

Floor Request to Amend SB 5015 (as Introduced)

Chief Patron: Norment

Item 7 #1s

Legislative Department

Capitol Square Preservation Council

Language

Language:

Page 204, set out Item 7.

Item 7, after line 9, insert:

"D. Notwithstanding § 30-194, Code of Virginia, the powers and duties of the Capitol Square Preservation Council shall also include the ability to review and approve all plans or proposals for alterations, improvements, additions, or renovations to, or other disposition of, any monuments, statuary, artwork, or other historical artifacts contained within the Capitol Building, including within the old and new Senate chambers, the old and new halls of the House of Delegates, and the Rotunda."

Explanation:

(This amendment provides that the Capitol Square Preservation Council shall have expanded authority with respect to the review and approval of certain changes to monuments and other artifacts contained within Capitol Square. It is the intent of the General Assembly that this item be set out upon enrolling.)

Chief Patron: Norment

Item 52 #1s

Executive Offices

Office of the Governor

Language

Language:

Page 10, after line 28, insert:

"G. The Chief Diversity Officer shall, when sending any memorandum to a public institution of higher education recommending or mandating diversity of any description, submit copies of such memorandum to the Chairmen of the House Education Committee and the Senate Committee on Education and Health.

H. By January 1 of each year, the Chief Diversity Officer shall provide to the Chairmen of the House Appropriations Committee and the Senate Finance and Appropriations Committee an itemized list of expenditures made by the Office of the Chief Diversity Officer."

Explanation:

(This amendment mandates certain reporting requirements for the Commonwealth's Chief Diversity Officer.)

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Chief Patron: McDougle

Item 114 #1s

Commerce and Trade

FY20-21

FY21-22

Department of Housing and
Community Development

\$50,000,000

\$0 GF

Language:

Page 25, line 48, strike "\$130,532,362" and insert "\$180,532,362".

Page 28, line 4, strike \$49,725,000, and insert "\$99,725,000".

Page 28, after line 32, insert:

"5. Of the amounts provided in this paragraph, \$50,000,000 the first year from the general fund is provided for the Virginia Telecommunication Initiative. In awarding these funds, the Department shall give priority consideration to rural and urban areas with unserved populations."

Explanation:

(This amendment provides an additional \$50.0 million GF the first year for the Virginia Telecommunication Initiative with priority given to rural and urban areas with unserved populations.)

Chief Patron: Newman

Item 299 #2s

Health and Human Resources

Department of Health

Language

Language:

Page 109, after line 3, insert:

"I. The Virginia Department of Health shall only use the Federal Title V Sexual Risk Avoidance Education (SRAE) Program for public health education initiatives that teaches youth sexual risk avoidance and the associated benefits of voluntarily refraining from sexual activity. The department shall ensure that any federal funding used for any service or contract that allows youth to submit questions regarding sexual health require that such information in response to only include information on the benefits of voluntarily refraining from sexual activity relevant to the specific questions asked. No other type of information shall be disseminated to youth without specific parental consent.

J. The Virginia Department of Health shall ensure that in any of its public health programing or contracts with vendors for such, that provide information to consumers, comply with any approved family life education curriculum standards approved by each local school board that is relevant to the information being distributed as to the content of such public information.

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K. The Virginia Department of Health shall report annually, by October 1, on the data sources used to contact individuals living in Virginia related to the dissemination of public health information, which shall include the sources used for addresses used for mailing materials, telephone numbers for phone calls or text messages, and email addresses, either utilized by the department or its vendors. The department shall ensure that its own employees and vendors keep the personal contact information used in public health programs confidential and not use or share that information for any other purpose."

Explanation:

(This amendment ensures that certain federal funding is used for its intended purpose and that the Virginia's Department of Health disseminates public health-related information such that it is consistent with the standards adopted by local government, if they exist. In addition, it requires the agency and its vendors in providing such information to Virginia consumers to keep contact information confidential and not use it for any other purpose.)

Chief Patron: Dunnavant

Item 313 #16s

Health and Human Resources

Department of Medical Assistance Services

Language

Language:

Page 145, after line 26, insert:

"MMMMM. The Department of Medical Assistance Services shall modify the billing increments for providers of personal and respite care services to 15 minute increments, effective January 1, 2021."

