

Special Session Update

RECAP

The Governor's proclamation issued on July 17th, summoned the members to commence a special session of the General Assembly on August 18th for the purpose of "adopting a budget based on the revised revenue forecast and consideration of legislation related to the emergency of COVID-19 and criminal and social justice reforms." Although there was discussion by the Senate as to limiting the number of bills to be introduced per member, ultimately neither body set a limit. The Senate Chairwoman of the Finance and Appropriations Committee, Senator Janet Howell, did not permit Senate members to introduce budget amendments for consideration; however, the committee members themselves – more specifically, the conferees, will be drafting any amendments to the introduced Budget. The Chair of the House Appropriations Committee, Delegate Luke Torian, did allow House members to introduce amendments to the Budget and followed the consideration process used during a regular session. Chairman Torian did request that members limit their requests to their top three priorities and did not require that the budget requests be in accordance with the subject areas of the Governor's proclamation.

Extensive committee and floor debates continued in the Senate on Week 5 on criminal justice and police reform bills as well as key bills on unemployment and paid leave. Below is a statistical summary update of the status of the 407 bills and resolutions introduced during the session. Following the statistics table is a subject matter breakdown of bills that have advanced through the committee process and are now being heard by the full House and Senate.

THIS WEEK – (September 14 – September 18):

The House did not schedule any committee meetings for Monday through Wednesday to consider Senate bills, and held only a pro-forma session on Thursday, September 17th as required by the Virginia Constitution. The House has 44 bills to consider that have crossed over from the Senate and will likely end the week with 34 bills remaining in the House pipeline. Nine (9) COVID-19 related bills were considered in the House Health, Welfare & Institutions Committee late Thursday afternoon and will consider SB5107 in Commerce & Labor on Friday. SB5108 amends a bill passed during the regular 2020 session, relating to unemployment compensation which implements a short-term compensation program and will extend the date of implementation due to COVID-19's impact. The House has committee hearings scheduled for Courts, General Laws, and Public Safety for Monday and Tuesday of next week to consider Senate bills that have crossed-over in these subject areas, but cancelled its House Appropriations committee meeting (that was scheduled prior to the start of special session) and has not yet set a date and time for their next meeting.

The Senate conducted floor sessions on Tuesday and Wednesday and held committee meetings on Tuesday, Wednesday and Friday. All bills that passed Senate Judiciary this week were passed with a re-referral to Senate Finance and Appropriations. This process of Senate committee bill passage and re-referral to Senate Finance is likely to continue in other Senate Committees.

Discord between the bodies has generally existed at some level as it does in many state legislatures. The level of discord is rising as the special session moves into week six. Senate leadership from both parties

have expressed frustration in what they view as a lack of communication from House leadership regarding scheduling, the budget, and whether some of the bills introduced by members of the House are within the scope the Governor's order, different approaches on how to address some of the issues, as well as whether some of the bills should be a part of the January 2021 Regular session. Senate committee hearings and floor session debates ran long this week with it not being uncommon for a bill to be debated for one to two hours before a vote was taken. The only budget action has been the emergency legislation and funding for the November elections. The Senate has a floor session scheduled for Thursday, September 24th. The Senate Majority Leader stated at the end of Wednesday's session that he hopes to have everything wrapped up next week with the exception of the budget, and publicly stated that there is no federal law requiring the Senate to pass any House bills.

This special session will very likely exceed the duration of the January 2021 regular 45-day session and could likely go beyond a regular even-numbered year 60-day session. Many of the bills introduced this special session that do not pass are likely to return for the 2021 regular session. Additionally, it is very likely that the General Assembly will have multiple sessions in 2021 due to redistricting.

| Type | Introduced | Passed House | Passed Senate | Passed | Cont'd to next session | Failed | Pending | Approved | Vetoed |
|--------|------------|--------------|---------------|--------|------------------------|--------|---------|----------|--------|
| H.B. | 149 | 38 | 0 | 0 | 0 | 27 | 122 | 0 | 0 |
| H.J.R. | 13 | 3 | 0 | 0 | 0 | 2 | 11 | 0 | 0 |
| H.R. | 103 | 85 | 0 | 85 | 0 | 0 | 18 | 0 | 0 |
| S.B. | 121 | 1 | 44 | 1 | 0 | 69 | 51 | 1 | 0 |
| S.J.R. | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 |
| S.R. | 44 | 0 | 40 | 40 | 0 | 0 | 4 | 0 | 0 |
| Totals | 431 | 127 | 84 | 126 | 0 | 99 | 206 | 1 | 0 |

NOTE: While the total pending bills/resolutions increased from 201 from last week, all HR and SR resolutions are commending/memorializing resolutions and should not factor in as a gauge of work/timing of remaining special session efforts.

