of trees during development. Gives a locality the ability to exceed general requirements in its tree replacement and conservation ordinances in specific circumstances, including development that impacts stormwater permit requirements, recurrent flooding, formerly redlined areas, and comprehensive plan compliance. The bill also directs the Secretary of Natural Resources and Secretary of Agriculture and Forestry to convene a stakeholder work group for the purpose of developing and providing recommendations to state and local governments related to policies that encourage the conservation of mature trees and tree cover on sites being developed, increase tree canopy cover in communities, and encourage the planting of trees. This bill only becomes effective if reenacted during the 2022 Session of the General Assembly.

Primary Sponsors

Dave Marsden

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	SB 1413	Senate House Amendments Agreed To By Senate 37 Y 2 N 2021 02 18	Passed House	Monitor	Medium	94.6% 55.3%

Title

Phase I or Phase II electric utilities; provision of broadband capacity.

Introduction Date: 2021-01-13

Labels: VMA

Description

Provision of broadband capacity by Phase I or Phase II electric utilities. Makes permanent the pilot program under which a Phase I or Phase II electric utility is permitted to petition the State Corporation Commission to provide broadband capacity to unserved areas of the Commonwealth. The bill expands the program to allow for the participation of municipalities and government-owned broadband authorities. The bill provides that investor-owned electric utilities may recover costs of and revenue generated from providing broadband capacity that serves as an electric grid transformation project in areas unserved by broadband, as defined in the bill. The bill also consolidates the State Corporation Commission petition approval process into one hearing.

Primary Sponsors

Jennifer Boysko

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 1786	Senate Continued To 2021 Sp Sess 1 In Commerce And Labor 15 Y 0 N 2021 02 05	In Senate	Monitor	High	97.3% 54.2%

Title

Minimum wage; farm laborers or farm employees.

Introduction Date: 2020-12-31

Labels: VMA

Description

Minimum wage; farm laborers or farm employees. Eliminates the exemptions from Virginia's minimum wage requirements for (i) persons employed as farm laborers or farm employees and (ii) certain temporary foreign workers.

Primary Sponsors

Jeion Ward

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 1815	House Incorporated By General Laws Hb 2312 Herring By Voice Vote 2021 01 30	In House	Monitor	High	2.2% 53.1%

Title

Marijuana; legalization of cultivation, manufacture, sale, possession, and testing, penalties.

Introduction Date: 2021-01-06

Labels: VMA Defensive Priority Bill

Description

Marijuana; legalization of cultivation, manufacture, sale, possession, and testing; penalties. Establishes a regulatory scheme for the regulation of marijuana cultivation facilities, marijuana manufacturing facilities, marijuana testing facilities, and retail marijuana stores by the Board of Agriculture and Consumer Services. The bill also grants localities the authority to enact ordinances establishing additional licensing requirements for marijuana establishments located within such locality and allows the home cultivation of marijuana for personal use under certain circumstances. The bill imposes a tax on retail marijuana and retail marijuana products sold by a retail marijuana store at a rate of 9.7 percent (for a total sales tax of 15 percent) and provides that 67 percent of the revenues collected from the tax be deposited into the general fund and 33 percent of the revenues be deposited into a "Retail Marijuana Education Support Fund" to be used solely for purposes of public education. Finally, the bill establishes several new criminal penalties related to marijuana, as well as modifies some existing criminal penalties. This bill was incorporated into HB 2312.

Primary Sponsors

Steve Heretick

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 1848	Governor Governors Action Deadline 11 59 P M February 26 2021 2021 02 19	Passed Senate	Monitor	High	96.1% 54.5%

Title

Virginia Human Rights Acts; adds discrimination on the basis of disability.

Introduction Date: 2021-01-07

Labels: VMA Defensive Priority Bill

Description

Virginia Human Rights Act; discrimination on the basis of disability. Adds discrimination on the basis of disability as an unlawful discriminatory practice under the Virginia Human Rights Act. The bill also requires employers, defined in the bill, to make reasonable accommodation to the known physical and mental impairments of an otherwise qualified person with a disability, if necessary to assist such person in performing a particular job, unless the employer can demonstrate that the accommodation would impose an undue hardship on the employer. The bill also prohibits employers from taking any adverse action against an employee who requests or uses a reasonable accommodation, from denying employment or promotion opportunities to an otherwise qualified applicant or employee because such employer will be required to make reasonable accommodation to the applicant or employee, or from requiring an employee to take leave if another reasonable accommodation can be provided to the known limitations related to the disability.