Explanation:

(This amendment modifies Medicaid policy for personal care and respite services to allow providers to bill 15-minute increments. Most state Medicaid programs allow personal care and respite services to be billed in 15-minute increments. This is change in policy is more consistent with the real time collection of service delivery times capture under an Electronic Visit Verification system which is required federally required.)

Chief Patron: Dunnavant

Item 313 #17s

Health and Human Resources

Department of Medical Assistance Services

Language

Language:

Page 145, after line 26, insert:

"MMMMM. The Department of Medical Assistance Services shall allow Medicaid agency-

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directed personal care and respite services be allowed to conduct telephonic supervisory visits by a licensed nurse. The department's forms shall be used to document the interaction during these phone calls and shall meet the standards already established by the department to include verbal consent, authorization, and confirmation of participation."

Explanation:

(This amendment directs the Department of Medical Assistance Services to allow Medicaid agency-directed personal care and respite services be allowed to conduct telephonic supervisory visits by a licensed nurse and that the department's forms be used to document the interaction during these phone calls and to meet the standards already established by the department to include verbal consent, authorization, and confirmation of participation.)

Chief Patron: Stanley

Item 477 #3s

Central Appropriations

FY20-21

FY21-22

Central Appropriations

\$0

\$23,058,732 GF

Language:

Page 204, line 6, strike "\$213,830,664" and insert "\$236,889,396".

Page 204, set out Item 477.

Item 477, insert:

"CC. Included in the appropriation for this Item is \$23,058,732 in the second year from the general fund to provide a five percent salary increase for elected sheriffs, deputy sheriffs, regional jail superintendents, and regional jail officers, effective July 1, 2021, provided that the governing authority of such employees use such funds to support the provision of a salary increase."

Explanation:

(This amendment provides \$23.1 million GF in the second year for a five percent salary increase for elected sheriffs, deputies, regional jail superintendents, and regional jail officers, effective July 1, 2021. It is the intent of the General Assembly that this item be set out upon enrolling.)

Chief Patron: Newman

Item 479.10 #4s

Co-Patron(s): Chafin, Chase, Cosgrove, DeSteph, Dunnavant, Hanger, Kiggans, McDougle, Norment, Obenshain, Peake, Pillion, Reeves, Ruff, Stanley, Stuart, Suetterlein, Vogel

Central Appropriations

Central Appropriations

Language

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Language:

Page 204, after line 9, insert:

“E. 1. It is the intent of the General Assembly that \$300,000,000 from the federal Coronavirus Relief Funds be provided to localities to reimburse parents for educational expenditures and childcare costs incurred in response to the COVID-19 emergency disrupting in-person instruction for the 2020-21 school year. Such program shall provide parents a reimbursement payment for each child enrolled in the local public school division and engaged in instruction delivered by the local public school division either remotely or in a hybrid manner. These reimbursement payments may be up to \$500 per child based on the calculation in paragraph E.2. Such program may reimburse parents for (i) educational therapies or services for the qualified student from a practitioner or provider, including paraprofessionals or educational aides; (ii) computer hardware and software; (iii) childcare costs; (iv) tutoring services; and (v) consumable educational supplies or any other education-related goods or services, such as Internet access, that are necessary for the provision of the qualified student's education. Localities establishing such a program shall not reduce any local funding apportioned to the local public school division from local revenues.

2. The Superintendent of Public Instruction shall collect applications from localities seeking to establish such a program for a period of two weeks upon enactment of this act. The Superintendent of Public Instruction shall calculate the per child reimbursement payment based on the total number of eligible students in the localities seeking these funds, and shall notify participating localities of the the per child reimbursement amount and the total amount of funds available to the locality no later than two weeks after the application deadline. The Superintendent of Public Instruction is authorized to establish any guidelines and collect any necessary information from localities to comply with any federal Coronavirus Relief Fund requirements. Localities shall disburse all eligible reimbursements by December 14, 2020. Any federal relief funds not disbursed to parents or allocated to localities for this purpose by December 14, 2020 shall be returned to the state treasury, and the Governor is hereby authorized to allocate and expend the remaining federal relief funds.”

