



VAMSA – VAMWA – VA AWWA WUC JOINT LEGISLATIVE TRACKING REPORT February 20, 2020

Notes: Descriptions summarize bills as introduced. Due to amendments throughout session, substance of bill following introduction may differ from summary description. Please refer to bill text for current provisions. Links are provided for your convenience. Yellow highlighting indicates new information compared to last published tracking report. Bills in *italics* are dead and have been moved to the end of each section.

WATER SUPPLY / DRINKING WATER (SEE SEPARATE BUDGET SUPPLEMENT)

HB 542 (Carr) Regional water resource planning; State Water Control Board regulations. Directs the SWCB to predict the risk that each locality and region in the Commonwealth will experience water supply shortfalls, to encourage the development of cross-jurisdictional water supply projects, and to adopt regulations designating regional planning areas based primarily on river basin. Each locality in a particular regional planning area shall participate in cross-jurisdictional, coordinated water resource planning, and all localities in each area shall together develop and submit a single regional water supply plan. The bill directs DEQ to facilitate the creation of the regional water plans by ensuring sufficient coordination among localities, providing planning and other assistance, and ensuring that each regional plan identifies risks and proposes cost-effective strategies in response. Directs that the Board and DEQ prioritize the allocation of funds to localities that participate in regional planning. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB542>

1/29/20 Reported from ACNR with amendments (18-Y 4-N)

2/5/20 Subc recommends reporting with amendment (5-Y 3-N)

2/5/20 Reported from Appropriations with amendment (14-Y 7-N)

2/10/20 Passed House (61-Y 37-N)

2/11/20 Referred to ACNR

HB 586 (Guzman) Commissioner of Health; study of the occurrence of PFOA, PFOS, and other PFAS substances in the Commonwealth's public drinking water; report. Directs the Commissioner of Health to convene a work group to study the occurrence of PFOA, PFOS, and other PFAS in the Commonwealth's public drinking water and to develop recommendations for specific maximum contaminant levels for PFOA, PFOS, and other PFAS for inclusion in regulations of the Board of Health applicable to waterworks. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB586>

1/21/20 HWI Subc recommends reporting with amendments (7-Y 0-N)

1/28/20 Reported from Health, Welfare and Institutions with substitute (22-Y 0-N)

2/3/20 Passed House (99-Y 0-N)

2/4/20 Referred to Education and Health

2/17/20 Assigned Education Subc: Health

HB 797 (Askew) Local school boards; lead testing; report; parental notification. Requires each local school board to submit its plan to test and remediate certain potable water sources and report the results of any such test to the Department of Health. The bill also requires local school boards to take all necessary steps to notify parents if testing results indicate lead contamination that exceeds the maximum contaminant level goals set by EPA. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB797>

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1/27/20 Subc recommends reporting with substitute (8-Y 0-N)
1/29/20 Reported from Education with substitute (20-Y 0-N)
2/4/20 Passed House (99-Y 0-N)
2/13/20 Reported from Education and Health (14-Y 0-N)
2/19/20 Reported from Finance and Approps. (16-Y 0-N)

HB 799 (Askew) Child day programs; potable water; lead testing. Requires licensed child day programs and certain other programs that serve preschool-age children to develop and implement a plan to test potable water from sources identified by the U.S. EPA as high priority. The bill requires such plan and the results of each such test to be submitted to and reviewed by the Commissioner of Social Services and VDH's Office of Drinking Water. The bill stipulates that if the result of any such test indicates a level of lead in the potable water that is at or above 15 parts per billion, the program shall remediate the level of lead in the potable water to below 15 parts per billion, confirm such remediation by retesting the water, and submit the results of the retests to the Commissioner of Social Services and the Department of Health's Office of Drinking Water for review. The bill also provides such programs the option of using bottled water in lieu of testing or remediation. The bill has a delayed effective date of July 1, 2021. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB799>

1/23/20 Subc recommends reporting (6-Y 0-N)
1/23/20 Reported from Health, Welfare and Institutions (22-Y 0-N)
2/5/20 Subc recommends reporting (8-Y 0-N)
2/5/20 Reported from Appropriations (21-Y 0-N)
2/10/20 Passed House (99-Y 0-N)
2/11/20 Referred to Education and Health

HB 1257 (Rasoul) Drinking water supplies; maximum contaminant levels. Directs the State Board of Health to adopt regulations establishing maximum contaminant levels (MCLs) in public drinking water systems for (i) PFOS, PFOA, and other PFAS compounds; (ii) chromium-6; and (iii) 1,4-dioxane. The bill requires such MCLs to be protective of public health, including the health of vulnerable subpopulations, and to be no higher than any MCL or health advisory adopted by the U.S. EPA for the same contaminant. The bill directs the Board to consider certain studies in adopting such MCLs and to consider establishing other MCLs any time two or more other states set limits or issue guidance on a given contaminant. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB1257>

1/21/20 HWI Subc recommends reporting with amendments (5-Y 2-N)
1/28/20 Reported from Health, Welfare and Institutions with amendments (13-Y 9-N)
2/3/20 Passed House (58-Y 40-N)
2/4/20 Referred to Education and Health

HB 1641 (Ayala) Coal ash ponds; drinking water well; resident notification. Requires a utility, defined in the bill as the owner or operator of any coal ash pond in the Chesapeake Bay watershed that is closed by capping in place, to complete a survey of all drinking water wells within three miles of each of its ponds by October 1, 2020, and notify residents via mail of the survey. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB1641>

1/31/20 Subc recommends reporting with substitute (5-Y 0-N)
2/5/20 Reported from ACNR with substitute (16-Y 5-N)
2/10/20 Passed House (75-Y 24-N)
2/11/20 Referred to ACNR

HB 1642 (Ayala) Coal ash ponds; medical monitoring program; drinking water well testing. The bill requires each utility to commission an independent well water test on behalf of the owner of each such well by January 1, 2021, and requires such test to be done once per year during each of the five years following the approval of the closure of a coal ash pond and once every five years thereafter. Provides that if any test exceeds groundwater quality standards for constituents associated with coal ash, the Virginia Waste Management Board shall instruct the utility to provide alternate water supplies to the owner of the well... <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB1642>

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1/31/20 Subc recommends reporting with substitute (5-Y 0-N)
2/5/20 Reported from ACNR with substitute (16-Y 5-N)
2/10/20 Passed House (75-Y 23-N)
2/11/20 Referred to ACNR

SB 106 (Surovell) Eastern Virginia Groundwater Management Area; hydraulic fracturing prohibited. Prohibits hydraulic fracturing, as defined in the bill, in the Eastern Virginia Groundwater Management Area. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB106>
1/21/20 Referred from ACNR with substitute (10-Y 5-N)
1/27/20 Passed Senate (26-Y 13-N)
2/18/20 Referred to ACNR
2/18/20 Assigned ACNR Subc: Chesapeake

SB 392 (McPike) Local school boards; lead testing; report. Requires each local school board to submit its plan to test and remediate certain potable water sources and report the results of any such test to VDH. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB392>
1/30/20 Reported from Education and Health with substitute (15-Y 0-N)
2/4/20 Passed Senate (40-Y 0-N)
2/18/20 Referred to Education
2/18/20 Assigned Education Subc: SOL and SOQ

SB 393 (McPike) Child day programs; potable water; lead testing. Requires licensed child day programs and certain other programs that serve preschool-age children to develop and implement a plan to test potable water from sources identified by U.S. EPA as high priority. The bill requires such plan and the results of each such test to be submitted to and reviewed by the Commissioner of Social Services and VDH's Office of Drinking Water. The bill stipulates that if the result of any such test indicates a level of lead in the potable water that is at or above 15 parts per billion, the program shall remediate the level of lead in the potable water to below 15 parts per billion, confirm such remediation by retesting the water, and submit the results of the retests to the Commissioner of Social Services and VDH's Office of Drinking Water for review... The bill has a delayed effective date of July 1, 2021. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB393>
1/17/20 Reported from Rehabilitation and Social Services (14-Y 0-N)
1/22/20 Reported from Finance and Appropriations with amendment (15-Y 0-N)
1/27/20 Passed Senate (39-Y 0-N)
2/18/20 Referred to Health, Welfare and Institutions

SB 410 (Hashmi) Public school buildings; testing for Legionella bacteria; review; report. Requires each school board to test each public school building in the local school division for the presence of Legionella bacteria at such regular intervals as the school board deems necessary to maintain the health and decency of such buildings. The bill requires the Department of Education to make recommendations for the frequency of testing for the presence of Legionella bacteria in public school buildings and to notify each local school board of its recommendations no later than September 1, 2020. The bill also requires each public elementary and secondary school to maintain files of its Legionella bacteria test results and make such files available for review. <https://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB410>
1/30/20 Reported from Education and Health with substitute (15-Y 0-N)
2/6/20 Reported from Finance and Approps. (14-Y 0-N)
2/11/20 Passed Senate (40-Y 0-N)
2/17/20 Education subc recommends reporting with amendments (5-Y 3-N)
2/19/20 Reported from Education with amendments (15-Y 5-N)
2/19/20 Referred to Appropriations

SB 673 (Mason) Nonagricultural irrigation wells prohibited outside surficial aquifer. Prohibits any person from constructing a well in a ground water management area for nonagricultural irrigation

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purposes except in the surficial aquifer. Authorizes the SWCB (the Board) to adopt regulations to develop a general permit for the regulation of irrigation withdrawals from the surficial aquifer greater than 300,000 gallons in any one month. Directs the Board to promulgate regulations establishing criteria for determining whether the quantity or quality of the ground water in a surficial aquifer is adequate to meet a proposed beneficial use. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB673>

1/21/20 Reported from ACNR with substitute (9-Y 6-N)

1/27/20 Passed Senate (20-Y 19-N)

2/17/20 ACNR Subc recommends reporting with amendments (5-Y 3-N)

2/19/20 Reported from ACNR (12-Y 9-N)