Primary Sponsors

Mark Sickles

Organizational Notes

Last edited by Brett Vassey at Jan 13, 2021, 6:25 PM

The proposed legislation essentially mirrors the federal ADA (no new causes of action or remedies). However, it gives plaintiffs the opportunity to bring their claims in Virginia state court. This, of course, is not a good thing as the state courts are far more reluctant to grant Summary Judgment on these types of claims. VMA has requested Lines 171-223 be stricken from the bill.

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 1862	Senate Continued To 2021 Sp Sess 1 In Commerce And Labor 15 Y 0 N 2021 02 05	In Senate	Monitor	High	96.1% 52.5%

Title

Employee protections; medicinal use of cannabis oil.

Introduction Date: 2021-01-07

Labels: VMA Defensive Priority Bill

Description

Employee protections; medicinal use of cannabis oil. Prohibits an employer from discharging, disciplining, or discriminating against an employee for such employee's lawful use of cannabis oil pursuant to a valid written certification issued by a practitioner for the treatment or to eliminate the symptoms of the employee's diagnosed condition or disease. The bill provides that such prohibition does not (i) restrict an employer's ability to take any adverse employment action for any work impairment caused by the use of cannabis oil or to prohibit possession during work hours or (ii) require an employer to commit any act that would cause the employer to be in violation of federal law or that would result in the loss of a federal contract or federal funding.

Primary Sponsors

Dan Helmer

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 2063	Senate Continued To 2021 Sp Sess 1 In Commerce And Labor 15 Y 0 N 2021 02 05	In Senate	Monitor	High	95.3% 53.5%

Title

Virginia Overtime Wage Act; overtime compensation employees, definitions, penalties.

Introduction Date: 2021-01-12

Labels: VMA Defensive Priority Bill

Description

Virginia Overtime Wage Act; penalties. Requires an employer to compensate its employees who are entitled to overtime compensation under the federal Fair Labor Standards Act at a rate not less than one and one-half times the employee's regular rate of pay, defined in the bill, for any hours worked in excess of 40 hours in any one workweek. The bill includes provisions for calculating overtime premiums due to fire protection and law-enforcement employees by certain public sector employers. The penalties provided by the bill for an employer's failure to pay such overtime wages, including civil and criminal penalties, are the same as currently provided for failing to pay wages generally. The statute of limitations for bringing a claim for a violation of the bill is three years.

Primary Sponsors

Mike Mullin

Title

Paid sick leave; employers to provide to certain employees.

Introduction Date: 2021-01-12

Labels: VMA Defensive Priority Bill

Description

Paid sick leave. Requires employers to provide certain employees paid sick leave. An employee is eligible for paid sick leave under the bill if the employee is an essential worker and works on average at least 20 hours per week or 90 hours per month. The bill provides for an employee to earn at least one hour of paid sick leave benefit for every 30 hours worked. An employee shall not use more than 40 hours of earned paid sick leave in a year, unless the employer selects a higher limit. The bill provides that earned paid sick leave may be used for (i) an employee's mental or physical illness, injury, or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care or (ii) care of a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care of a family member who needs preventive medical care. The bill prohibits employers from taking certain retaliatory actions against employees related to leave. The bill provides for a hardship waiver for employers that demonstrate that providing paid sick leave threatens the financial viability of the employer, jeopardizes the ability of the employer to sustain operations, significantly degrades the quality of the employer's business operations, or creates a significant negative financial impact on the employer. The bill requires the Commissioner of Labor and Industry to promulgate regulations that (a) identify workers as essential based on the categories listed in the bill; (b) include reasonable requirements for recordkeeping, confidentiality, and notifying employees of their rights under provisions of the bill; (c) establish complaint, investigation, and enforcement procedures that include fines, not to exceed \$500, for violations of provisions of the bill; (d) establish requirements for compensation and accrual of paid sick leave for employees employed and compensated on a fee-for-service basis; and (e) include procedures and requirements for an employer to qualify for a hardship waiver. The provisions of the bill do not apply to a retail business with fewer than 25 employees.

Primary Sponsors

Liz Guzman

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 2155	Senate Rereferred To Judiciary 2021 02 17	In Senate	Monitor	Medium	95.7% 52.4%

Title

Virginia Human Rights Act; nondiscrimination in employment, sexual and workplace harassment.

Introduction Date: 2021-01-12

Labels: VMA

Description

Virginia Human Rights Act; nondiscrimination in employment; sexual harassment and workplace harassment. Makes it an unlawful discriminatory practice for an employer, labor organization, or employment agency to engage in workplace harassment, including sexual harassment, as defined in the bill. The bill also provides (i) a nonexhaustive list of factors to consider when determining whether certain conduct constitutes workplace harassment, (ii) guidelines for when a court may find an employer liable for workplace harassment, (iii) that a person claiming to be aggrieved by an unlawful discriminatory practice may file a written complaint with the Division of Human Rights within two years of the occurrence of the alleged unlawful discriminatory practice, and (iv) that an aggrieved person who has been provided a notice of his right to file a civil action for such grievance may do so within one year of receiving such notice. The bill also amends the definition of "employer" to mean a person employing five or more employees, instead of 15 or more employees under current law, for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such a person.