Explanation:

(This amendment provides \$300.0 million from the federal Coronavirus Relief Fund for localities to provide reimbursements to parents for educational and childcare costs incurred in response to the COVID-19 emergency disrupting in-person instruction. Reimbursements payments would be available for each child that is receiving instruction from the local public school division either remotely or in a hybrid manner. The reimbursement amount may be up to \$500 per child with the Department of Education calculating the final per child reimbursement amount based on the total number of eligible students in the localities applying for these funds. The Governor is authorized to allocate and expend any remaining federal funds for this purpose after December 14, 2020.)

Chief Patron: Hanger

Item 479.10 #5s

Central Appropriations

Central Appropriations

Language

Language:

Page 204, after line 9, insert:

"E. It is the intent of the General Assembly that temporary financial assistance be provided to agency-directed personal care attendants in the Medicaid program. The Governor is authorized to allocate up to \$22,000,000 of federal Coronavirus Relief Funds, if determined to be permissible and feasible, to provide an increase in the hourly rate of up to 20 percent for up to three months or to make a one-time payment based on a similar methodology that provides financial assistance to agency-directed personal care attendants to ensure such workers can continue to serve elderly and disabled Medicaid recipients in their homes during the COVID-19 pandemic."

Explanation:

(This amendment directs that temporary financial assistance be provided to agency-directed personal care attendants in the Medicaid program. The Governor is authorized to allocate up to \$22,000,000 of federal Coronavirus Relief Funds, if determined to be permissible and feasible, to provide an increase in the hourly rate of up to 20 percent for up to three months or to make a one-time payment based on a similar methodology that provides financial assistance to agency-directed personal care attendants to ensure such workers can continue to serve elderly and disabled Medicaid recipients in their homes during the COVID-19 pandemic.)

Chief Patron: Hanger

Item 479.10 #6s

Central Appropriations

Central Appropriations

Language

Language:

Page 204, after line 9, insert:

"E. It is the intent of the General Assembly that temporary financial assistance be provided to reimburse Virginia hospitals for COVID-19 related costs. The Governor is authorized to allocate up to \$60,000,000 from the federal funding provided pursuant to the Coronavirus Relief Fund as authorized in the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136), for the Department of Medical Assistance Services to make payments to Virginia hospitals for COVID-19 related auditable costs that have not been reimbursed through other federal relief programs available for this purpose in calendar year 2020. The Department shall have the authority to implement such payments in the most efficient and expeditious manner prior to the completion of any regulatory process to effect such changes."

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Explanation:

(This amendment directs the Governor to provide temporary financial assistance of up to \$60 million to Virginia hospitals from the federal Coronavirus Relief Funds, awarded to the Commonwealth, to be used to reimburse such hospitals for COVID-19 related costs.)

Chief Patron: Newman

Item 4-0.01 #2s

Co-Patron(s): DeSteph

Operating Policies

Operating Policies

Language

Language:

Page 237, line 2, strike "Not set out." and insert:

Drawn to Chapter 1289

"§ 4-0.01 OPERATING POLICIES

- a. Each appropriating act of the General Assembly shall be subject to the following provisions and conditions, unless specifically exempt elsewhere in this act.
- b. All appropriations contained in this act, or in any other appropriating act of the General Assembly, are declared to be maximum appropriations and conditional on receipt of revenue.
- c. The Governor, as chief budget officer of the state, shall ensure that the provisions and conditions as set forth in this section are strictly observed.
- d. Public higher education institutions are not subject to the provisions of § 2.2-4800, Code of Virginia, or the provisions of the Department of Accounts' Commonwealth Accounting Policies and Procedures manual (CAPP) topic 20505 with regard to students who are veterans of the United States armed services and National Guard and are in receipt of federal educational benefits under the G.I. Bill. Public higher education shall establish internal procedures for the continued enrollment of such students to include resolution of outstanding accounts receivable.
- e. The provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia) shall not apply to grants made in support of the 2019 Commemoration to non-profit entities organized under § 501 (c)(3) of the Internal Revenue Code.
- f. 1. The State Council of Higher Education for Virginia shall establish a policy for granting undergraduate course credit to entering freshman students who have taken one or more

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Advanced Placement, Cambridge Advanced (A/AS), College-Level Examination Program (CLEP), or International Baccalaureate examinations by August 1, 2017. The policy shall:

- a) Outline the conditions necessary for each public institution of higher education to grant course credit, including the minimum required scores on such examinations;
- b) Identify the course credit or other academic requirements of each public institution of higher education that the student satisfies by achieving the minimum required scores on such examinations; and
- c) Ensure, to the extent possible, that the grant of course credit is consistent across each public institution of higher education and each such examination.