SB 679 (Mason) Eastern Virginia Groundwater Management Advisory Committee established. Indefinitely re-establishes the Eastern Virginia Groundwater Management Advisory Committee, which expired on Jan. 1, 2018, to assist DEQ and the State Water Commission in developing, revising, and implementing a management strategy for groundwater in the Eastern Virginia Groundwater Management Area. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB679>

1/31/20 Reported from Rules with substitute (15-Y 0-N)

2/5/20 Passed Senate (40-Y 0-N)

2/17/20 ACNR Subc recommends reporting with amendments (8-Y 0-N)

2/19/20 Reported from ACNR with amendments (22-Y 0-N)

HJ 92 (Lopez) Study; Office of Drinking Water; Commonwealth's drinking water infrastructure and oversight of the drinking water program; report. Requests the Office of Drinking Water of the Department of Health to study the Commonwealth's drinking water infrastructure and oversight of the drinking water program. In conducting its study, the Office shall (i) identify problems or issues that may result in contamination of drinking water with lead, copper, or other substances or organisms or increase the likelihood of contamination of drinking water with lead, copper, or other substances or organisms and (ii) develop recommendations for addressing such problems or issues. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HJ92>

2/3/20 Subc recommends reporting (5-Y 0-N)

2/7/20 Reported from Rules (17-Y 0-N)

2/10/20 Passed House (87-Y 5-N)

2/11/20 Referred to Rules

HJ 96 (Lopez) Commending the Interstate Commission on the Potomac River Basin. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HJ96>

1/13/2020 Agreed to by House by voice vote

1/16/2020 Agreed to by Senate by voice vote

HB 1085 (Hayes) Public schools; potable water. Establishes minimum requirements for the installation of water bottle filling stations and drinking fountains in new public school buildings, additions to existing public school buildings, and alterations to existing public school buildings estimated to cost \$50,000 or more. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB1085>
2/11/20 Left in Education

SB 299 (Stanley) Potable water; purified water bottle filling station. Requires each local school board to install at least one purified water bottle filling station in every public school in the local school division. The bill requires that each purified water bottle filling station (i) dispense filtered, clean drinking water; (ii) be regularly cleaned and maintained; and (iii) be accompanied by a cup dispenser if there is no drinking fountain on the same floor and wing as the water bottle filling station. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB299>

1/23/20 Stricken at request of Patron in Education and Health (15-Y 0-N)

WASTEWATER (INCLUDING BIOSOLIDS) (SEE SEPARATE BUDGET SUPPLEMENT)

HB 1266 (Hodges) Septic system inspectors; requirements to perform a septic system inspection. Authorizes any individual who holds a valid alternative onsite sewage system operator, alternative onsite sewage system installer, or onsite soil evaluator license pursuant to Ch. 23 (Waterworks and Wastewater Works Operators) of Title 54.1 to perform a septic system inspection in connection with any real estate transaction, including re-financings. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB1266>

2/6/20 Reported from Health, Welfare and Institutions with amendments (21-Y 0-N)

2/11/20 Passed House (99-Y 0-N)

2/17/20 Referred to Education and Health

HB 1422 (Plum) Chesapeake Bay Watershed Implementation Plan initiatives; nutrient management plans; livestock stream exclusion. Requires any operator of at least 50 acres of cropland in the Chesapeake Bay watershed to submit a nutrient management plan for such cropland by July 1, 2026, to DCR. DCR shall review such plans and provide technical assistance, and the operator shall have an affirmative defense if he has applied for cost-share funding and is waiting to receive such funds.

The bill requires any person who owns 20 or more bovines in the watershed, beginning July 1, 2026, to install stream exclusion practices that satisfy regulations adopted by DEQ. The person shall have an affirmative defense if he has applied for cost-share funding and is waiting to receive such funds, or if his installed stream exclusion practices were damaged or destroyed.

The bill authorizes DCR and DEQ to adopt regulations to carry out its provisions. The bill provides that if the Secretary of Natural Resources determines that sufficient numbers of stream exclusion practices or nutrient management plans have been put in place to satisfy the Commonwealth's commitments in the Chesapeake Bay TMDL Phase III WIP, he shall, on or before Dec. 31, 2025, recommend that all or part of the bill be repealed. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB1422>

2/5/20 Reported from ACNR with substitute (21-Y 1-N)

2/7/20 Subc recommends reporting (8-Y 0-N)

2/7/20 Reported from Appropriations (22-Y 0-N)

2/11/20 Passed House (79-Y 20-N)

2/18/20 Reported from ACNR with amendments (15-Y 0-N)

2/18/20 Re-referred to Finance and Appropriations

SB 1064 (Stuart) DEQ; combined sewer overflow outfalls; James River watershed. Directs DEQ to identify the owner of any CSO outfall east of Charlottesville that discharges into the James River watershed and to determine what actions by the owner are necessary to bring such an outfall into compliance with Virginia law, the federal Clean Water Act, and the Presumption Approach described in the CSO Control Policy of the U.S. EPA. The bill requires any owner of such an outfall to initiate construction activities by July 1, 2025, and bring it into compliance by July 1, 2027. Until compliance is achieved, the bill requires the outfall owner to annually report its progress to DEQ. The bill requires DEQ to provide all such reports to certain legislative committees, the Virginia delegation to the Chesapeake Bay Commission, the Secretary of Natural Resources, and the Governor. The bill does not apply to any outfall for which a higher level of control is necessary to comply with a TMDL. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB1064>

2/4/20 Reported from ACNR (13-Y 2-N)

2/6/20 Reported from Finance and Approps w amendment (15-Y 0-N)

2/10/20 Reading dispensed (36-Y 0-N)

2/11/20 Passed Senate (40-Y 0-N)

2/14/20 Referred to ACNR

2/14/20 Assigned ACNR subc: Chesapeake

HB 1366 (Hodges) Commissioner of Health and the Director of DEQ; program to remediate septic systems in recurrently flooded areas of Resource Protection Areas. Directs the Commissioner of Health and the Director of DEQ to develop a program to remediate septic systems in recurrently flooded areas of Resource Protection Areas by allowing owners of septic systems located in portions of Resource Protection Areas that are subject to recurrent flooding to add soil over the septic system tank... <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB1366>
2/5/20 Continued to 2021 with substitute in ACNR

HJ 106 (Bloxom) Study; Department of Health; use of alternative onsite sewage systems in the Commonwealth; report. Requests the Department of Health to study the use of alternative onsite sewage systems in the Commonwealth. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HJ106>
2/11/20 Left in Rules

STORMWATER (SEE SEPARATE BUDGET SUPPLEMENT)

HB 504 (Hope) Chesapeake Bay Preservation Areas; mature trees. Adds the preservation of mature trees, both as a stormwater management tool and as a means of providing other benefits, to the list of activities that the SWCB is directed to encourage and promote as it adopts criteria for local governments to use as they consider development in Chesapeake Bay Preservation Areas. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB504>
1/20/2020 Subc recommends reporting with amendments (7-Y 1-N)
1/22/2020 Reported from ACNR with amendment (19-Y 3-N)
1/28/20 Passed House (69-Y 30-N)
2/18/20 Reported from ACNR (10-Y 5-N)

HB 520 (Bulova) DEQ; tree planting as land cover type, best management practice; stakeholder group. Directs DEQ to convene a stakeholder advisory group for the purpose of studying the planting or preservation of trees as a land cover type and as a stormwater BMP. The bill provides that the stakeholder group shall be composed of development and construction industry representatives, environmental technical experts, local government representatives, and others and that technical assistance shall be provided to DEQ by the Department of Forestry and the Department of Conservation and Recreation. The bill directs DEQ to report the findings of the stakeholder group by Nov. 1, 2020, and include a recommendation as to whether the planting or preservation of trees shall be deemed a creditable land cover type... <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB520>
1/20/20 Subc recommends reporting with substitute (8-Y 0-N)
1/22/20 Reported from ACNR with substitute (21-Y 1-N)
1/28/20 Passed House (82-Y 17-N)
2/18/20 Reported from ACNR with amendment (13-Y 2-N)

HB 859 (Convirs-Fowler) Stormwater management facilities; private residential lots; disclosure. Directs the SWCB to adopt regulations requiring the owner of residential property on which is located a privately owned stormwater management facility serving one or more residential properties to record the long-term maintenance and inspection requirements for such stormwater management facility with the deed for the owner's property. The bill requires the seller of any property with such a facility to disclose to a purchaser of the property the long-term maintenance and inspection requirements of the facility. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB859>
1/30/20 Subc recommends reporting with amendment (7-Y 0-N)
2/4/20 Reported from General Laws with amendment (19-Y 3-N)
2/10/20 Passed House (62-Y 34-N)
2/18/20 Reported from ACNR (11-Y 2-N 1-A)

HB 882 (Bulova) Stormwater management; proprietary best management practices; reciprocity. Directs the SWCB to adopt regulations providing reciprocity with only those state,

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regional, or national certification programs that verify and certify nutrient removal best management practices. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB882>

1/20/20 Subc recommends reporting with substitute (8-Y 0-N)

1/22/20 Reported from ACNR with substitute (22-Y 0-N)

1/28/20 Passed House (97-Y 0-N)

2/18/20 Reported from ACNR with substitute (15-Y 0-N)

SB 843 (Petersen) Stormwater and erosion and sediment control; acceptance of plans in lieu of plan review. Authorizes the SWCB or DEQ, in its administration of a Virginia Stormwater Management Program, Virginia Erosion and Stormwater Management Program, or Virginia Erosion and Sediment Control Program, to choose to accept a set of plans and supporting calculations for any land-disturbing activity determined to be *de minimus* using a risk-based approach established by the Board. The bill provides that such plans and supporting calculations shall satisfy the requirement that the Board or DEQ retain a certified plan reviewer or conduct a plan review. The bill also directs the Board to adopt implementing regulations and provides requirements for the process of adoption. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB843>

1/28/20 Reported from ACNR (13-Y 0-N)

2/3/20 Passed Senate (40-Y 0-N)

2/18/20 Referred to ACNR

2/18/20 Assigned ACNR subc: Chesapeake

SB 1007 (Reeves) Stormwater management; inspections. Directs the Water Control Board to adopt regulations that require that a long-term maintenance agreement for any best management practice that is a wet pond provide for inspections no more frequently than every five years. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB1007>