Primary Sponsors

Vivian Watts

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 2174	Senate Passed By Temporarily 2021 02 19	In Senate	Oppose	High	96.5% 57.1%

Title

VirginiaSaves Program; established, membership.

Introduction Date: 2021-01-12

Labels: VMA Defensive Priority Bill

Description

VirginiaSaves Program; establishment. Directs the governing board of the Virginia College Savings Plan (the Board) to establish an automatic enrollment payroll deduction individual retirement account (IRA) retirement savings program, to be known as the VirginiaSaves Program (the Program). The Board shall administer the Program and develop requirements, procedures, and guidelines for the Program, including default contribution rates, procedures for enrollment and withdrawal, and procedures for noncompliance. Moneys in the Program shall be invested in a manner deemed appropriate by the Board.

Primary Sponsors

Luke Torian

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	SB 1406	House Delegates Herring Mullin Torian Bagby Knight 2021 02 19	Passed House	Monitor	High	95.3% 51.6%

Title

Marijuana; legalization of simple possession, penalties.

Introduction Date: 2021-01-13

Labels: VCBG Defensive Priority VMA Defensive Priority Bill

Description

Marijuana; legalization; retail sales; penalties. Eliminates criminal penalties for simple possession of marijuana, modifies several other criminal penalties related to marijuana, and provides for an automatic expungement process for those convicted of certain marijuana-related crimes. The bill creates the Virginia Cannabis Control Authority (the Authority) and establishes a regulatory structure for the cultivation, manufacture, wholesale, and retail sale of retail marijuana and retail marijuana products, to be administered by the Authority. The bill contains social equity provisions that, among other things, provide support and resources to persons and communities that have been historically and disproportionately affected by drug enforcement. The bill has staggered effective dates and allows retail marijuana sales to begin on January 1, 2024. Certain provisions of the bill do not become effective unless reenacted by the 2022 Session of the General Assembly. This bill incorporates SB 1243. See S. B. 1406 Engrossed PDF text:

Primary Sponsors

Adam Ebbin, Louise Lucas

Organizational Notes

Last edited by Brett Vassey at Jan 18, 2021, 4:06 PM

VCBG opposes expanding ABC authority to marijuana enforcement. VMA is concerned that the legislation is missing relevant employer "Drug Free Workplace" and drug testing protections to ensure a safe workplace.

Procurement (1)

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 1811	House Vote Rejected 0 Y 99 N 2021 02 17	Passed Senate	Monitor	Medium	95.6% 58.6%

Title

Virginia Public Procurement Act; preference for energy-efficient and water-efficient goods.

Introduction Date: 2021-01-06

Labels: VMA

Description

Virginia Public Procurement Act; preference for energy-efficient and water-efficient goods. Provides that in the course of procuring goods, if a public body receives two or more bids for products that are Energy Star certified, meet Federal Energy Management Program (FEMP) designated efficiency requirements, appear on FEMP's Low Standby Power Product List, or are WaterSense certified, such public body may only select among those bids.

Primary Sponsors

Dan Helmer

Tax (13)

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 1899	Senate Passed Senate 21 Y 17 N 2021 02 17	Passed Senate	Monitor	Low	95.4% 75.6%

Title

Coal tax credits; sunset dates.

Introduction Date: 2021-01-08

Labels: VMA

Description

Sunset of coal tax credits. Sunsets the Coal Employment and Production Incentive Tax Credit and Coalfield Employment Enhancement Tax Credit after tax year 2021 and prohibits the allocation of such credits on and after January 1, 2022. The bill provides that if credits were earned prior to January 1, 2022, the credit holder may claim the credits in subsequent tax years pursuant to the applicable carryover requirements of current law; however, such credit holders would be limited to claiming \$1 million in carryover credits per taxable year.

Primary Sponsors

Sally Hudson

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 1935	Senate Senators Howell Barker Newman 2021 02 19	Passed Senate	Monitor	High	96.4% 58.9%

Title

Income tax, state; conformity with the Internal Revenue Code.