2. The Council and each public institution of higher education shall make the policy available to the public on its website.

g. 1. Notwithstanding any other provision of law, any public body, including any state, local, regional, or regulatory body, or a governing board as defined in § 54.1-2345 of the Code of Virginia may meet by electronic communication means without a quorum of the public body or any member of the governing board physically assembled at one location when the Governor has declared a state of emergency in accordance with § 44-146.17, provided that (i) the nature of the declared emergency makes it impracticable or unsafe for the public body or governing board to assemble in a single location; (ii) the purpose of meeting is to discuss or transact the business statutorily required or necessary to continue operations of the public body or common interest community association as defined in § 54.1-2345 of the Code of Virginia and the discharge of its lawful purposes, duties, and responsibilities; (iii) a public body shall make available a recording or transcript of the meeting on its website in accordance with the timeframes established in §§ 2.2-3707 and 2.2-3707.1 of the Code of Virginia; and (iv) the governing board shall distribute minutes of a meeting held pursuant to this subdivision to common interest community association members by the same method used to provide notice of the meeting.

2. A public body or governing board convening a meeting in accordance with this subdivision shall:

- a) Give notice to the public or common interest community association members using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the public body or governing board conducting the meeting;
- b) Make arrangements for public access or common interest community association members access to such meeting through electronic means including, to the extent practicable, videoconferencing technology. If the means of communication allows, provide the public or common interest community association members with an opportunity to comment; and

3. Public bodies must otherwise comply with the provisions of § 2.2-3708.2 of the Code of Virginia. The nature of the emergency, the fact that the meeting was held by electronic

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communication means, and the type of electronic communication means by which the meeting was held shall be stated in the minutes of the public body or governing board.

h. No rule, regulation, or order issued by the Governor pursuant to the provisions of § 44-146.17 shall have any effect beyond 90 days from the date of issuance. In the event of an ongoing disaster or emergency expected to last more than 90 days, the Governor shall convene a special session of the General Assembly to address the disaster or emergency."

Explanation:

(This amendment limits the duration of a Governor's emergency orders to 90 days. In the event of an ongoing disaster or emergency expected to last more than 90 days, this amendment would require the Governor to convene a special session of the General Assembly to address the disaster or emergency.)

Chief Patron: Newman

Item 4-0.01 #3s

Co-Patron(s): DeSteph

Operating Policies

Operating Policies

Language

Language:

Page 237, line 2, strike "Not set out." and insert:

Drawn to Chapter 1289

"§ 4-0.01 OPERATING POLICIES

- a. Each appropriating act of the General Assembly shall be subject to the following provisions and conditions, unless specifically exempt elsewhere in this act.
- b. All appropriations contained in this act, or in any other appropriating act of the General Assembly, are declared to be maximum appropriations and conditional on receipt of revenue.
- c. The Governor, as chief budget officer of the state, shall ensure that the provisions and conditions as set forth in this section are strictly observed.
- d. Public higher education institutions are not subject to the provisions of § 2.2-4800, Code of Virginia, or the provisions of the Department of Accounts' Commonwealth Accounting Policies and Procedures manual (CAPP) topic 20505 with regard to students who are veterans of the

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United States armed services and National Guard and are in receipt of federal educational benefits under the G.I. Bill. Public higher education shall establish internal procedures for the continued enrollment of such students to include resolution of outstanding accounts receivable.

e. The provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia) shall not apply to grants made in support of the 2019 Commemoration to non-profit entities organized under § 501 (c)(3) of the Internal Revenue Code.

f. 1. The State Council of Higher Education for Virginia shall establish a policy for granting undergraduate course credit to entering freshman students who have taken one or more Advanced Placement, Cambridge Advanced (A/AS), College-Level Examination Program (CLEP), or International Baccalaureate examinations by August 1, 2017. The policy shall:

a) Outline the conditions necessary for each public institution of higher education to grant course credit, including the minimum required scores on such examinations;

b) Identify the course credit or other academic requirements of each public institution of higher education that the student satisfies by achieving the minimum required scores on such examinations; and

c) Ensure, to the extent possible, that the grant of course credit is consistent across each public institution of higher education and each such examination.