2/4/20 Reported from ACNR with amendments (13-Y 2-N)

2/10/20 Passed Senate (37-Y 1-N)

2/13/20 Referred to ACNR

2/17/20 Subc recommends laying on table (5-Y 3-N)

HB 221 (Mugler) Tree conservation ordinance; Chesapeake Bay Preservation Act locality; designated trees. Adds "Chesapeake Bay watershed tree," as defined in the bill, to the types of tree that a locality with a tree conservation ordinance is authorized to designate individually for preservation. Current law allows individual designation of heritage, memorial, specimen, and street trees. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB221>
2/5/20 Continued to 2021 with substitute in ACNR by voice vote

HB 297 (Gooditis) Goat grazing on stream buffers. Authorizes a locality that procures and utilizes goats for the temporary grazing of stream buffers to remain in compliance with a resource management plan for pasture land. Such compliance qualifies the locality for matching grants for agricultural best management practices provided through the Virginia Agricultural BMPs Cost-Share Program. The bill also clarifies that such grazing is not prohibited by certain provisions of the State Water Control Law. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB297>

1/14/2020 Assigned ACNR: Agriculture

1/29/20 Subc recommends striking from docket (8-Y 0-N)

HB 770 (LaRock) Goat grazing on stream buffers. Authorizes a locality that procures and utilizes goats for the temporary grazing of stream buffers to remain in compliance with a resource management plan for pasture land. Such compliance qualifies the locality for matching grants for agricultural best management practices provided through the Virginia Agricultural Best Management Practices Cost-Share Program. The bill also clarifies that such grazing is not prohibited by certain provisions of the State Water Control Law. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB770>

2/11/20 Left in ACNR

HB 1308 (Walker) Stormwater management; grandfathered land-disturbing activities. Authorizes any land-disturbing activity that was eligible to take place pursuant to technical criteria that were adopted by the SWCB prior to July 1, 2014, to be governed by such criteria until July 1, 2024. Current regulations grandfathered such activities until July 1, 2019. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB1308>

2/11/20 Left in ACNR

HB 1454 (Heretick) Department of Environmental Quality; consolidation of erosion and sediment control, stormwater, and Chesapeake Bay preservation laws. Directs DEQ to study the statutory and regulatory changes necessary to fully integrate and consolidate (i) the Erosion and Sediment Control Law, (ii) the Stormwater Management Act, and (iii) the Chesapeake Bay Preservation Act. The Department shall report the results of its study by December 1, 2020. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB1454>

1/22/20 Stricken from docket by ACNR (22-Y 0-N)

HB 1624 (Cole) Conservation of trees during land development process. Authorizes any locality to adopt an ordinance providing for either the conservation of or the planting and replacement of trees during the land development process. Currently, only a locality within Planning District 8 with a population density of 75 persons per sq. mi. and which is classified as an eight-hour nonattainment area for ozone under the federal Clean Air Act ... may adopt such an ordinance for the conservation of trees. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB1624>

1/31/20 Continued to 2021 in Counties, Cities and Towns by voice vote

HB 1715 (Hodges) Administration of Virginia ESC Programs by DEQ. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB1715>

2/5/20 Continued to 2021 in ACNR by voice vote

SB 184 (Locke) Tree conservation ordinance; Chesapeake Bay Preservation Act locality; designated trees. Adds "Chesapeake Bay watershed tree," as defined in the bill, to the types of tree that a locality with a tree conservation ordinance is authorized to designate individually for preservation. Current law allows individual designation of heritage, memorial, specimen, and street trees. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB184>

1/28/20 Failed to report (defeated) in ACNR (7-Y 7-N)

SB 648 (Boysko) Goat grazing on stream buffers. Authorizes a locality that procures and utilizes goats for the temporary grazing of stream buffers to remain in compliance with a resource management plan for pasture land. Such compliance qualifies the locality for matching grants for agricultural best management practices provided through the Virginia Agricultural BMPs Cost-Share Program. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB648>

1/21/20 Stricken at request of Patron in ACNR (11-Y 0-N)

SB 1067 (Kiggans) Regulation of stormwater; airports. Provides that localities shall provide for full waivers of certain stormwater charges for public use airport runways and taxiways. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB1067>

2/4/20 Stricken at request of Patron in ACNR (15-Y 0-N)

HJ 125 (Kory) Study; effectiveness of stormwater management laws; report. Requests that DEQ study the effectiveness of stormwater management laws and regulations in Virginia. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HJ125>

2/3/20 Rules Subc recommends laying on table (4-Y 0-N)

WATER QUALITY TRADING

HB 1609 (Mugler) Nutrient credit use; land-disturbing activity by wastewater utility. Provides that when a POTW conducts land-disturbing activities in order to construct or expand a facility, it may

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comply with the water quality requirements associated with such land-disturbing activities by generating and using point source nutrient credits through the operation of its existing treatment facilities. The bill requires the treatment works to notify DEQ of its plan and to adopt a ratio of 10 point source nitrogen credits for each point source phosphorus credit used. The bill contains technical amendments. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB1609>

2/3/20 Subc recommends reporting with substitute (8-Y 0-N)

2/5/20 Reported from ACNR with substitute (21-Y 0-N)

2/10/20 Passed House (99-Y 0-N)

2/11/20 Referred to ACNR

SB 747 (Hanger) Nutrient and sediment credit generation and transfer; limit certain transfers to private sector. Limits certain transfers of nonpoint nutrient credits to those credits generated by the private sector. Provides that while any locality may, without the involvement of a third party, generate its own nutrient or sediment credits and request that such credits be certified by DEQ, such certifications shall only be used for the purpose of determining whether project complies with credit generation requirements. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB747>

2/4/20 Reported from ACNR with substitute (15-Y 0-N)

2/7/20 Passed Senate (39-Y 0-N)

2/17/20 Subc recommends reporting with substitute (8-Y 0-N)

2/19/20 Reported from ACNR with substitute (20-Y 2-N)

HB 1393 (LaRock) Nutrient credit trading; adjacent hydrologic unit code. Removes authority for a Virginia Stormwater Management Program or Virginia Erosion and Stormwater Management Program to allow compliance with stormwater nonpoint nutrient runoff water quality criteria through the applicant's acquisition of nutrient credits in the same tributary in an adjacent hydrologic unit code or fourth order subbasin unless certain existing criteria for purchasing credits outside... <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB1393>

2/11/20 Left in ACNR

HB 1464 (Gooditis) Local authority to restrict nutrient credit usage. Authorizes the governing body of any locality, by ordinance, to restrict the total nutrient credits that are generated in the locality and used in an adjacent eight-digit hydrologic unit code or fourth order subbasin to comply with stormwater nonpoint nutrient runoff water quality criteria. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB1464>

1/29/20 Continued to 2021 in ACNR

DAMS & DAM SAFETY

HB 1569 (Convirs-Fowler) Required disclosures; dams. Directs the Real Estate Board to include in the residential property disclosure statement provided on its website a disclosure relating to the condition or regulatory status of any impounding structure or dam on the owner's property or under the ownership of a common interest community that the owner of the property is required to join. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB1569>

1/30/20 Subc recommends reporting (7-Y 0-N)

2/4/20 Reported from General Laws (22-Y 0-N)

2/7/20 Passed House (100-Y 0-N)

2/19/20 Reported from Genera Laws and Technology (14-Y 0-N)

CONNECTIONS / RATES & CHARGES / LIENS

HB 835 (Sullivan) Utility Transfers Act; water and sewer utilities. Authorizes a water or sewer public utility acquiring a water or sewer system to elect to have its rate base established by using the fair market value of the system assets instead of the system's depreciated original cost. Under the procedure established in this bill, the fair market value of the system is the average of three appraisals

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conducted by accredited and impartial utility valuation experts, who shall determine the fair market value of the system in compliance with the uniform standards of professional appraisal practice, employing cost, market, and income approaches to assessment of value... <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB835>

1/28/20 Reported from Labor and Commerce with substitute (19-Y 0-N)

2/3/20 Passed House (99-Y 0-N)

2/17/20 Reported from Commerce and Labor (14-Y 0-N)

2/17/20 Re-referred to Finance and Appropriations

SB 360 (Cosgrove) Installation of certain facilities by developer; reimbursement. Provides that a locality may require a subdivider or developer to install reasonable and necessary sewerage and water facilities located on or outside the property limits of the land owned or controlled by the subdivider or developer that is necessitated or required, at least in part, by the utility needs of the development or subdivision, including reasonably anticipated capacity, extensions, or maintenance considerations of a utility service plan for the service area. Such subdivider or developer is entitled to reimbursement of its costs by any subsequent subdivider or developer that utilizes the installed sewerage or water facility, except for those costs associated with the installing developer's pro rata share. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB360>

1/20/20 Reported from Local Government with substitute (14-Y 0-N 1-A)

1/23/20 Passed Senate (39-Y 0-N)

2/13/20 Referred to Counties, Cities and Towns

2/20/20 Subc recommends reporting with amendments (8-Y 0-N)

SB 826 (McDougle) Water and sewer service charges; tenant or lessee. Reduces the maximum potential responsibility of a property owner for a tenant's unpaid water and sewer charges by capping the dollar amount of such property owner's responsibility at \$200. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB826>

1/20/20 Reported from Local Government with amendment (14-Y 1-N)

1/23/20 Passed Senate (38-Y 2-N)

2/13/20 Referred to Counties, Cities and Towns

2/18/20 Assigned CC&T subc: Land Use

HB 831 (Foy) Utility easements; location of broadband and other communications facilities. Declares that it is the policy of the Commonwealth that easements be used to provide communications services, that such use is in the public interest, and that such use of the easements where no new poles are erected does not constitute a change in the physical use of the easement or interfere with, impair, or take any vested or other rights of the owner or occupier of the servient estate, or place any additional burden on the servient estate. The measure further provides that the installation and operation of communications services within any such electric easements are merely changes in the manner, purpose, or degree of the granted use as appropriate to accommodate a new technology, and absent any express prohibition contained in the easement itself, will be deemed, as a matter of law ... <http://lis.virginia.gov/cgi-bin/legp604.exe?ses=201&typ=bil&val=hb831>