Introduction Date: 2021-01-11

Labels: VMA Priority Bills

Description

Conformity of the Commonwealth's taxation system with the Internal Revenue Code; emergency. Advances Virginia's date of conformity with the Internal Revenue Code from December 31, 2019, to December 31, 2020. The bill adds exceptions to such conformity for suspension of the overall limitation on itemized deductions and the reduction in the medical expense deduction floor for taxable year 2017 and taxable years on and after January 1, 2019, and for the provisions of the federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act) related to the net operating loss limitation and carryback, a loss limitation applicable to taxpayers other than corporations, and the limitation on business interest. The bill also includes an individual income tax deduction in taxable year 2020 for business expenses funded with forgiven Paycheck Protection Program loans up to \$25,000 and an individual income tax subtraction in taxable year 2020 for up to \$25,000 in Rebuild Virginia grants.

Primary Sponsors

Vivian Watts

Organizational Notes

Last edited by Brett Vassey at Jan 18, 2021, 4:16 PM

Bill currently taxes Payroll Protection Program (PPP) income. The state should not profit from a pandemic. The bill should be amended to exempt PPP income from taxation.

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 1999	Senate Passed Senate 37 Y 0 N 2021 02 17	Passed Senate	Support	Medium	95.6% 56.9%

Title

Tax Commissioner; waiver of accrual of interest in the event that Gov. declares state of emergency.

Introduction Date: 2021-01-11

Labels: VMA

Description

Tax Commissioner; waiver of accrual of interest in the event that the Governor declares a state of emergency. Authorizes the Tax Commissioner to waive interest for any class of taxpayers when he finds that imposing interest has caused, or would cause, undue hardship to such class of taxpayers because of a natural disaster or other reason. The bill allows the Tax Commissioner to grant such waiver only if the Governor declares a state of emergency in the Commonwealth with respect to such natural disaster or other reason.

Primary Sponsors

Kat Murphy

Title

Retail Sales and Use Tax; exemption for personal protective equipment.

Introduction Date: 2021-01-13

Labels: VMA Priority Bills

Description

Sales tax; exemption for personal protective equipment; emergency. Establishes a retail sales and use tax exemption for personal protective equipment, defined in the bill. The exemption would be available to any business that has in place a COVID-19 safety protocol that complies with the Emergency Temporary Standard promulgated by the Virginia Department of Labor and Industry and that meets other criteria. The exemption would sunset on the first day following the expiration of the last executive order issued by the Governor related to the COVID-19 pandemic and the termination of the COVID-19 Emergency Temporary Standard and any permanent COVID-19 regulations adopted by the Virginia Safety and Health Codes Board. The bill contains an emergency clause. This bill is identical to SB 1403.

Primary Sponsors

Kathy Byron

Organizational Notes

Last edited by Brett Vassey at Feb 3, 2021, 12:07 AM

- PPE has become a significant financial cost that cannot always be passed through to the customer. Now that Virginia is the only state in the U.S. with a permanent COVID-19 regulation (16VAC25-220), PPE has specific mandated uses depending upon the employer (see 16VAC25-220-40 & 16VAC25-220-60). This bill is written specifically to the 15 types of PPE contemplated by this regulation and used in the private sector.
- Our concern is that any estimated "cost" will be erroneous. First, there would be no revenue without a government mandate. Second, any estimated "cost" for foregoing the 5.3% or 6% sales tax (depending upon the region) is speculative. Third, the impact assessment must include the benefits of the economic activity generated by the manufacturing, wholesaling, distribution, and retailing of PPE – a static impact assessment of sales tax "loss" is not adequate because the Commonwealth derives other revenue from the specific activities of manufacturing, wholesaling, distribution, and retailing PPE.
- It is hard to imagine that the Commonwealth would insist on profiting from the pandemic. Sales tax revenue is up over 5% (year over year), total revenue is up 15% (year over year), and still many businesses have lost everything due to the pandemic.

Last edited by Brett Vassey at Jan 25, 2021, 3:52 PM

House Finance Sub-Committee: Subcommittee #1 Thursday (1/28), 7:00 a.m. - Virtual Meeting Keam (Chair), Kory, Ayala, Scott, Willett, Mundon King, Byron, Ware, Fowler, Campbell, R.R., Watts

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HJ 563	Senate Reported From Rules By Voice Vote 2021 02 19	In House	Monitor	High	86.3% 56.7%

Title

Corporate tax; DLS to establish group to assess transitioning to unitary combined reporting system.

Introduction Date: 2021-01-12

Labels: VMA Defensive Priority Bill

Description

Work group; feasibility of transitioning to a unitary combined reporting system for corporate income tax purposes. Directs the Division of Legislative Services, in conjunction with the Department of Taxation, to establish a work group to assess the feasibility of transitioning to a unitary combined reporting system for corporate income tax purposes.