COVID:

The Governor is requesting that language be placed in the budget for utility debt forgiveness be granted to rate payers who have lapsed 60 days in their electric bill. These funds will come from overcharges by electric utilities in a statement by the SCC earlier this week. (The final decision on the overcharges were to be determined following an established SCC process in the spring of 2021.)

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| HB 5028 - Jones - Workers' compensation; presumption of compensability for COVID-19. | Passed the House FISCAL IMPACT STATEMENT | (S) Passed Senate Committee on Commerce and Labor and Rereferred to Senate Finance | 09/16/20 |
| HB 5050 - Helmer - Emergency Services and Disaster Law; powers and duties of Governor, purchase of PPE. | Passed the House FISCAL IMPACT STATEMENT | (S) Passed General Laws and Technology with a substitute (13-Y 0-N) and rereferred to Senate Finance | 09/18/20 |

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| HB 5059 - Willett - Hospices, certain, home care organizations, etc.; immunity from civil liability, COVID- 19. | Passed the House FISCAL IMPACT STATEMENT | (S) Reported from Judiciary (12-Y-0-N) | 09/16/20 |
| HB 5093 - Watts - Emergency Services and Disaster Law; powers and duties of the Governor, executive orders, penalty. | PASSED THE HOUSE FISCAL IMPACT STATEMENT | (S) Passed General Laws and Technology with a substitute (13-Y 0-N) and rereferred to Senate Finance | 09/04/20 |
| HB 5106 - Cole, J.G. - Landlord and tenant; noncompliance with rental agreement, reporting negative credit information. | PASSED THE HOUSE FISCAL IMPACT STATEMENT | (S) Senate committee, floor amendments and substitutes offered | 09/18/20 |
| HB 5115 - Price - Emergency laws; civil relief, citizens furloughed or otherwise receiving reduced wages or payments. | (S) Committee on General Laws and Technology FISCAL IMPACT STATEMENT | (S) Senate committee, floor amendments and substitutes offered | 09/18/20 |
| HB 5116 - Guzman - Public and private employers; required to provide eligible employees paid quarantine leave, etc. | (H) Committee on Appropriations FISCAL IMPACT STATEMENT | (S) Passed by indefinitely in Commerce and Labor (14-Y 1-N) | 09/16/20 |
| SB 5025 - Newman - Emergency orders and regulations; orders adopted by the Board and Commissioner of Health, duration. | (S) Committee on Education and Health FISCAL IMPACT STATEMENT | (H) Tabled in Health, Welfare and Institutions (13-Y 9-N) | 09/17/20 |
| SB 5039 - Marsden - Emergency Services and Disaster Law; powers and duties of Governor, purchase of PPE. | (S) Committee on Finance and Appropriations FISCAL IMPACT STATEMENT | (H) Referred to Committee on General Laws | 09/17/20 |
| SB 5081 - Barker - Outbreaks of communicable disease of public health threat; posting of information about cases. | (S) Committee on Education and Health FISCAL IMPACT STATEMENT | (H) Reported from Health, Welfare and Institutions (22-Y 0-N) | 09/17/20 |
| SB 5082 - Marsden - Hospices, certain, home care organizations, | (S) Committee on the Judiciary | (H) Referred to Committee on Courts of Justice | 09/17/20 |