1/20/20 Subc recommends reporting with substitute (6-Y 1-N)

1/27/20 Reported from Communications, Technology and Innovation with substitute (18-Y 3-N)

2/6/20 Reported from Labor and Commerce with substitute (21-Y 1-N)

2/11/20 Passed House (93-Y 2-N 1-A)

2/17/20 Reported from Commerce and Labor with substitute (11-Y 2-N 2-A)

2/19/20 Const Reading dispensed (39-Y 0-N)

HB 1191 (Heretick) Installation of certain facilities by developer; reimbursement. Provides specific parameters to address the installation of reasonable and necessary sewerage and water facilities located on or outside the property limits of the land owned or controlled by the developer or subdivider that is necessitated or required, at least in part, by the utility needs of the development or

subdivision, including reasonably anticipated capacity, extensions, or maintenance considerations of a utility service plan for the service area... <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB1191>
1/31/20 Failed to Report (defeated) in Counties, Cities and Towns (11-Y 10-N)

GRANTS & FUNDING (SEE SEPARATE BUDGET SUPPLEMENT)

HB 981 (Herring) Clean Energy and Community Flood Preparedness Act; fund. Directs DEQ to incorporate into regulations previously adopted by the State Air Pollution Control Board certain provisions establishing a carbon dioxide cap and trade program to reduce emissions released by electric generation facilities. Such provisions are required to comply with the Regional Greenhouse Gas Initiative model rule. The bill authorizes the Director of DEQ to establish, implement, and manage an auction program to sell allowances into a market-based trading program... <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB981>

1/30/20 Subc recommends reporting with substitute (6-Y 4-N)

2/4/20 Reported from Labor and Commerce with substitute (13-Y 9-N)

2/4/20 Incorporates HB 20, HB 1152

2/7/20 Reported from Appropriations (13-Y 9-N)

2/11/20 Passed House (53-Y 46-N)

2/18/20 Reported from ACNR with substitute (8-Y 7-N)

2/18/20 Re-referred to Finances and Approps.

HB 1151 (Lopez) Plastic Bag Tax; Use of Revenue. Allows localities to impose a five-cent (\$0.05) per bag tax on plastic bags provided to customers by retailers in grocery stores, convenience stores, restaurants, or drugstores. Certain products are exempt from the tax. The bill directs revenue from the local tax to be deposited into the Virginia WQIF and the Virginia Natural Resources Commitment Fund. The bill allows every restaurant or retailer that collects the tax to retain one cent of the five-cent tax if the tax is paid in a timely manner. The bill incorporates **HB 1673**.

<http://lis.virginia.gov/cgi-bin/legp604.exe?201+bil+HB1151>

2/5/20 Incorporates HB 1673 (Ware)

2/5/20 Reported from Finance with substitute (12-Y10-N)

2/10/20 Passed House (50-Y 46-N)

2/12/20 Referred to Finances and Approps.

HB 1173 (Lopez) Tax exemption for certified pollution control equipment and facilities; timing of certification by the state certifying authority. Provides that, upon the request of a political subdivision, the state certifying authority having jurisdiction shall certify the tax-exempt status of certain pollution control equipment and facilities on a prospective basis. The property eligible for such treatment shall be equipment and facilities intended for use by a political subdivision in conjunction with the operation of its water, wastewater, stormwater, or solid waste management facilities or systems. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB1173>

1/27/20 Subc recommends reporting (10-Y 0-N)

1/29/20 Reported from Finance (20-Y 1-N)

2/4/20 Passed House (91-Y 6-N)

2/18/20 Reported from Finance and Approps. (11-Y 0-N)

2/19/20 Const Reading dispensed (39-Y 0-N)

SB 685 (Mason) Tax exemption for certified pollution control equipment and facilities; timing of certification by the state certifying authority. Provides that, upon the request of a political subdivision, the state certifying authority having jurisdiction shall certify the tax-exempt status of certain pollution control equipment and facilities on a prospective basis. The property eligible for such treatment shall be equipment and facilities intended for use by a political subdivision in conjunction with the operation of its water, wastewater, stormwater, or solid waste management facilities or systems. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB685>

1/21/20 Reported from Finance and Appropriations (16-Y 0-N)

1/24/20 Passed Senate (39-Y 0-N)
2/12/20 Reported from Finance (22-Y 0-N)
2/17/20 Passed House (100-Y 0-N)

SB 320 (Lewis) Virginia Community Flood Preparedness Fund; low-income loans; forgiveness of principal. Continues the Virginia Shoreline Resiliency Fund as the Virginia Community Flood Preparedness Fund for the purpose of creating a low-interest loan program to help inland and coastal communities that are subject to recurrent flooding. Moneys from the Fund may be used to mitigate future flood damage, with priority given to projects that implement community-scale mitigation activities or use nature-based solutions. Any locality using moneys from the Fund to provide loans may also forgive the principal of such loans, with the total amount of loans forgiven by all localities not to exceed 30 percent of the total amount appropriated to the Fund in that fiscal year.

<http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB320>

1/28/20 Reported from ACNR with substitute (15-Y 0-N)
2/11/20 Passed Senate (40-Y 0-N)

SB 1027 (Lewis) Clean Energy and Community Flood Preparedness Act; fund. Directs DEQ to incorporate into regulations previously adopted by the State Air Pollution Control Board certain provisions establishing a carbon dioxide cap and trade program to reduce emissions released by electric generation facilities. Such provisions are required to comply with the Regional Greenhouse Gas Initiative model rule. The bill authorizes the Director of the Department of Environmental Quality to establish, implement, and manage an auction program to sell allowances into a market-based trading program ...

<http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB1027>

2/4/20 Reported from ACNR with substitute (8-Y 7-N)
2/11/20 Passed Senate (22-Y 18-N)
2/19/20 Referred to Commerce and Labor

SJ 53 (Lewis) Study; DEQ; revised priority ranking criteria for grants from SLAF to include reduction of nitrogen pollution; report. Directs DEQ to study revised priority ranking criteria for grants from the Stormwater Local Assistance Fund (the Fund) to include reduction of nitrogen pollution and report its findings and recommendations for publication as a House or Senate document. In conducting its study, DEQ shall (i) analyze the benefits and costs of nitrogen pollution reduction in Virginia's waters and compare to the benefits and costs of reductions in phosphorous pollution, and (ii) determine comparable criteria to award grants from the Fund based on nitrogen reductions and revise the Fund's award criteria accordingly.

<http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SJ53>

2/5/20 Reported from Finance and Appropriations with amendment (16-Y 0-N)
2/10/20 Passed Senate by voice vote
2/13/20 Referred to Rules
2/19/20 Re-referred to Appropriations

HB 116 (Cole) Stormwater Management Fund. Provides that grants from a local Stormwater Management Fund may be used for an authorized local stormwater credit option for Virginia Stormwater Management Program authorized program administrators as a stormwater retrofit for any development within the local watershed that predates the 2005 EPA and DEQ BMP criteria. Currently, grants may only be used for (i) construction, improvement, or repair of a stormwater management facility or (ii) erosion & sediment control.

<http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB116>

2/11/20 Left in Counties, Cities and Towns

HB 751 (Jones) Virginia Community Flood Preparedness Fund; low-income loans; forgiveness of principal. Continues the Va Shoreline Resiliency Fund as the Va Community Flood Preparedness Fund for purpose of creating a low-interest loan program to help inland and coastal communities subject to recurrent flooding...

<http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB751>

2/7/20 Incorporated in HB 22 by voice vote

HB 858 (Convirs-Fowler) Virginia Residential Property Disclosure Act and Virginia Residential Landlord and Tenant Act; required disclosures; impounding structures, dams, flood hazard areas, and stormwater management facilities. Requires the owner of residential real property who has actual knowledge that the property is located in one or more special flood hazard areas to provide a disclosure that states such information to a potential purchaser. The owner of any residential real property upon which a stormwater management facility is located is required to provide to a prospective purchaser a written disclosure that includes specifications, requirements, and a schedule of audits of such facility... <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB858>
2/11/20 Left in General Laws

HB 1673 (Ware) Plastic bag tax; use of revenues. Allows localities to impose a five-cent (\$0.05) per bag tax on plastic bags provided to customers by retailers in grocery stores, convenience stores, or drugstores in the Commonwealth. The bill also (i) requires every retailer to provide recycling receptacles at its place of business for such disposable plastic bags and (ii) allows every retailer that collects the tax to retain one cent (\$0.01) of every five cents (\$0.05) collected... <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB1673>
2/5/20 Incorporated into HB 1151 (Lopez)

SB 26 (Petersen) Plastic bag tax in the Chesapeake Bay Watershed. Imposes a five-cent per bag tax on plastic bags provided to customers by certain retailers in localities located wholly within the Chesapeake Bay Watershed and directs revenues to be used to support the Chesapeake Bay Watershed Implementation Plan... <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB26>
1/30/20 Incorporated by Finance and Approps (SB 11 – Ebbin)

MISCELLANEOUS WATER & ENVIRONMENT

HB 646 (Hurst) Pipeline construction permit; amount of civil penalty for violation. Authorizes the State Water Control Board to include civil penalties of up to \$50,000 per violation, not to exceed \$500,000 per order, in any order for a violation of a permit related to the construction of a natural gas transmission pipeline greater than 36 inches inside diameter. Current law limits such penalties to \$32,500 per violation and \$100,000 per order. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB646>
2/5/20 Subc recommends reporting (8-Y 0-N)
2/5/20 Reported from ACNR with substitute (14-Y 8-N)
2/10/20 Passed House (58-Y 40-N 1-A)
2/18/20 Reported from ACNR with substitute (8-Y 5-N)