Primary Sponsors

Vivian Watts

Organizational Notes

Last edited by Brett Vassey at Jan 21, 2021, 8:21 PM

VMA has requested an amendment to require a manufacturer to be appointed to the working group.

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	SB 1144	House Passed House 91 Y 9 N 2021 02 19	Passed House	Monitor	Low	97.3% 56.3%

Title

Aircraft civil; registration and licensing.

Introduction Date: 2021-01-05

Labels: VMA

Description

Aircraft; registration and licensing. Clarifies that if a civil aircraft is required to be registered with the Department of Aviation, current law allows the owner a credit against the tax paid for such registration for similar taxes paid in another state.

Primary Sponsors

Richard Stuart

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	SB 1146	House Delegates Watts Torian Knight 2021 02 19	Passed House	Monitor	High	96.0% 55.2%

Title

Income tax, state; conformity with the Internal Revenue Code.

Introduction Date: 2021-01-05

Labels: VMA Priority Bills

Description

Conformity of the Commonwealth's taxation system with the Internal Revenue Code; emergency. Advances Virginia's date of conformity with the Internal Revenue Code from December 31, 2019, to December 31, 2020. The bill adds exceptions to such conformity for suspension of the overall limitation on itemized deductions and the reduction in the medical expense deduction floor for taxable year 2017 and taxable years on and after January 1, 2019, and for the provisions of the federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act) related to the net operating loss limitation and carryback, a loss limitation applicable to taxpayers other than corporations, and the limitation on business interest. The bill contains an emergency clause.

Primary Sponsors

Janet Howell

Organizational Notes

Last edited by Brett Vassey at Feb 22, 2021, 1:44 PM

Bill Amended to allow for up to \$100K of PPP forgiven loans to be deducted from expenses for taxation. Allows for up to \$100K for income. Companion bill - HB1935 - allows for \$100K for income but only \$25K deduction for expenses. The Governor recently released an update on state tax collections and reported, "On a fiscal year-to-date basis, total revenue collections rose 6.0 percent through January, ahead of the forecasted 1.2 percent growth." <https://www.governor.virginia.gov/newsroom/all-releases/2021/february/headline-892653-en.html>. The VMA and other business groups have argued that full deductibility should be restored - the state has the revenue to allow for it and comply with the intent of the PPP that preserved thousands of jobs in the Commonwealth - revenues Year-to-Year comparison are up over \$700 million. See report here - <https://www.finance.virginia.gov/media/governorvirginiagov/secretary-of-finance/pdf/master-revenue-reports/January-2021-Revenue-Data.pdf>.

Last edited by Brett Vassey at Feb 2, 2021, 8:11 PM

Bill may be amended to allow for \$100,000 of PPP loans to be tax exempt.

Last edited by Brett Vassey at Jan 25, 2021, 4:03 PM

Bill should be amended to allow for PPP expense deductions and not tax PPP revenue.

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	SB 1158	House Vote Passage 95 Y 4 N 1 A 2021 02 18	Passed House	Support	High	95.5% 55.7%

Title

Port of Virginia tax credits; extends the sunset date.

Introduction Date: 2021-01-07

Labels: VMA Priority Bills

Description

Port of Virginia tax credits; sunset. Extends the sunset for the international trade facility tax credit, the barge and rail usage tax credit, and the port volume increase tax credit from taxable years before January 1, 2022, to taxable years before January 1, 2025.

Primary Sponsors

Lionell Spruill

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	SB 1170	House Subcommittee Recommends Laying On The Table 7 Y 4 N 2021 02 16	In House	Monitor	Low	73.1% 56.4%

Title

Isle of Wight County; authorized to impose an additional local sales and use tax to support schools.

Introduction Date: 2021-01-08

Labels: VMA

Description

Additional local sales and use tax to support schools. Adds Isle of Wight County to the list of localities that, under current law, are authorized to impose an additional local sales and use tax at a rate not to exceed one percent, with the revenue used only for capital projects for the construction or renovation of schools.

Primary Sponsors

Tommy Norment

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	SB 1326	House Reported From Finance 16 Y 6 N 2021 02 17	In House	Monitor	Medium	97.7% 52.7%

Title

Local cigarette taxes; regional cigarette tax boards.

Introduction Date: 2021-01-12

Labels: Excise & Industry-Specific VMA

Description

Local cigarette taxes; regional cigarette tax boards. States that it is the policy of the Commonwealth, where practical, to encourage local cigarette stamping and tax collection to be accomplished through regional cigarette tax boards, defined in the bill. The bill directs the Department of Taxation to establish a task force to develop methods for modernizing the local cigarette tax collection system and provide assistance as appropriate to localities seeking to form new regional cigarette tax boards.