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| etc.; immunity from civil liability, COVID-19. | FISCAL IMPACT STATEMENT | | |
| SB 5088 - Ebbin - Virginia Residential Landlord & Tenant Act; landlord remedies, noncompliance with rental agreement. | (S) Committee on General Laws and Technology FISCAL IMPACT STATEMENT | (H) Referred to the Committee on General Laws | 09/17/20 |
| SB 5090 - Dunnivant - COVID-19 virus; Commissioner of Health shall make information available to public on a website. | (S) Committee on Education and Health FISCAL IMPACT STATEMENT | (H) Reported from Health, Welfare and Institutions with substitute (22-Y 0-N) | 09/17/20 |
| SB 5051 - Hashmi - Virginia Residential Landlord and Tenant Act; temporary prohibition against landlord termination. | (S) Committee on Finance and Appropriations FISCAL IMPACT STATEMENT | (S) Rereferred to Finance and Appropriations | 08/27/20 |
| SB 5066 - Saslaw - Workers' compensation; presumption of compensability for COVID-19. | (S) Committee on Finance and Appropriations FISCAL IMPACT STATEMENT | (S) Senate committee, floor amendments and substitutes offered | 09/09/20 |
| SB 5082 - Marsden - Hospices, certain, home care organizations, etc.; immunity from civil liability, COVID-19. | (S) Committee on the Judiciary FISCAL IMPACT STATEMENT | (H) Referred to Committee for Courts of Justice | 09/17/20 |
| SB 5095 - Dunnivant - Rapid diagnostic testing; availability to all essential workers. | (S) Committee on Education and Health FISCAL IMPACT STATEMENT | (H) Tabled in Health, Welfare and Institutions (13-Y 9-N) | 09/17/20 |
| SB 5118 - McClellan - Emergency Debt Repayment Plan; every utility providing electric, gas, etc., service to develop. | (S) Committee on Finance and Appropriations FISCAL IMPACT STATEMENT | (H) Referred to Appropriations | 09/17/20 |

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| SB 5106 - Lewis - Local land use approvals; extension of approvals to address the COVID-19 pandemic. | (S) Committee on Local Government | (S) Passed General Laws and Technology with a amendments (8-Y 3-N 3-A) | 09/18/20 |
| SB 5107 - McPike - Unemployment compensation; extends date VEC is required to establish, etc., short-time compensation. | (S) Committee on Commerce and Labor FISCAL IMPACT STATEMENT | (H) Referred to Committee on General Laws | 09/17/20 |
| SB 5109 - Chafin - Nursing home/assisted living facility employees/residents; priority for testing for COVID-19 virus. | (S) Committee on Education and Health | (H) Tabled in Health, Welfare and Institutions (13-Y 9-N) | 09/17/20 |
| SB 5117 - Deeds - Emergency Services and Disaster Law; powers and duties of the Governor, executive orders, penalty. | (S) Committee on General Laws and Technology | (H) Referred to the Committee on Public Safety | 09/17/20 |
| SB 5118 - McClellan - Emergency Debt Repayment Plan; every utility providing electric, gas, etc., service to develop. | (S) Committee on Finance and Appropriations FISCAL IMPACT STATEMENT | (H) Referred to the Committee on Appropriations | 09/17/20 |

EDUCATION:

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| SB 5068 - Peake - Student safety drills and student health screenings; school boards to waiver drills & screenings. | (S) Committee on Education and Health FISCAL IMPACT STATEMENT | (H) Referred to Committee on Education | 09/17/20 |
| SB 5083 - McClellan - School boards; board required to post on its website the COVID-19 virus mitigation plan. | (S) Committee on Education and Health FISCAL IMPACT STATEMENT | (H) Reported from Health, Welfare and Institutions (22-Y 0-N) | 09/17/20 |
| SB 5100 - Dunnivant - Public schools; COVID-19-related absences. | (S) Committee on Education and Health | (H) Referred to the Committee on Education | 09/17/20 |

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| | FISCAL IMPACT STATEMENT | | |
| SB 5101 - Dunnivant - Private school employees and volunteers; essential workers, personal protective equipment. | (S) Committee on Education and Health | (H) Referred to the Committee on Education | 09/17/20 |

ELECTIONS:

The State Board of Elections has posted the accompanying regulations on the [Virginia Town Hall website](#), which are available for public comment. The State Board of Elections meets on September 15th.