2. The Council and each public institution of higher education shall make the policy available to the public on its website.

g. 1. Notwithstanding any other provision of law, any public body, including any state, local, regional, or regulatory body, or a governing board as defined in § 54.1-2345 of the Code of Virginia may meet by electronic communication means without a quorum of the public body or any member of the governing board physically assembled at one location when the Governor has declared a state of emergency in accordance with § 44-146.17, provided that (i) the nature of the declared emergency makes it impracticable or unsafe for the public body or governing board to assemble in a single location; (ii) the purpose of meeting is to discuss or transact the business statutorily required or necessary to continue operations of the public body or common interest community association as defined in § 54.1-2345 of the Code of Virginia and the discharge of its lawful purposes, duties, and responsibilities; (iii) a public body shall make available a recording or transcript of the meeting on its website in accordance with the timeframes established in §§ 2.2-3707 and 2.2-3707.1 of the Code of Virginia; and (iv) the governing board shall distribute minutes of a meeting held pursuant to this subdivision to common interest community association members by the same method used to provide notice of the meeting.

2. A public body or governing board convening a meeting in accordance with this subdivision shall:

a) Give notice to the public or common interest community association members using the best available method given the nature of the emergency, which notice shall be given

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contemporaneously with the notice provided to members of the public body or governing board conducting the meeting;

b) Make arrangements for public access or common interest community association members access to such meeting through electronic means including, to the extent practicable, videoconferencing technology. If the means of communication allows, provide the public or common interest community association members with an opportunity to comment; and

3. Public bodies must otherwise comply with the provisions of § 2.2-3708.2 of the Code of Virginia. The nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held shall be stated in the minutes of the public body or governing board.

h. In the event of an ongoing disaster or emergency expected to last more than 90 days, the Governor shall convene a special session of the General Assembly to address the disaster or emergency."

Explanation:

(This amendment limits the duration of a Governor's emergency orders to 90 days. In the event of an ongoing disaster or emergency expected to last more than 90 days, this amendment would require the Governor to convene a special session of the General Assembly to address the disaster or emergency.)

Chief Patron: Peake

Item 4-5.04 #1s

Special Conditions and Restrictions on Expenditures

Goods and Services

Language

Language:

Page 237, set out Item § 4-5.04.

Page 237, after line 21, insert:

“n. COVID-19 VACCINE: No department, agency, local government, or other entity receiving funding from the Commonwealth, including CARES Act funding, shall require or enforce administration of any COVID-19 vaccine to individuals (or parent or guardian of a child) who object thereto on the grounds that the administration of immunizing agents conflicts with his religious tenets or practices.”

Explanation:

(This amendment prohibits any vaccination for COVID-19 from being mandated on persons who object based on conflicts with religious tenets or practices.)

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Chief Patron: Hanger

Item 4-14 #2s2

Effective Date

Effective Date

Language

Language:

Page 241, strike lines 1 through 20, and insert:

"7. Notwithstanding any other provision of law, every jurisdictional utility shall develop an Emergency Debt Repayment Plan (EDRP) for arrearages accrued during a state of emergency or service disconnection moratorium as defined herein by residential customers. Jurisdictional utilities may collaborate or partner with third-party organizations, institutions, or agencies for the purpose of successful compliance and implementation of its EDRP.

An EDRP shall be designed to ensure that debt accrued during the state of emergency or the service disconnection moratorium, in addition to the residential customer's regular utility bill, are sustainable and affordable for the residential customer and shall allow for (i) an up to 12-month repayment period and (ii) a residential customer to roll over remaining debt with any debt accrued under a subsequent state of emergency. A jurisdictional utility shall not require any new deposit or application fee or any other new type of advance payment before enrolling a residential customer in an EDRP and shall not charge any interest, late fees, finance charges, or prepayment penalties on the unpaid debt while the residential customer is enrolled in an EDRP. A jurisdictional utility shall coordinate its EDRP with any other relevant financial assistance programs, energy assistance and weatherization programs, or percentage of income payment programs. Nothing shall preclude a jurisdictional utility from including additional arrearages accrued by the residential customer not related to the state of emergency in an EDRP upon mutual agreement between the jurisdictional utility and the residential customer. Prior to disconnecting for nonpayment any residential customer who has an overdue balance accrued during the state of emergency of service disconnection moratorium, a jurisdictional utility shall work in collaboration with the residential customer to seek and apply any available resources that either reduce or eliminate such accumulated balance or enroll the residential customer to repay the accumulated debt through other available repayment programs offered by the jurisdictional utility or in which the jurisdictional utility participates for its residential customers. If such repayment programs are not available to the residential customer or do not afford the residential customer sustainable repayment options for that residential customer, then the jurisdictional utility shall offer to enroll the residential customer into the EDRP.