HB 672 (Willett) State, regional, and local planning; climate change. Establishes a policy of the Commonwealth to prevent and to minimize actions that contribute to the detrimental effects of anthropogenic climate change in the Commonwealth. The bill requires any state agency to examine any new regulation or policy involving state action or funds in relation to its impact on climate change and its effects thereof prior to adopting or implementing such regulation or policy. The bill requires local and regional planning commissions to consider the impacts from and causes of climate change in adopting a comprehensive plan, regional strategic plan, or zoning ordinance. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB672>
1/31/20 Reported from Counties, Cities and Towns with substitute (12-Y 9-N)
2/6/20 Passed House (55-Y 44-N)
2/7/20 Referred to ACNR

HB 1162 (Lopez) Department of Environmental Quality; environmental justice. Provides that one of the purposes of DEQ is to further environmental justice, as defined in the bill. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB1162>
1/29/20 Subc recommends reporting (5-Y 3-N)
2/5/20 Reported from ACNR (13-Y 9-N)

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2/10/20 Passed House (55-Y 44-N)

2/18/20 Reported from ACNR with amendment (8-Y 6-N)

HB 1164 (Lopez) Department of Environmental Quality; policy statement. Adds provisions for addressing climate change and for the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the administration of environmental laws, regulations, and policies in the statement of DEQ's purpose. The bill also adds the enhancement of the environment and the promotion of the health and well-being of the Commonwealth's residents and visitors to DEQ's policy goals. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB1164>

1/7/2020 Referred to ACNR

1/29/20 Subc recommends reporting with amendment (8-Y 0-N)

2/5/20 Reported from ACNR with amendment (17-Y 4-N)

2/10/20 Passed House (62-Y 36-N)

2/18/20 Reported from ACNR with amendment (7-Y 6-N)

HB 1205 (Tran) Discharge of deleterious substance into state waters; notice. Decreases from 24 hours to eight hours the time frame for any person who unlawfully discharges any deleterious substance into state waters to give notice to the Director of DEQ or the local coordinator of emergency services. The bill also requires DEQ to give the reported discharge information to VDH, local newspapers, television stations, and radio stations, and disseminate via commonly used social media platforms and email notification lists within eight hours of receipt of such information. Current law only requires certain of these disclosures and only when the Virginia Department of Health determines that the discharge may be detrimental to the public health or the SWCB determines that the discharge may impair beneficial uses of state waters. The bill also requires DEQ, if VDH determines that the discharge may be detrimental to the public health, to provide information regarding such determination to the same recipients within eight hours of receipt of such determination. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB1205>

1/27/20 Subc recommends reporting with substitute (5-Y 3-N)

1/29/20 Reported from ACNR with substitute (14-Y 8-N)

2/4/20 Passed House (59-Y 37-N)

2/18/20 Reported from ACNR with substitute (15-Y 0-N)

2/18/20 Re-referred to Finance and Approps.

HB 1310 (Webert) Department of Environmental Quality; notice of disposal of certain fill materials. Requires DEQ to establish a process whereby if private contractors and agencies of the Commonwealth or its contractors that receive a general construction permit from DEQ shall be disposing excess non-agricultural fill as part of its work, the contractor or agency shall disclose such fact to all localities where such fill shall be disposed. The disclosure shall include information regarding the source of the material to be disposed, the contents of the material, and the location of the disposal. In addition, all landowners adjacent to the location where the material is to be disposed shall receive the same information. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB1310>

2/5/20 Reported from ACNR with substitute (22-Y 0-N)

2/10/20 Passed House (99-Y 0-N)

2/11/20 Referred to ACNR

HB 1329 (Kory) Chesapeake Bay; Resource Protection Areas; tree removal. Directs the SWCB, when developing criteria for use by localities in addressing Resource Protection Areas (RPAs) under the Chesapeake Bay Preservation Act, to require that any local ordinance addressing permitted modifications of the buffer area include specific penalties for the removal of trees from an RPA without the prior approval of the locality. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB1329>

1/27/20 Subc recommends reporting with substitute (5-Y 3-N)

1/29/20 Reported from ACNR with substitute (13-Y 9-N)

2/5/20 Passed House (55-Y 42-N)

2/6/20 Referred to ACNR

HB 1458 (Murphy) Water protection permits; administrative withdrawal. Authorizes the SWCB to administratively withdraw an individual or a general coverage water protection permit application if it is incomplete or for failure by the applicant to provide the required information after 60 days from the date of the latest written information request made by the Board. Prior to an administrative withdrawal, the bill requires the Board to provide (i) notice to the applicant and (ii) an opportunity for an informal fact finding proceeding. The bill also authorizes an applicant to request suspension of an application review by the Board that does not affect the Board's ability to administratively withdraw the application. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB1458>

1/29/20 Subc recommends reporting with amendment (8-Y 0-N)

1/29/20 Reported from ACNR with amendment (22-Y 0-N)

2/4/20 Passed House (99-Y 0-N)

2/5/20 Referred to ACNR

SB 704 (Mason) Chesapeake Bay Watershed Implementation Plan initiatives; nutrient management plans; livestock stream exclusion. Requires any operator of at least 50 acres of cropland in the Chesapeake Bay watershed to submit a nutrient management plan for such cropland by July 1, 2026, to DCR. DCR shall review such plans and provide technical assistance, and the operator shall have an affirmative defense if he has applied for cost-share funding and is waiting to receive such funds.

The bill requires any person who owns 20 or more bovines in the watershed, beginning July 1, 2026, to install stream exclusion practices that satisfy regulations adopted by DEQ. The person shall have an affirmative defense if he has applied for cost-share funding and is waiting to receive such funds, or if his installed stream exclusion practices were damaged or destroyed.

The bill authorizes DCR and DEQ to adopt regulations to carry out its provisions. The bill provides that if the Secretary of Natural Resources determines that sufficient numbers of stream exclusion practices or nutrient management plans have been put in place to satisfy the Commonwealth's commitments in the Chesapeake Bay TMDL Phase III Watershed Implementation Plan, he shall, on or before December 31, 2025, recommend that all or part of the bill be repealed. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB704>

2/4/20 Reported from ACNR with substitute (15-Y 0-N)

2/6/20 Reported from Finance and Approps. with substitute (16-Y 0-N)

2/11/20 Passed Senate (40-Y 0-N)

2/19/20 Reported from ACNR with substitute (19-Y 3-N)

SB 769 (Reeves) Environmental proceedings; findings of fact. Directs DEQ to give deference to findings of fact by a presiding officer explicitly based on the evidence presented in any formal proceeding. The bill directs DEQ to include in its case decision the factual and legal basis for any decision that rejects a recommendation from the hearing officer or presiding officer. The bill requires a court hearing any decision on review in which a hearing officer has made a recommendation to DEQ on a factual issue to defer to such recommendation. A violation on account of gross negligence is a Class 1 misdemeanor. The bill also directs a court, hearing any decision on review for a formal proceeding initiated prior to July 1, 2020, in which DEQ rejected a recommendation from a hearing officer or presiding officer and for which a final adjudication has not been rendered, to remand the proceeding to establish the findings of fact by a presiding officer explicitly based on the evidence presented at the hearing and to establish the factual and legal basis for the decision prior to rendering such final adjudication. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB769>

2/4/20 Reported from ACNR with substitute (15-Y 0-N)

2/7/20 Passed Senate (39-Y 0-N)

2/13/20 Referred to ACNR

2/13/20 Assigned ACNR subc: Chesapeake

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SB 776 (Lewis) Wetlands protection; living shorelines. Requires the Virginia Marine Resources Commission to promulgate and periodically update minimum standards for the protection and conservation of wetlands and to approve only living shoreline approaches to shoreline stabilization where the best available science shows that such approaches are feasible. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB776>

1/28/20 Reported from ACNR (14-Y 1-N)

2/5/20 Reported from Finance and Appropriations with amendment (16-Y 0-N)

2/10/20 Passed Senate (32-Y 7-N)

SB 849 (Mason) Lawn fertilizer contractor-applicators. Authorizes the Commissioner of Agriculture and Consumer Services to enter into an agreement with a locality to provide oversight and data collection assistance related to the requirements of certified lawn fertilizer contractor-applicators. Current law prohibits localities from regulating the registration, packaging, labeling, sale, use, application, storage, or distribution of fertilizers except by ordinance pursuant to certain requirements. The bill also reduces from 100 to 50 the total number of acres of nonagricultural land to which a contractor-applicator may apply lawn fertilizer and lawn maintenance fertilizer annually without submitting an annual report to the Commissioner. The bill increases from \$250 to \$1,000 the civil penalty imposed on a contractor-applicator for a violation of applicable regulations. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB849>

1/14/20 Reported from ACNR (14-Y 0-N)

1/21/20 Reported from Finance and Appropriations (16-Y 0-N)

1/22/20 Passed Senate (40-Y 0-N)

2/19/20 Reported from ACNR (17-Y 5-N)

SB 883 (Locke) Virginia Council on Environmental Justice. Establishes the Virginia Council on Environmental Justice, consisting of 24 members, to advise the Governor and provide recommendations intended to protect vulnerable communities from disproportionate impacts of pollution and provide such communities meaningful involvement in the decision-making process. The bill provides that 18 members of the Council are appointed by the Governor and six are specified Cabinet Secretaries. The bill has an expiration date of July 1, 2023. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB883>

1/22/20 Reported from General Laws and Technology with substitute (14-Y 1-N)

1/28/20 Passed Senate with substitute (27-Y 12-N)

2/13/20 Referred to Labor and Commerce

2/18/20 Re-referred to General Laws

HB 77 (Rasoul) Fossil fuel projects moratorium; clean energy mandates; civil penalties; Green New Deal Act. Establishes a moratorium, effective Jan. 1, 2021, on approval by any state agency or political subdivision of any approval required for (i) electric generating facilities that generate fossil fuel energy through the combustion of a fossil fuel resource; (ii) import or export terminals for fossil fuel resources; (iii) certain maintenance activities relating to an import or export terminal for a fossil fuel resource... <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB77>