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| HB 5103 - Sickles - Elections, Department of; appropriations to provide prepaid postage for return of absentee ballots. | (H) Committee on Appropriations (S) Committee on Finance and Appropriations | (S) Recommended to Finance and Appropriations | 09/10/20 |
| SB 5120 - Howell - Elections, Department of; appropriations to provide prepaid postage for return of absentee ballots. | (H) Committee on Appropriations (S) Committee on Finance and Appropriations FISCAL IMPACT STATEMENT | (G) Approved by Governor-Chapter 1 (effective 9/4/20) | 09/04/20 |

CRIMINAL JUSTICE REFORM:

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| HB 5045 - Delaney - Inmate, parolee, probationer, detainee, or pretrial defendant, etc.; carnal knowledge. | Passed the House | (S) Reported from Senate Judiciary with Substitute (13-Y 0-N) and Rereferred to Finance | 09/16/20 |
| HB 5108 - Guzman - Criminal Justice Services Board and Committee on Training; change in membership & responsibilities. | Passed the House | (S) Reported from Senate Judiciary with Substitute (8-Y 4-N) and Rereferred to Finance | 09/16/20 |
| HB 5146 - Herring - Criminal records; automatic expungement for certain convictions, etc. | Passed the House | (S) Reported from Senate Judiciary with Substitute (8-Y 1-N) and Rereferred to Finance | 09/16/20 |
| HB 5148 - Scott - Earned sentence credits; establishes a four-level | (H) Committee on Appropriations | (S) Reported from Senate Rehabilitation and Social | 09/18/20 |

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| classification system for awarding & calculation. | | Services (8-Y 6-N) and rereferred to Senate Finance | |
| SB 5007 - Morrissey - Criminal cases; sentencing reform. | (S) Committee on Finance and Appropriations | (H) Referred to Courts of Justice | 09/17/20 |
| SB 5012 - Suetterlein - Virginia Freedom of Information Act; Virginia Parole Board member votes. | (S) Committee on Finance and Appropriations | (H) Referred to Courts of Justice | 09/17/20 |
| SB 5013 - Stuart - Marijuana; possession, violations by an adult shall be prepayable. | (S) Committee on the Judiciary | (H) Referred to Courts of Justice | 09/17/20 |
| SB 5017 - Boysko - Correctional facility, local; clarifies definition. | (S) Committee on Finance and Appropriations | (H) Referred to Public Safety | 09/17/20 |
| SB 5018 - Bell - Geriatric, terminally ill, or permanently physically disabled prisoners; conditional release. | (S) Committee on Finance and Appropriations | (H) Referred to Courts of Justice | 09/17/20 |
| SB 5032 - Surovell - Assault and battery; penalty. | (S) Committee on the Judiciary | (H) Referred to Courts of Justice | 09/17/20 |
| SB 5033 - Surovell - Court authority in criminal cases; prosecutorial discretion to dispose of a criminal case. | (S) Committee on the Judiciary | (H) Referred to Courts of Justice | 09/17/20 |
| SB 5041 - Stuart - Concealed handgun permits; demonstration of competence, changes effective date. demonstration of competence, changes effective date. | (S) Committee on the Judiciary | (H) Referred to Public Safety | 09/17/20 |
| SB 5043 - Deeds - Police and court records; expungement of certain records. | (S) Committee on Finance and Appropriations | (H) Referred to Courts of Justice | 09/17/20 |
| SB 5050 - Obenshain - Parole; notice and certification, monthly reports, discretionary early consideration. | (S) Committee on Rehabilitation and Social Services | (H) Referred to Courts of Justice | 09/17/20 |

POLICE REFORM:

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| <p>HB 5029 - McQuinn - Law-enforcement officer; failure to intervene in an unlawful use of excessive force, penalties.</p> | <p>Passed the House</p> <ul style="list-style-type: none"> • 08/27/20 House: Impact statement from VCSC (HB5029H1) • 08/28/20 House: Impact statement from DPB (HB5029H1) | <p>(S) Reported from Judiciary with substitute (8-Y 5-N) and Rereferred to Senate Finance</p> | <p>09/16/20</p> |
| <p>HB 5043 - Bourne - Mental health awareness response & community understanding serv. (Marcus) alert syst.; establishes.</p> | <p>(H) Committee on Appropriations</p> <p>FISCAL IMPACT STATEMENT</p> | <p>(H) VOTE: Passage (57-Y 39-N)</p> | <p>09/10/20</p> |
| <p>HB 5049 - Helmer - Law-enforcement agencies; acquisition and use of military property.</p> | <p>(H) Committee on Appropriations – REPORTED WITH A SUBSTITUTE</p> <ul style="list-style-type: none"> • 08/18/20 House: Impact statement from VCSC (HB5049) • 08/21/20 House: Impact statement from DPB (HB5049) | <p>(S) Rereferred to Finance</p> | <p>09/16/20</p> |
| <p>HB 5051 - Simon - Law-enforcement officer or jail officer; notice to Criminal Justice Services Board of misconduct.</p> | <p>Passed the House</p> <p>FISCAL IMPACT STATEMENT</p> | <p>(S) Reported from Committee on the Judiciary (10-Y 2-N) and rereferred to Finance</p> | <p>09/16/20</p> |
| <p>HB 5055 - Herring - Law-enforcement civilian review panels; localities required, on or before 7/1/2021, to establish.</p> | <p>Passed the House</p> <p>FISCAL IMPACT STATEMENT</p> | <p>(S) Reported from Committee on the Judiciary (7-Y 2-N) and rereferred to Finance</p> | <p>09/16/20</p> |
| <p>HB 5058 - Hope - Marijuana and certain traffic offenses; issuing citations, etc.,</p> | <p>Passed the House</p> <p>FISCAL IMPACT STATEMENT</p> | <p>(S) Reported from Committee on the Judiciary (8-Y 1-N)</p> | <p>09/16/20</p> |

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| | | and rereferred to Finance | |
| HB 5069 - Carroll Foy - Law-enforcement officers; prohibition on the use of neck restraints, Class 6 felony. | Passed the House <ul style="list-style-type: none"> • 08/27/20 House: Impact statement from VCSC (HB5069H1) • 08/28/20 House: Impact statement from DPB (HB5069H1) | (S) Reported from Committee on the Judiciary (9-Y 4-N) and rereferred to Finance | 09/16/20 |
| HB 5072 - Lopez - Law-enforcement; Attorney Gen. authorized to file civil suit or inquire into any unlawful practice. | Passed the House FISCAL IMPACT STATEMENT | (S) Reported from Committee on the Judiciary (8-Y 1-N) and rereferred to Finance | 09/16/20 |
| HB 5090 - Hurst - Virginia Freedom of Information Act; law-enforcement criminal incident information, etc. | (H) Committee on Appropriations <hr/> (S) Committee on General Laws and Technology | (S) Passed by indefinitely in General Laws and Technology with letter (14-Y 0-N) | 09/18/20 |
| HB 5098 - Askew - Hate crimes; falsely summoning or giving false reports to law-enforcement officials, penalty. | Passed the House <ul style="list-style-type: none"> • 08/27/20 House: Impact statement from VCSC (HB5098H1) • 08/28/20 House: Impact statement from DPB (HB5098H1) | (S) Reported from Committee on the Judiciary (7-Y 2-N) and rereferred to Finance | 09/16/20 |
| HB 5099 - Aird - Search warrants; prohibition on no-knock search warrants. | Passed the House | (S) Reported from Committee on the Judiciary (8-Y 4-N) and rereferred to Finance | 09/16/20 |
| HB 5104 - Price - Law-enforcement officers, sheriff, etc.; minimum qualifications, disclosure of information. | Passed the House FISCAL IMPACT STATEMENT | (S) Reported from Committee on the Judiciary (10-Y 2-N) and rereferred to Finance | 09/16/20 |