Primary Sponsors

Emmett Hanger

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	SB 1394	Senate Incorporated By Finance And Appropriations Sb 1146 Howell 16 Y 0 N 2021 02 03	In Senate	Support	High	26.8% 50.9%

Title

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

Introduction Date: 2021-01-13

Labels: VMA Priority Bills

Description

Income tax exclusion for Paycheck Protection Plan loan forgiveness; deductibility. Establishes an income tax exclusion for forgiveness of indebtedness on a loan received under the Coronavirus Aid, Relief, and Economic Security (CARES) Act through the Paycheck Protection Program. The exclusion would be available starting in taxable year 2020. No taxpayer shall be denied an otherwise allowable deduction by reason of the exclusion.

Primary Sponsors

Chap Petersen, Todd Pillion

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	SB 1403	House Signed By Speaker 2021 02 18	Passed House	Support	High	96.5% 56.0%

Title

Retail Sales and Use Tax; exemption for personal protective equipment.

Introduction Date: 2021-01-13

Labels: VMA Priority Bills

Description

Sales tax; exemption for personal protective equipment; emergency. Establishes a retail sales and use tax exemption for personal protective equipment, defined in the bill. The exemption would be available to any business that has in place a COVID-19 safety protocol that complies with the Emergency Temporary Standard promulgated by the Virginia Department of Labor and Industry and that meets other criteria. The exemption would sunset on the first day following the expiration of the last executive order issued by the Governor related to the COVID-19 pandemic and the termination of the COVID-19 Emergency Temporary Standard and any permanent COVID-19 regulations adopted by the Virginia Safety and Health Codes Board. The bill contains an emergency clause. This bill is identical to HB 2185.

Primary Sponsors

Todd Pillion

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	SB 1411	House Signed By Speaker 2021 02 18	Passed House	Monitor	Medium	96.6% 57.5%

Title

Peanuts; extends sunset date of excise tax on all peanuts grown in Virginia.

Introduction Date: 2021-01-13

Labels: Excise & Industry-Specific VMA

Description

Excise tax on peanuts. Extends from July 1, 2021, to July 1, 2026, the sunset date of the excise tax on all peanuts grown in Virginia and reduces from \$0.30 per 100 pounds to \$0.25 per 100 pounds the excise tax rate. The proceeds from this tax are used for promoting the sales and use of Virginia peanuts.

Primary Sponsors

Louise Lucas

Transportation (4)

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 1850	House Vote Adoption 98 Y 1 N 2021 02 18	Passed Senate	Support	High	95.6% 55.7%

Title

Motor vehicle weight limits; vehicles powered primarily by electric battery power, etc.

Introduction Date: 2021-01-07

Labels: VMA Priority Bills

Description

Motor vehicle weight limits; vehicles powered primarily by electric battery power or fueled primarily by natural gas. Authorizes motor vehicles powered primarily by means of electric battery power to exceed relevant weight limits by 2,000 pounds, provided that such weight is on the power unit and such weight does not exceed 82,000 pounds on an interstate highway. The bill also changes the weight exemption for motor vehicles fueled primarily by natural gas on an interstate highway from the difference between the weight of the natural gas tank and fueling system and a comparable diesel tank and fueling system to up to an additional 2,000 pounds, provided that such weight is on the power unit and does not exceed 82,000 pounds.

Primary Sponsors

David Reid

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 1868	Senate Reported From Transportation 15 Y 0 N 2021 02 18	In Senate	Monitor	Low	96.1% 52.8%

Title

Commercial driver's licenses; disqualification for life from holding license, human trafficking.

Introduction Date: 2021-01-08

Labels: VMA

Description

Commercial driver's licenses. Disqualifies for life from holding a commercial driver's license persons convicted of a felony involving an act or practice of severe forms of trafficking in persons while driving a commercial motor vehicle. The bill prohibits the Department of Motor Vehicles and every district court or circuit court or the clerk thereof from reducing, dismissing, deferring, or otherwise concealing a conviction of any offense committed while operating a commercial motor vehicle or of any holder of a commercial driver's license or permit charged with any offense committed while operating a noncommercial motor vehicle and requires the Department and the courts to comply with federal laws and regulations regarding such convictions. The bill also authorizes Class A driver training schools to administer the commercial driver's license knowledge examinations.

Primary Sponsors

Karrie Delaney

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 1979	Senate Passed Senate With Substitute 21 Y 17 N 2021 02 19	Passed Senate	Oppose	High	96.4% 58.9%

Title

Electric vehicle rebate program; creation and funding, report, sunset date.