2/11/20 Left in Appropriations

HB 110 (Ware) Regional Greenhouse Gas Initiative; trading allowance reserve account; facilities with long-term contracts. Provides that if the Commonwealth becomes a participant in the Regional Greenhouse Gas Initiative or another carbon dioxide cap and trade program with an open auction of allowances, DEQ shall establish an allowance reserve account for any electric generation facility that operates according to a long-term contract that was executed prior to May 16, 2017, and prohibits the recovery of allowance costs... <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB110>

2/11/20 Left in Labor and Commerce

HB 1192 (Lopez) Aboveground storage tanks; Hazardous Substance Aboveground Storage Tank Fund; civil and criminal penalties. Directs the SWCB to regulate aboveground storage tanks

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that measure more than 1,320 gallons in capacity and are used to contain hazardous substances other than oil. Directs the Board to adopt regulations that establish requirements for registration, certification, and inspection, and other requirements of tank owners, and that establish a schedule of fees... <http://lis.virginia.gov/cqi-bin/leqp604.exe?201+sum+HB1192>

2/7/20 Continued to 2021 in Courts of Justice by Voice Vote

HJ 40 (McGuire) Study; harmful algal blooms in Lake Anna; report. Requests VDH to study harmful algal blooms in Lake Anna and submit its report by the first day of the 2021 Regular Session of the General Assembly. <http://lis.virginia.gov/cqi-bin/leqp604.exe?201+sum+HJ40>

2/11/20 Left in Appropriations

HJ 89 (Krizek) Study; economic and environmental impacts of litter on fishing, farming, habitat, organisms, and water quality in streams; report. Requests that DEQ study the economic and environmental impacts of litter on fishing, farming, water quality, and other components of Virginia's economy and habitat and to propose strategies, campaigns, and necessary state actions to protect the economy of the Commonwealth from harm caused by litter... <http://lis.virginia.gov/cqi-bin/leqp604.exe?201+sum+HJ89>

2/11/20 Left in Appropriations

SJ 56 (Lewis) Offshore oil and gas drilling. Recognizes opposition to exploration and drilling for oil and gas off the coast of Virginia. <http://lis.virginia.gov/cqi-bin/leqp604.exe?201+sum+SJ56>

2/7/20 Passed by indefinitely in Rules by voice vote

HB 643 (Hurst) Pipeline construction; certification requirement; minimum diameter; stop work orders. Reduces from 36 inches to 24 inches the minimum inside diameter measurement of a natural gas transmission pipeline for which (i) an additional upland activity certification is required to obtain a CWA Certification; (ii) an individual Virginia Water Protection Permit rather than a general permit is required to conduct activities in wetlands or state waters; and (iii) a stop work order can be issued following an inspection by DEQ. The bill authorizes the SWCB, in addition to DEQ, to issue such stop work orders and adds requirements and restrictions on any further construction once such an order is issued. <http://lis.virginia.gov/cqi-bin/leqp604.exe?201+sum+HB643>

2/5/20 Subc recommends reporting with substitute (5-Y 3-N)

2/5/20 Reported from ACNR with substitute (12-Y 10-N)

2/10/20 Passed House (57-Y 41-N 1-A)

2/18/20 Passed by indefinitely in ACNR (13-Y 1-N)

HB 644 (Hurst) Pipeline construction projects; water quality violations; cumulative effect; civil penalties. Directs the SWCB to adopt regulations to penalize the accrual of water quality violations by any large natural gas transmission pipeline construction project. The regulations are to provide that for every 10 such violations in one calendar month, the Board shall issue an accrued cumulative impact violation order that includes a civil penalty of \$32,500. If a project accrues a total of 20 water quality violations in one calendar month, the Board shall additionally revoke the pipeline project's certification under § 401 of the CWA. <http://lis.virginia.gov/cqi-bin/leqp604.exe?201+sum+HB644>

2/5/20 Subc recommends reporting with substitute (5-Y 3-N)

2/5/20 Reported from ACNR with substitute (13-Y 9-N)

2/10/20 Passed House (57-Y 41-N 1-A)

2/18/20 Passed by indefinitely in ACNR (13-Y 1-N)

HB 705 (Keam) State air, waste, and water boards; permit authority; appointment of members. Removes the authority to issue, reissue, amend, or modify permits or certificates or to hear permit actions from the Air Pollution Control Board, the Waste Management Board, and the State Water Control Board and places such authority with the Department of Environmental Quality. The bill changes the composition of the three boards from appointment exclusively by the Governor to the following: two members appointed by the Governor; two members appointed by the Senate

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Committee on Rules from a list recommended by the Senate Committee on ACNR; and three members appointed by... <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB705>
2/5/20 Continued to 2021 with substitute in ACNR by voice vote

HB 1128 (Lopez) Discharge of deleterious substance into state waters; notice. Requires any person who unlawfully discharges any deleterious substance into state waters to give written notice to the SWCB. Current law requires written notice to be given only to the Director of DEQ. The bill also requires the Board or the Department to give the reported discharge information to local newspapers, television stations, and radio stations as soon as practicable after receiving it. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB1128>

1/29/20 Incorporated by ACNR by voice vote into HB 1205

HB 1373 (Hodges) Flood Resiliency Clearing House Program. Directs DCR to develop a Flood Resiliency Clearing House Program for coordinating flood mitigation solutions. The bill requires the Clearing House to solicit flood mitigation solutions from the public; coordinate with other agencies to review submitted solutions; approve appropriate solutions, favoring those that manage both water quality and flooding and emphasize nature-based solutions; and disseminate approved flood mitigation solutions. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB1373>

2/5/20 Continued to 2021 in ACNR by voice vote

HB 1364 (Hodges) Resource Protection Areas; improvement plans. Directs the SWCB, in promulgating regulations that establish criteria for use by local governments to determine the ecological and geographic extent of Chesapeake Bay Preservation Areas, to provide that any owner of land in a Resource Protection Area may improve such area using native plants and mixtures of organic material. The bill requires that such criteria provide that prior to implementation of such improvement, a landowner obtain a water quality impact assessment and an improvement plan with a professional stamp from a qualified landscape architect, engineer, or other relevant professional... <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB1364>

2/5/20 Continued to 2021 with substitute in ACNR by voice vote

HB 1497 (Mugler) Fertilizer contractor-applicator; application pursuant to nutrient management plan. Prohibits the application by a fertilizer contractor-applicator, beginning July 1, 2026, of any regulated product to a farm operation larger than 50 acres unless such application is conducted pursuant to a nutrient management plan. "Regulated product," for purposes of this bill, includes fertilizer, specialty fertilizer, soil amendment, and horticultural growing medium. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB1497>

2/5/20 Continued in 2021 in ACNR by voice vote

SB 626 (Surovell) Aboveground storage tanks; Hazardous Substance Aboveground Storage Tank Fund; civil and criminal penalties. Directs the SWCB to regulate aboveground storage tanks that measure more than 1,320 gallons in capacity and are used to contain hazardous substances other than oil. The bill directs the Board to adopt regulations that establish requirements for registration, certification, and inspection, and other requirements of tank owners, and that establish a schedule of fees... <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB626>

2/5/20 Continued in 2021 in ACNR by voice vote

HJ 35 (Convirs-Fowler) Study; Albemarle-Pamlico Watershed; report. Requests DEQ to study the Albemarle-Pamlico Watershed in Virginia, including land use, stormwater, groundwater, storm information, and flora and fauna. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HJ35>

1/2/2020 Referred to Rules

2/3/20 Subc recommend continuing to 2021 by voice vote

HJ 61 (Keam) Opposing the exploration and drilling for oil and gas off the coast of Virginia. Expresses the sense of the General Assembly in recognizing the problem of exploration and

drilling for oil and gas off the coast of Virginia. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HJ61>
1/31/20 Tabled in Rules (18-Y 0-N)

EMINENT DOMAIN

SB 28 (Petersen) Eminent domain; costs. Eliminates specific provisions for the assessment of costs in eminent domain proceedings where the condemnor is a public service company, public service corporation, railroad, or government utility corporation and provides that all costs shall be assessed in the same manner, regardless of the identity of the condemnor. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB28>

1/29/20 Reported from Judiciary with amendments (13-Y 1-N)

2/4/20 Passed Senate (40-Y 0-N)

2/12/20 Referred to Courts of Justice

2/14/20 Assigned Courts of Justice subc: Civil

SB 31 (Petersen) Eminent domain; costs for petition for distribution of funds; interest rate; recordation of certificate. Provides that the costs of filing a petition with the court for the distribution of the funds due pursuant to an eminent domain proceeding shall be taxed against the condemnor. The bill also provides that the interest rate on the funds represented by a certificate of deposit from the date of filing of the certificate until the funds are paid into the court shall not be less than the judgment rate of interest... <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB31>

1/29/20 Reported from Judiciary with amendments (14-Y 0-N)

2/6/20 Reported from Finance and Appropriations (16-Y 0-N)

2/11/20 Passed Senate (40-Y 0-N)

SB 485 (DeSteph) Eminent domain; remnants and remainders. *Repeals the provision of the Code of Virginia declaring that the acquisition of residual parcels when acquiring land for highway rights-of-way is in the public interest and is a public use. The bill provides a property owner with the ability to decide whether acquisition would create an uneconomic remnant or whether the damage to the remainder of a piece of acquired property would equal or exceed the fair market value of the remaining land.* <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB485>

2/17/20 Subc recommends laying on table (5-Y 2-N)

PROCUREMENT

HB 358 (Lopez) Project labor agreements; public procurement. Authorizes any public body, including any state or local government, when engaged in procuring products or services or letting contracts for construction, manufacture, maintenance, or operation of public works, to require bidders to enter into or adhere to project labor agreements on the public works projects.

<http://lis.virginia.gov/cgi-bin/legp604.exe?ses=201&typ=bil&val=HB358>

1/28/20 Subc recommends reporting with substitute (4-Y 3-N)

1/30/20 Reported from GL with substitute (13-Y 8-N)

1/30/20 Incorporates HB 122, HB 1311, HB 1202

2/5/20 Passed House (54-Y 44-N)

2/17/20 Reported from Commerce and Labor (8-Y 3-N 4-A)

HB 454 (Wyatt) Virginia Public Procurement Act; purchase programs for recycled goods; climate positive materials. Requires the Department of General Services to promote the Commonwealth's interest in materials and products certified as climate positive and develop procedures to procure materials and products certified as climate positive by a third party approved by the Director of the Department with regard to the procurement guidelines established by the Department. The term "climate positive" is defined as having a net negative carbon footprint.