Every jurisdictional utility shall provide its residential customers, in the same manner the residential customer receives billing information, which may be by bill insert or bill notice, with

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information detailing its EDRP. The jurisdictional utility shall not disconnect service for nonpayment any residential customer enrolled in the plan provided that the residential customer remains in compliance with the terms of the EDRP and remains current on the residential customer's current jurisdictional utility bill as that bill may be due and payable. If a residential customer fails to pay in full the amounts due under the EDRP, and the residential customer and the jurisdictional utility have not agreed to a modification of the terms of the EDRP, nothing under this act shall prevent a new payment plan or from disconnecting service.

The Commission shall allow for the timely recovery of bad debt obligations, reasonable late payment fees suspended, and prudently incurred implementation costs resulting from an EDRP for jurisdictional utilities, including through a rate adjustment clause or through base rates. The Commission may apply any applicable earnings test in the Commission rules governing utility rate applications and annual informational filings when assessing the recovery of such costs. Utilities shall prepare a report that contains the following anonymized information: (a) the number of accounts remaining in the EDRP; (b) the total amount of and average of debt for accounts remaining in the EDRP; (c) the number of accounts removed from the EDRP, categorized by reason; (d) the amount of and average of debt still remaining for accounts removed from the EDRP, and (e) the amount of recorded deferrals of expenses authorized by that certain order of the Commission in Case Number PUR-2020-00074. Utilities under the Commission's jurisdiction shall provide the aggregated anonymized report containing such compiled information to the Commission no later than January 1, 2021, for the period of June 15, 2020, through December 15, 2020, and no later than January 1, 2022, for the period of December 16, 2020, through December 15, 2021. The Commission shall provide an aggregated anonymized report by utility type containing such compiled information to the chairs of the House Committees on Labor and Commerce and Appropriations and the Senate Committees on Commerce and Labor and Finance and Appropriations no later than January 15, 2021, for the period of June 15, 2020, through December 15, 2020, and no later than January 15, 2022, for the period of December 16, 2020, through December 15, 2021.

Every municipal utility shall provide, upon request, an aggregated anonymized report to the chairs of the House Committees on Labor and Commerce and Appropriations and the Senate Committees on Commerce and Labor and Finance and Appropriations that contains the following information: (1) the number of accounts participating in a repayment plan; (2) the total amount of and average of debt for accounts participating in a repayment plan; (3) the number of accounts removed from a repayment plan, categorized by reason; (4) the amount of and average of debt still remaining for accounts removed from a repayment plan; and (5) the carrying costs of the debt for accounts participating in a repayment plan and any associated administrative costs incurred. Such municipal utilities shall provide such report within 30 days of a request by the chairs of such committees.

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No later than January 1, 2021, the Commission shall provide an aggregated anonymized report to the chairs of the House Committees on Labor and Commerce and Appropriations and the Senate Committees on Commerce and Labor and Finance and Appropriations containing the following information by utility type: (A) the outstanding aged accounts receivable balances as of May 31, 2020, resulting from the service disconnection moratorium; (B) associated collections from residential customers during each of the months of June, July, and August 2020; (C) associated additions to aged accounts receivable balances during each of the months of June, July, and August 2020; and (D) the resulting aged accounts receivable balances, net of collections and additions, as of June 30, July 31, and August 31, 2020.

Nothing in this act shall be construed to grant any additional jurisdiction or authority to the Commission over any utilities not otherwise conferred by law.

As used in this act:

"Commission" means the State Corporation Commission.

"Municipal utility" means a utility providing electric, gas, or water or wastewater service that is owned or operated by a city, county, town, authority, or other political subdivision of the Commonwealth.

"Service disconnection moratorium" means that certain order of the State Corporation Commission in Case Number PUR-2020-00048 issued on June 12, 2020, or any successor order.