Introduction Date: 2021-01-11

Labels: Transportation and Climate Initiative

VMA Defensive Priority Bill

Description

Electric vehicle rebate program; creation and funding; report. Creates a rebate program for the purchase or lease of new and used electric vehicles, to be administered by the Department of Mines, Minerals and Energy. A purchaser or lessee of a new or used electric vehicle would receive a \$2,500 rebate at the time of purchase, and a purchaser or lessee with an annual household income that does not exceed 300 percent of the federal poverty level would be entitled to an additional \$2,000 rebate for a new electric vehicle and \$500 for a used electric vehicle beginning in taxable year 2022. The bill also establishes an Electric Vehicle Rebate Advisory Council to oversee the Electric Vehicle Rebate Program and to make recommendations regarding its implementation. The Director of the Department of Mines, Minerals and Energy is required to report annually to the Governor and the General Assembly regarding the Program. The program expires on January 1, 2027.

Primary Sponsors

David Reid

Organizational Notes

Last edited by Brett Vassey at Feb 15, 2021, 2:04 PM

HB 1979 Patron: Reid VOTE "NO" Bill creates a taxpayer funded \$2,500- \$4,500 electric vehicle (EVs) rebate program. • Will cost Virginians \$245 million over seven years. Gives \$2,500 - \$4,500 rebate for purchasing EVs. • Gives rebates and incentives to buy \$55,000 electric vehicles. • Delegates advisory role to a new Electric Vehicle Rebate Program Advisory Council of 3 legislative and 13 non-legislative citizen members – all of which will be paid. • Has no reference to the specific source of tax revenue to fund the rebates. It is suspected that this will be revealed in other bills by the TCI tax on fuels. • The bill does not offer any rebate for trading older vehicles for a more fuel-efficient vehicles – only preference is for EVs.

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 2282	Senate Passed Senate 38 Y 1 N 2021 02 18	Passed Senate	Oppose	High	97.0% 57.1%

Title

State Corporation Commission; transportation electrification, utility recovery of certain costs.

Introduction Date: 2021-01-15

Labels: Renewable Energy

Transportation and Climate Initiative

VMA Defensive Priority Bill

Description

State Corporation Commission; transportation electrification; utility recovery of certain costs; report. Directs the State Corporation Commission (Commission) to report on policy proposals to accelerate transportation electrification in the Commonwealth. The bill requires the Commission to submit, no later than May 1, 2022, a report to the General Assembly recommending policy proposals that could govern public electric utility programs to accelerate widespread transportation electrification in the Commonwealth. The bill requires the Commission to utilize a public process, facilitated by a third party with expertise in transportation electrification, in which the Commission, the Department of Environmental Quality, the Department of Mines, Minerals and

Energy, the Department of Transportation, and appropriate stakeholders participate. The bill requires that the Commission, in developing its policy recommendations, evaluate (i) areas where utility or other public investment may best complement private efforts to effectively deploy charging infrastructure, with particular focus on low-income, minority, and rural communities; (ii) how smart growth policies can complement and enhance the Commonwealth's transportation electrification goals; (iii) how utility programs, investments, or incentives to customers or third parties to facilitate the deployment of charging infrastructure and related upgrades can support or enhance (a) statewide transportation electrification, including electrification of public transit; (b) the electrification of medium-duty and heavy-duty vehicles, school buses, vehicles at ports and airports, personal vehicles, and vehicle fleets; (c) increased access to electric transportation and improved air quality in low-income and medium-income communities; (d) achievement of existing energy storage targets; (e) improvements to the distribution grid or to specific sites necessary to accommodate charging infrastructure; and (f) customer education and outreach programs that increase awareness of such programs and the benefits of transportation electrification. The bill requires that the report also address whether and how transportation electrification can, under current law, (a) reduce total ratepayer rates and costs; (b) assist in grid management and more efficient use of the grid, in a manner that does not increase peak demand, through time-of-use rates, managed charging programs, vehicle-to-grid programs, or other alternative rate designs; (c) utilize increased generation from renewable energy resources; and (d) reduce fueling costs for vehicles. The bill requires that, to the extent that the Commission and stakeholders conclude that transportation electrification cannot currently deliver these benefits, the report include public policy r... (click bill link to see more).