<http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB454>

2/4/20 Subc recommends reporting with substitute (8-Y 0-N)

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2/7/20 Reported from Appropriations (22-Y 0-N)

2/11/20 Passed House (87-Y 10-N)

2/17/20 Reported from General Laws and Technology (15-Y 0-N)

HB 833 (Carroll-Foy) Prevailing Wage; Public Work Contracts; penalty. Requires contractors and subcontractors under any public contract with a state agency for public works to pay wages, salaries, benefits, and other remuneration to any mechanic, laborer, or worker employed, retained, or otherwise hired to perform services in connection with the public contract for public works at the prevailing wage rate. <http://lis.virginia.gov/cgi-bin/legp604.exe?ses=201&typ=bil&val=hb833>

2/11/20 Passed House (55-Y 44-N)

2/17/20 Reported from Commerce and Labor with amendment (12-Y 3-N)

SB 8 (Saslaw) Prevailing wage; public works contracts; penalty. Requires contractors and subcontractors under any public contract with a state agency for public works to pay wages, salaries, benefits, and other remuneration to any mechanic, laborer, or worker employed, retained, or otherwise hired to perform services in connection with the public contract for public works at the prevailing wage rate. The Commissioner of Labor and Industry is required to determine the prevailing wage rate for such public contracts on the basis of applicable prevailing wage rate determinations made by the U.S. Secretary of Labor under the provisions of the federal Davis-Bacon Act... <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB8>

2/3/20 Reported from Commerce and Labor with substitute (9-Y 3-N)

2/6/20 Reported from Finance and Appropriations with amendment (11-Y 5-N)

2/11/20 Passed Senate (21-Y 19-N)

2/18/20 Referred to Commerce and Labor

SB 182 (Saslaw) Project labor agreements; public procurement. Repeals provision enacted in 2012 that requires state agencies to ensure that neither the state agency nor any construction manager acting on its behalf (i) requires or prohibits bidders, offerors, contractors, or subcontractors to enter into or adhere to project labor agreements with labor organizations or (ii) discriminates against bidders, offerors, contractors, subcontractors, or operators for becoming or refusing to sign or adhere to project labor agreements on the same or other related public works projects.

<http://lis.virginia.gov/cgi-bin/legp604.exe?ses=201&typ=bil&val=sb182>

1/22/20 Re-referred from General Laws and Technology (12-Y 0-N)

2/3/20 Reported from Commerce and Labor with substitute (12-Y 2-N)

2/6/20 Reported from Finance and Appropriations (12-Y 4-N)

2/11/20 Passed Senate (21-Y 19-N)

2/18/20 Referred to Labor and Commerce

SB 208 (Petersen) Mechanics' liens; right to withhold payment. Specifies that the use of funds paid to a general contractor or subcontractor and used by such contractor or subcontractor before paying all amounts due for labor performed or material furnished gives rise to a civil cause of action for a party who is owed such funds. The bill further specifies that such cause of action does not affect a contractor's or subcontractor's right to withhold payment for failure to properly perform labor or furnish materials and that any contractual provision that allows a party to withhold funds due on one contract for alleged claims or damages due on another contract is void as against public policy.

<http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB208>

1/29/20 Reported from Judiciary (13-Y 0-N 1-A)

2/4/20 Passed Senate (40-Y 0-N)

2/18/20 Referred to Courts of Justice

HB 114 (Kory) Prevailing wage; public works contracts; penalty. Requires contractors and subcontractors under any public contract with a state agency for public works to pay wages, salaries, benefits, and other remuneration to any mechanic, laborer, or worker employed, retained, or otherwise hired to perform services in connection with the public contract for public works at the

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prevailing wage rate. The Commissioner of Labor and Industry is required to determine the prevailing wage rate for such public contracts on the basis of applicable prevailing wage rate determinations made by the U.S. Secretary of Labor under the provisions of the federal Davis-Bacon Act. ... <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB114>

1/30/20 Incorporated by Labor and Commerce (HB 833) by voice vote

HB 122 (Carroll Foy) Project labor agreements; public procurement. Authorizes any state or local government, when engaged in procuring products or services or letting contracts for construction, manufacture, maintenance, or operation of public works, to require bidders to enter into or adhere to project labor agreements on the public works projects. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB122>

1/30/20 Incorporated by General Laws (HB 358) by voice vote

HB 359 (Lopez) Virginia Public Procurement Act; consideration of best value concepts for construction services. Permits public bodies to consider best value concepts when procuring construction services. Under current law, public bodies may consider best value concepts only when procuring goods and nonprofessional services. <http://lis.virginia.gov/cgi-bin/legp604.exe?ses=201&typ=bil&val=hb359>

1/28/20 GL Subc failed to recommend reporting (defeated) (3-Y 4-N)

HB 467 (Keam) Virginia Public Procurement Act; cooperative procurement; construction. Allows public bodies to utilize cooperative procurement for construction projects not exceeding \$200,000. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB467>

2/11/20 Left in General Laws

SB 180 (Favola) Prevailing wage; public works contracts; penalty. Requires contractors and subcontractors under any public contract with a state agency for public works to pay wages, salaries, benefits, and other remuneration to any mechanic, laborer, or worker employed, retained, or otherwise hired to perform services in connection with the public contract for public works at the prevailing wage rate. The Commissioner of Labor and Industry is required to determine the prevailing wage rate for such public contracts on the basis of applicable prevailing wage rate determinations made by the U.S. Secretary of Labor under the provisions of the federal Davis-Bacon Act... <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB180>

2/3/20 Stricken at request of Patron in Commerce and Labor (15-Y 0-N)

SB 195 (Cosgrove) Virginia Public Procurement Act; statute of limitations on actions on construction contracts; statute of limitations on actions on performance bonds. Provides that no action may be brought by a public body on any construction contract, including construction management and design-build contracts, unless such action is brought within five years after completion of the work on the project, and provides that no action may be brought by a public body on a warranty or guaranty in such construction contract more than one year from the breach of that warranty ... <http://lis.virginia.gov/cgi-bin/legp604.exe?ses=201&typ=bil&val=sb195>

2/5/20 Incorporated by Judiciary (SB 607) (13-Y 0-N)

SB 418 (Petersen) Virginia Public Procurement Act; cooperative procurement; construction. Allows public bodies to utilize cooperative procurement for construction projects not exceeding \$200,000. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB418>

1/15/20 Passed by indefinitely in General Laws and Technology (9-Y 4-N 1-A)

SB 475 (Bell) Virginia Public Procurement Act; use of best value contracting; construction and professional services. Authorizes any public body to procure construction on a best value procurement basis using a numerical scoring system consisting of the following: (i) technical solution, 30 percent; (ii) past performance, 30 percent, including (a) price history of cost overruns, (b) schedule history of on-time delivery, and (c) contractor performance ratings from the immediately preceding

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five-year period; and (iii) price, 40 percent. The Request for Proposal shall contain a notice to potential offerors that the procurement decision will be made on a best value procurement basis...

<http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB475>

1/29/20 Passed by indefinitely in General Laws and Technology (15-Y 0-N)

FREEDOM OF INFORMATION

HB 313 (Gooditis) Virginia Freedom of Information Act; library records. Clarifies that information contained in library records that can be used to identify any library patron who has borrowed or accessed material or resources from a library as well as the material or resources such patron borrowed or accessed is exempt from disclosure under the Virginia Freedom of Information Act.

<http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB313>

1/21/20 Subc recommends reporting (8-Y 0-N)

1/23/20 Reported from General Laws (22-Y 0-N)

1/29/20 Passed House (98-Y 0-N)

2/12/20 Reported from General Laws and Technology (12-Y 0-N)

2/17/20 Passed Senate (40-Y 0-N)

HB 321 (Levine) Virginia Freedom of Information Act; electronic meetings; serious medical condition of immediate family member. Adds to current provisions regarding meetings that a public body may conduct through electronic communication means a meeting for which on or before the day of a meeting a member of the public body holding the meeting notifies the chair of the public body that such member is unable to attend the meeting due to a serious medical condition of an immediate family member... <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB321>

1/27/20 Subc recommends reporting with amendment (9-Y 1-N)

2/3/20 Reported from Communications, Technology and Innovation with amendment (14-Y 7-N)

2/7/20 Passed House (62-Y 38-N)

2/10/20 Referred to General Laws and Technology

MISCELLANEOUS

HB 723 (Reid) Underground pipelines and electrical transmission lines; agriculture. Requires a utility company installing an underground pipeline with an inside diameter greater than 12 inches or an underground electric transmission or distribution line of greater than 115 kV in capacity to mitigate the effects of the project if the project disturbs more than 10,000 square feet of agricultural land. The bill directs the SCC to adopt regulations requiring the utility company to remove topsoil from the planned construction site and either redistribute it to graded areas elsewhere on the land of the affected property owner or store it nearby, protected from erosion and compaction, for later redistribution on the disturbed area. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB723>

1/23/20 Subc recommends reporting with substitute (9-Y 0-N)

1/28/20 Reported from Labor and Commerce with substitute (22-Y 0-N)

2/3/20 Passed House (99-Y 0-N)

2/4/20 Referred to Commerce and Labor

HB 995 (Lindsey) Grand larceny; threshold. Increases from \$500 to \$1,000 the threshold amount of money taken or value of goods or chattel taken at which the crime rises from petit larceny to grand larceny. The bill increases the threshold by the same amount for the classification of certain property crimes. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB995>

1/24/20 Subc recommends reporting with substitute (4-Y 3-N)

1/27/20 Reported from Courts of Justice with substitute (13-Y 6-N)

1/27/20 Incorporates HB 263 (Lopez)

1/31/20 Passed House (58-Y 40-N 1-A)

2/12/20 Reported from Judiciary (7-Y 6-N)

2/17/20 Passed Senate (26-Y 14-N)

HB 1313 (Hodges) Chief Resiliency Officer. Directs the Secretary of Public Safety and Homeland Security to designate a Chief Resiliency Officer. The Chief Resiliency Officer, who shall hold no other position, shall serve as the primary coordinator of resilience and adaptation initiatives in Virginia and as the primary point of contact regarding issues related to resilience and recurrent flooding.