"State of emergency" means the state of emergency declared by the Governor in Executive Order 51, as amended, or any successor state of emergency issued by the Governor pursuant to § 44-146.17 of the Code of Virginia in response to the COVID-19 pandemic.

"Subsequent state of emergency order" means a future state of emergency issued by the Governor pursuant to § 44-146.17 of the Code of Virginia in response to a communicable disease of public health threat as defined in § 44-146.16 of the Code of Virginia that is unrelated to the COVID-19 pandemic.

"Jurisdictional utility" means a utility providing electric, gas, or water or wastewater service that is subject to regulation by the Commission."

Explanation:

(This amendment codifies certain provisions of the State Corporation Commission (SCC) ruling in PUR-2020-0048 from June 12, 2020 imposing a residential utility service disconnection moratorium and requiring every jurisdictional utility providing residential electric, gas, water, or wastewater services to develop an Emergency Debt Repayment Plan (EDRP) for arrearages accrued during a state of emergency or service disconnection moratorium, and provides for certain reporting requirements.)

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Chief Patron: Norment

Item 4-14 #2s1

Effective Date

Effective Date

Language

Language:

Page 241, strike lines 1 through 20, and insert:

"7. Notwithstanding any other provision of law, every jurisdictional utility shall develop an Emergency Debt Repayment Plan (EDRP) for arrearages accrued during a state of emergency or service disconnection moratorium as defined herein by residential customers. Jurisdictional utilities may collaborate or partner with third-party organizations, institutions, or agencies for the purpose of successful compliance and implementation of its EDRP.

An EDRP shall be designed to ensure that debt accrued during the state of emergency or the service disconnection moratorium, in addition to the residential customer's regular utility bill, are sustainable and affordable for the residential customer and shall allow for (i) an up to 12-month repayment period and (ii) a residential customer to roll over remaining debt with any debt accrued under a subsequent state of emergency. A jurisdictional utility shall not require any new deposit or application fee or any other new type of advance payment before enrolling a residential customer in an EDRP and shall not charge any interest, late fees, finance charges, or prepayment penalties on the unpaid debt while the residential customer is enrolled in an EDRP. A jurisdictional utility shall coordinate its EDRP with any other relevant financial assistance programs, energy assistance and weatherization programs, or percentage of income payment programs. Nothing shall preclude a jurisdictional utility from including additional arrearages accrued by the residential customer not related to the state of emergency in an EDRP upon mutual agreement between the jurisdictional utility and the residential customer. Prior to disconnecting for nonpayment any residential customer who has an overdue balance accrued during the state of emergency of service disconnection moratorium, a jurisdictional utility shall work in collaboration with the residential customer to seek and apply any available resources that either reduce or eliminate such accumulated balance or enroll the residential customer to repay the accumulated debt through other available repayment programs offered by the jurisdictional utility or in which the jurisdictional utility participates for its residential customers. If such repayment programs are not available to the residential customer or do not afford the residential customer sustainable repayment options for that residential customer, then the jurisdictional utility shall offer to enroll the residential customer into the EDRP.

Every jurisdictional utility shall provide its residential customers, in the same manner the residential customer receives billing information, which may be by bill insert or bill notice, with

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information detailing its EDRP. The jurisdictional utility shall not disconnect service for nonpayment any residential customer enrolled in the plan provided that the residential customer remains in compliance with the terms of the EDRP and remains current on the residential customer's current jurisdictional utility bill as that bill may be due and payable. If a residential customer fails to pay in full the amounts due under the EDRP, and the residential customer and the jurisdictional utility have not agreed to a modification of the terms of the EDRP, nothing under this act shall prevent a new payment plan or from disconnecting service.