Primary Sponsors

Rip Sullivan

Organizational Notes

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Bill establishes an SCC study to justify banning combustion engines and clearing Virginia for the Transportation & Climate Initiative multi-state compact. • This bill should assess the environmental and health impacts of toxic materials and hazardous waste from automotive and grid stabilization sources of Lithium Ion and other batteries, new landfill capacity needed to dispose of batteries, new mining permits needed to produce raw materials for batteries, and the impact of "conflict minerals" in batteries attributable to environmental, child labor and human rights abuses. VA should avoid another coal-ash disposal catastrophe – electrifying Virginia's 7.5 million automobiles will produce an estimated 4.13 billion pounds of toxic battery waste . o Lithium Ion batteries (the cleanest of four battery technologies) can contaminate water if not disposed of properly. o Lithium Ion batteries contain cobalt, copper, nickel and iron. o Cobalt sourced for Lithium-Ion batteries primarily comes from the Democratic Republic of the Congo and is tied to armed conflict, illegal mining, human rights abuses, and harmful environmental practices. o Recycling is non-existent. o Less than 5% of Australian, European, and US Lithium-Ion batteries are recycled (Source: International Energy Agency, US Department of Energy). • The bill should require an assessment of the economic impact to the manufacturing supply chain that currently manufactures and services products for combustion engines and vehicles. • The bill should assess whether the electric vehicle registration fee is adequate to cover the transportation construction and maintenance costs currently paid for by transportation fuel taxes. • The bill should assess the national security risk that moving all forms of transportation fuel to electrification presents. • The bill should assess competition among electricity providers to lower costs.

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HB2282 further captures consumers within monopoly electric utility markets for transportation energy essential to global competitiveness. This bill does not effectively incorporate an analysis of the potential ramifications for national security, costs to consumers, technical limits for the grid, and technical limits of automotive technology for specific users (e.g., residential, large families, commercial business, industrial business, maritime/port infrastructure, etc.).

Unemployment (1)

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 2040	Senate Senators Spruill Lewis Obenshain 2021 02 19	Passed Senate	Oppose	High	95.5% 53.7%
Title		Introduction Date: 2021-01-12				
Unemployment compensation; failure to respond, continuation of benefits, repayment of overpayments.		Labels: VMA Defensive Priority Bill				
Description						
Unemployment compensation; failure to respond; continuation of benefits; repayment of overpayments. Provides that an employer shall be deemed to have established a pattern of failing to respond timely or adequately to written requests for information relating to claims if the Virginia Employment Commission determines that the employer has failed to respond timely or adequately to a written request for information relating to a claim on two or more occasions within a 48-month window and requires such employer to pay a penalty upon his second such failure to respond timely or adequately. Under current law, such pattern is established after four failures, and the penalty is assessed after the third failure. The bill provides that if an employer fails to respond timely or adequately to a written request by the Commission for information relating to a claim, the employer forfeits any appeal rights to that claim.						
Primary Sponsors						
Sally Hudson						
Organizational Notes						
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Bill opposed by the Coalition for a Strong VA Economy. • Unemployment funds are entirely contributed by employers. • Overpayments must be returned or risk the solvency of the fund. • If the legislature wants to allow for recipients to retain overpayments, it should fund it from the General Fund. The bill provides that if an employer fails to respond timely or adequately to a written request by the Commission for information relating to a claim, the employer forfeits any appeal rights to that claim						

Virginia Chemistry Council (2)

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	HB 2030	Senate Passed By For The Day 2021 02 19	In Senate	Monitor	High	96.4% 55.3%

Title

Neonicotinoid pesticides; application in residentially zoned outdoor areas, civil penalty.

Introduction Date: 2021-01-12

Labels: VCC Defensive Priority Bill VMA Defensive Priority Bill

Description

Neonicotinoid pesticides; notice; civil penalty. Prohibits any person from applying an aerosolized neonicotinoid insecticide for personal use unless the person (i) is certified or under the direct supervision of a certified applicator or (ii) provides 24 hours' notice to the owner of any managed beehive within the line of sight of the application area. A person who violates the prohibition shall be subject to a civil penalty of \$100.

Primary Sponsors

Paul Krizek

Organizational Notes

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Bill amended for VMA, VCC, ACC.

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
VA	SB 1164	House Reported From Agriculture Chesapeake And Natural Resources 15 Y 5 N 2021 02 17	In House	Support	High	94.9% 57.2%

Title

Advanced recycling; not considered solid waste management, definition.

Introduction Date: 2021-01-08

Labels: Recycling VCC Priority Bill VMA Priority Bills

Description

Advanced recycling; not considered solid waste management; definition. Defines "advanced recycling" as a manufacturing process for the conversion of post-use polymers and recovered feedstocks into basic hydrocarbon raw materials and other materials. The bill provides that advanced recycling shall not be considered solid waste management. The bill also defines "gasification," "post-use polymer," and other terms related to advanced recycling.

Primary Sponsors

Emmett Hanger

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Bill is on 3rd reading on House floor today. Weekend negotiations may have resolved Democratic Caucus opposition. All members in the plastics supply chain and recycling industry must reach their Delegates today.

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