<http://lis.virginia.gov/cgi-bin/legp604.exe?ses=201&typ=bil&val=hb1313>

2/3/20 Subc recommends reporting with substitute (7-Y 1-N)

2/5/20 Reported from ACNR with substitute (22-Y 0-N)

2/7/20 Reported from Appropriations with amendments (22-Y 0-N)

2/11/20 Passed House (99-Y 0-N)

2/12/20 Referred to ACNR

SB 788 (McClellan) Grand larceny; threshold. Increases from \$500 to \$1,000 the threshold amount of money taken or value of goods or chattel taken at which the crime rises from petit larceny to grand larceny. The bill increases the threshold by the same amount for the classification of certain property crimes. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB788>

2/5/20 Reported from Judiciary (8-Y 5-N)

2/11/20 Passed Senate (26-Y 14-N)

2/19/20 Reported from Courts of Justice (14-Y 7-N)

SB 794 (Lewis) Utility Easements; broadband facilities. Declares that it is policy of the Commonwealth that (i) existing easements for the location and use of electric facilities be used to provide or expand broadband services; (ii) such use of existing easements to provide or expand broadband services is in the public interest; (iii) the use of such existing easements for the provision of broadband services, where no additional poles are erected, does not constitute a change in the physical use of the easement, interfere with or impair any vested rights of the owner or occupier of the servient estate, or place any additional burden on the servient estate; and (iv) the installation and operation of broadband services within an existing electric easement are merely changes in the manner, purpose, or degree of the granted use as appropriate to accommodate a new technology.

<http://lis.virginia.gov/cgi-bin/legp604.exe?201+bil+SB0794>

2/3/20 Reported from Commerce and Labor with substitute (14-Y 0-N)

2/3/20 Incorporates SB 302, SB 359

2/6/20 Passed Senate (40-Y 0-N)

2/18/20 Reported from Labor and Commerce with substitute (21-Y 0-N)

SB 1075 (McClellan) Department of Environmental Quality; public notification. Requires that DEQ, prior to promulgating regulations or issuing a permit, publish in any affected locality information about how to request a public hearing and where to obtain information about the proposed action. The provisions of the bill are contingent on funding in a general appropriation act. <http://lis.virginia.gov/cgi-bin/legp604.exe?ses=201&typ=bil&val=sb1075>

2/4/20 Reported from ACNR with substitute (15-Y 0-N)

2/6/20 Reported from Finance and Approps with amendment (16-Y 0-N)

2/11/20 Passed Senate (40-Y 0-N)

2/14/20 Referred to ACNR

2/14/20 Assigned ACNR subc: Chesapeake

HJ 47 (Sickles) Study; JCOTS; safety, quality of life, and economic consequences of weather and climate-related events on coastal areas in Virginia; report. Directs the Joint Commission on Technology and Science (JCOTS) to study the safety, quality of life, and economic consequences of weather and climate-related events on coastal areas in Virginia. In conducting its study, JCOTS shall examine (i) the negative impacts of weather, and geological and climate-related events, including displacement, economic loss, and damage to health or infrastructure... <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HJ47>

1/4/2020 Referred to Rules

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1/29/20 Subc recommends reporting (5-Y 0-N)
2/5/20 Subc recommends reporting (8-Y 0-N)
2/5/20 Reported from Appropriations (21-Y 0-N)
2/7/20 Passed House (90-Y 1-N)
2/10/20 Referred to Rules

HB 24 (Lindsey) Hurricane and Flooding Risk Reduction and Bond Rating Protection Act of 2020; report. Establishes the Hurricane and Flooding Risk Reduction and Bond Rating Protection Act of 2020, which establishes the Commonwealth of Virginia as a nonfederal sponsor of hurricane and flooding risk reduction projects. There is also established the Virginia Hurricane and Flood Risk Reduction Authority (the Authority) and a board of directors (the Board) of the Authority ... <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB24>
2/11/20 Left in ACNR

HB 286 (Hayes) Grand larceny; threshold. Increases from \$500 to \$1,500 the threshold amount of money taken or value of goods or chattel taken at which the crime rises from petit larceny to grand larceny. The bill increases the threshold by the same amount for the classification of certain property crimes. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB286>
2/11/20 Left in Courts of Justice

HB 1564 (Cole) Impact fees; residential development. Authorizes any locality to impose impact fees on certain residential developments in order to defray the costs of constructing public facilities necessitated by those developments. Under current law, such impact fees may be imposed only by those localities that have established urban transportation service districts... <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB1564>
2/11/20 Left in Counties, Cities and Towns

HB 1652 (Wilt) Tax credit; agricultural best management practices. Creates an enhanced individual and corporate income tax credit beginning in taxable year 2020 for the implementation of certain agricultural best management practices by the taxpayer that are required as part of a certified resource management plan. The enhanced tax credit is equal to 75% of the first \$100,000 expended in implementing certain agricultural best management practices, and each amount shall be consistent with the rate offered for each eligible practice under the Virginia Agricultural BMPs Cost-Share Program... <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB1652>
2/11/20 Left in Appropriations

HB 20 (Lindsey) Virginia Alternative Energy and Coastal Protection Act. Directs DEQ to implement the final carbon trading regulation as approved by the State Air Pollution Control Board in order to establish a carbon dioxide cap and trade program that limits and reduces the total carbon dioxide emissions released by electric generation facilities and that complies with the Regional Greenhouse Gas Initiative model rule. The measure authorizes the Director of DEQ to establish, implement, and manage an auction program to sell allowances into a market-based trading program. ... <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB20>
2/4/20 Incorporated by Labor and Commerce (HB 981) by voice vote

HB 101 (Lindsey) Grand larceny; threshold. Increases from \$500 to \$750 the threshold amount of money taken or value of goods or chattel taken at which the crime rises from petit larceny to grand larceny. The bill increases the threshold by the same amount for the classification of certain property crimes. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB101>
2/11/20 Left in Courts of Justice

HB 263 (Lopez) Grand larceny; threshold. Increases from \$500 to \$2,000 the threshold amount of money taken or value of goods or chattel taken at which the crime rises from petit larceny to grand

larceny. The bill increases the threshold by the same amount for the classification of certain property crimes. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB263>
1/27/20 Incorporated by Courts of Justice (HB 995) by voice vote

HB 389 (Miyares) Hurricane and Flooding Risk Reduction and Bond Rating Protection Act of 2020; report. Establishes the Hurricane and Flooding Risk Reduction and Bond Rating Protection Act of 2020, which establishes the Commonwealth of Virginia as a nonfederal sponsor of hurricane and flooding risk reduction projects. There is also established the Virginia Hurricane and Flood Risk Reduction Authority (the Authority) and a board of directors (the Board) of the Authority. The Board shall exercise for the Governor executive authority over all phases of hurricane and flood risk reduction programs, including investigations, construction, operations, and maintenance...
<http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB389>
2/5/20 Continued to 2021 in ACNR by voice vote

HB 947 (Webert) Green development zones; investments in green technologies. Provides that a locality may grant tax incentives to businesses located in a green development zone that invest in green technologies... <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB947>
2/5/20 Continued to 2021 in Finance by voice vote

HB 1314 (Hodges) Chief Resiliency Officer. Directs the Secretary of Public Safety and Homeland Security to designate a Chief Resiliency Officer. The Chief Resiliency Officer, who shall hold no other position, shall serve as the primary coordinator of resilience and adaptation initiatives in Virginia and as the primary point of contact regarding issues related to resilience and recurrent flooding. The bill adds the Chief Resiliency Officer as a member of the Secure and Resilient Commonwealth Panel.
<http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB1314>
2/11/20 Left in ACNR

SB 302 (Stanley) Utility easements. Provides that any utility easement, granted before, on, or after July 1, 2020, whether granted publicly or privately, by statute, local ordinance, deed, or other recorded instrument, or by prescription, shall be deemed to include the laying, hanging, and maintenance of fiber optic cable. The bill further provides that any utility easement shall also be deemed to include access over private or public lands to permit the grantee to have physical access to such cable, unless the instrument granting the easement was recorded prior to July 1, 2020...
<http://lis.virginia.gov/cgi-bin/legp604.exe?ses=201&typ=bil&val=sb302>
2/3/20 Incorporated by Commerce and Labor (SB 794) (15-Y 0-N)

SB 778 (Lewis) Extension of approvals to address housing crisis. Extends the sunset date for several measures related to various land use approvals from July 1, 2020, to July 1, 2023. Also expands the scope of such measures that will be subject to the extension to include those measures approved by January 1, 2020. <http://lis.virginia.gov/cgi-bin/legp604.exe?ses=201&typ=bil&val=sb778>
1/27/20 Stricken at request of Patron in Local Government (15-Y 0-N)

SB 844 (Mason) Computer trespass; penalty. Expands the crime of computer trespass to provide that the prohibited actions that constitute computer trespass are criminalized if done through intentionally deceptive means and without authority and specifies that a computer hardware or software provider, an interactive computer service, or a telecommunications or cable operator does not have to provide notice of its activities to a computer user that a reasonable computer user should expect may occur. <http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB844>
2/3/20 Incorporated by Judiciary (SB 378) (12-Y 0-N)

KEY DATES

Jan. 8 – Session convenes; pre-filed bill introduction deadline

Jan. 10 – Budget amendment and bill drafting request deadline (5pm)

Jan. 17 – Last day to introduce legislation (3pm)

Feb. 11 – Crossover deadline; beginning Feb. 12 each house may only consider the other's bills

Feb. 18 – Budget Amendments available by noon

Feb. 26 – Each house to complete work on other house's Budget Bill and appoint conferees

Mar. 8 – Adjournment Sine Die

April 16 – Reconvened Session ("Veto Session")