The Commission shall allow for the timely recovery of bad debt obligations, reasonable late payment fees suspended, and prudently incurred implementation costs resulting from an EDRP for jurisdictional utilities, including through a rate adjustment clause or through base rates. The Commission may apply any applicable earnings test in the Commission rules governing utility rate applications and annual informational filings when assessing the recovery of such costs. Utilities shall prepare a report that contains the following anonymized information: (a) the number of accounts remaining in the EDRP; (b) the total amount of and average of debt for accounts remaining in the EDRP; (c) the number of accounts removed from the EDRP, categorized by reason; (d) the amount of and average of debt still remaining for accounts removed from the EDRP, and (e) the amount of recorded deferrals of expenses authorized by that certain order of the Commission in Case Number PUR-2020-00074. Utilities under the Commission's jurisdiction shall provide the aggregated anonymized report containing such compiled information to the Commission no later than January 1, 2021, for the period of June 15, 2020, through December 15, 2020, and no later than January 1, 2022, for the period of December 16, 2020, through December 15, 2021. The Commission shall provide an aggregated anonymized report by utility type containing such compiled information to the chairs of the House Committees on Labor and Commerce and Appropriations and the Senate Committees on Commerce and Labor and Finance and Appropriations no later than January 15, 2021, for the period of June 15, 2020, through December 15, 2020, and no later than January 15, 2022, for the period of December 16, 2020, through December 15, 2021.

Every municipal utility shall provide, upon request, an aggregated anonymized report to the chairs of the House Committees on Labor and Commerce and Appropriations and the Senate Committees on Commerce and Labor and Finance and Appropriations that contains the following information: (1) the number of accounts participating in a repayment plan; (2) the total amount of and average of debt for accounts participating in a repayment plan; (3) the number of accounts removed from a repayment plan, categorized by reason; (4) the amount of and average of debt still remaining for accounts removed from a repayment plan; and (5) the carrying costs of the debt for accounts participating in a repayment plan and any associated administrative costs incurred. Such municipal utilities shall provide such report within 30 days of a request by the chairs of such committees.

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No later than January 1, 2021, the Commission shall provide an aggregated anonymized report to the chairs of the House Committees on Labor and Commerce and Appropriations and the Senate Committees on Commerce and Labor and Finance and Appropriations containing the following information by utility type: (A) the outstanding aged accounts receivable balances as of May 31, 2020, resulting from the service disconnection moratorium; (B) associated collections from residential customers during each of the months of June, July, and August 2020; (C) associated additions to aged accounts receivable balances during each of the months of June, July, and August 2020; and (D) the resulting aged accounts receivable balances, net of collections and additions, as of June 30, July 31, and August 31, 2020.

Nothing in this act shall be construed to grant any additional jurisdiction or authority to the Commission over any utilities not otherwise conferred by law.

As used in this act:

"Commission" means the State Corporation Commission.

"Municipal utility" means a utility providing electric, gas, or water or wastewater service that is owned or operated by a city, county, town, authority, or other political subdivision of the Commonwealth.

"Service disconnection moratorium" means that certain order of the State Corporation Commission in Case Number PUR-2020-00048 issued on June 12, 2020, or any successor order.

"State of emergency" means the state of emergency declared by the Governor in Executive Order 51, as amended, or any successor state of emergency issued by the Governor pursuant to § 44-146.17 of the Code of Virginia in response to the COVID-19 pandemic.

"Subsequent state of emergency order" means a future state of emergency issued by the Governor pursuant to § 44-146.17 of the Code of Virginia in response to a communicable disease of public health threat as defined in § 44-146.16 of the Code of Virginia that is unrelated to the COVID-19 pandemic.

"Jurisdictional utility" means a utility providing electric, gas, or water or wastewater service that is subject to regulation by the Commission."

Explanation:

(This amendment codifies certain provisions of the State Corporation Commission (SCC) ruling in PUR-2020-0048 from June 12, 2020 imposing a residential utility service disconnection moratorium and requiring every jurisdictional utility providing residential electric, gas, water, or wastewater services to develop an Emergency Debt Repayment Plan (EDRP) for arrearages accrued during a state of emergency or service disconnection moratorium, and provides for certain reporting requirements.)

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Chief Patron: Cosgrove

Item 4-14 #4s

Effective Date

Effective Date

Language

Language:

Page 242, after line 6, insert:

"9. Notwithstanding any other provision of law, the validity of any locally issued building or wetland disturbance permit that expires during the duration of a declared state of emergency and for up to 90 days after a declaration of a state of emergency has been rescinded or expires, shall be extended by a period of twenty four months from the original expiration date."

Page 242, line 7, strike "9." and insert "10."

Page 242, line 7, strike ", and eighth" and insert "eighth, and ninth".

Page 242, line 9, strike "10." and insert "11."

Explanation:

(This amendment extends the validity of any locally issued building or wetlands disturbance permits that may expire during the pandemic for an additional two years similar to the provisions of SB 5106 that passed the Senate.)