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| HB 5109 - Hope - Law-enforcement officer training & qualifications; DCJS to develop uniform curriculum & plans, etc. | Passed the House FISCAL IMPACT STATEMENT | (S) Reported from Committee on the Judiciary (12-Y 0-N) and rereferred to Finance | 09/16/20 |
| HB 5112 - Levine - Law-enforcement officer; duty to render aid, duty to report wrongdoing by another officer. | Passed the House FISCAL IMPACT STATEMENT | (S) Passed by indefinitely by Judiciary (10-Y 3-N) | 09/16/20 |
| SB 5003 - Stuart - Civil Rights and Policing, Commission on; established, membership, report, sunset provision. | (S) Committee on Rules FISCAL IMPACT STATEMENT | (H) Referred to House Committee on Rules | 09/17/20 |
| SB 5014 - Edwards - Law-enforcement officers; officers to complete crisis intervention team training. | (S) Committee on Finance and Appropriations | (H) Referred to Committee on Public Safety | 09/17/20 |
| SB 5024 - Lucas - Law-enforcement; Attorney Gen. authorized to file civil suit or inquire into any unlawful practice. | (S) Committee on Finance and Appropriations FISCAL IMPACT STATEMENT | (H) Referred to Committee on Courts of Justice | 09/17/20 |
| SB 5029 - Lucas - Marijuana and certain traffic infractions; possession, issuing citations. | (S) Committee on the Judiciary FISCAL IMPACT STATEMENT | (H) Referred to Committee on Courts of Justice | 09/17/20 |
| SB 5030 - Locke - Policing reform; acquisition of military property, training of officers in de-escalation techniques. | (S) Committee on Finance and Appropriations FISCAL IMPACT STATEMENT | (H) Referred to Committee on Courts of Justice | 09/17/20 |
| SB 5035 - Hashmi - Law-enforcement civilian review boards; locality authorized to establish. | (S) Committee on Finance and Appropriations FISCAL IMPACT STATEMENT | (H) Referred to Committee on Public Safety | 09/17/20 |
| SB 5038 - McPike - Mobile crisis co-response team programs; DCJS & DBHDS to establish throughout the Commonwealth. | (S) Committee on Finance and Appropriations FISCAL IMPACT STATEMENT | (H) Referred to Committee on Public Safety | 09/17/20 |

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| SB 5052 - Reeves - Law-enforcement agencies; body-worn camera systems. | (S) Committee on the Judiciary FISCAL IMPACT STATEMENT | (H) Referred to Committee on Public Safety | 09/17/20 |
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OTHER:

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| HB 5030 - McQuinn - Monuments and memorials for war veterans; authority of localities. | (H) Committee on Rules | (S) Referred to Committee on Local Government | 09/09/20 |
| SB 5031 - Locke - Legal holidays; Juneteenth. | (S) Committee on General Laws and Technology FISCAL IMPACT STATEMENT | (H) Referred to Committee on General Laws | 09/17/20 |
| SB 5036 - McPike - Alcoholic beverage control; local special events license, limitations on events, etc. | (S) Committee on Rehabilitation and Social Services FISCAL IMPACT STATEMENT | (H) Referred to Committee on Courts of Justice | 09/17/20 |

OTHER KEY ITEMS:

Senate Finance Committee Presentations:

August Revenue Report and Federal Funding Status ([Presentation](#))

Virginia Retirement System Overview ([Presentation](#))

Alcoholic Beverage Control Authority: COVID Response and Sales Overview Travis Hill, Chief Executive Officer ([Presentation](#))

Commission on Local Government:

Met on September 17th and approved the 2020 Changes to the [Catalog of State and Federal Mandates](#) on Local Governments which are updated annually. The updates will be incorporated into the current online system.

State Board of Elections:

Meeting that was scheduled for earlier this week had to be rescheduled due to virtual platform technical difficulties. The meeting has been rescheduled for September 18th when the Board is scheduled to certify the Demtech electronic pollbook system.

PRESS ARTICLES:

Here's how Virginia lawmakers are doing after a month debating coronavirus and police reform

The legislature has been busy with passing criminal justice reform bills Democrats in control say are long overdue and approving legislation related to COVID-19. – *Pilot Online* – 09/17/20

Senate panel kills bill to require paid leave for quarantined employees

- Much to the delight of business groups and dismay of employee advocates, a Senate committee killed legislation on Wednesday to require employers to provide up to two weeks of paid sick leave for workers who have to quarantine because of exposure or infection by COVID-19. – *Richmond Times Dispatch* – 9/16/20

Virginia Retirement System pension funds lose ground because of investment performance

The unfunded liability of pension funds for state employees and teachers has risen as market returns have lagged on investments by Virginia's \$82 billion retirement system. – *Richmond Times Dispatch* – 9/16/20

Criminal justice reform bills make way through state Senate committee

RICHMOND — One month into a special session, the Virginia General Assembly is getting closer to passing police and criminal justice reform as lawmakers begin to narrow their focus on legislation. – *Roanoke Times* – 9/16/20

Senate approves 12-month utility debt repayment plans with bipartisan support

The Virginia Senate passed legislation Wednesday that will require all utilities except those controlled by municipal authorities to offer 12-month payment plans to residential customers who have been unable to pay their bills due to the COVID-19 pandemic. – *Virginia Mercury* – 9/16/20