



Legislative Impacts from 2020 Session & Recommendations for Legislative Action

In this presentation ...

**JLARC Impacts: Legislative Actions Taken on Report
Recommendations in 2020**

Recommendations for Legislative Action

Impact: Legalized gaming

- Preventing and treating problem gambling
 - Creates problem gambling prevention & treatment fund
 - Requires casinos to submit responsible gaming plan
 - Virginia Lottery to create voluntary self-exclusion list
- Regulating casino operations
 - Requires financial and background investigations
 - Requires licensure of casino employees and vendors
 - Establishes \$15 million casino licensing fee

HB 4 – Delegate Knight

SB 36 – Senator Lucas

Impact: Legalized gaming (continued)

- Assigns regulatory authority to Virginia Lottery Board
 - Adds accountant and law enforcement officer
- Prohibits board members from participating in or having a financial interest in casino gaming and sports wagering
- Adds \$16 million for additional lottery staff

HB 4 – Delegate Knight
SB 36 – Senator Lucas
Appropriation Act

Impact: Workers' comp and disease presumptions

- Directs study of options to cover repetitive motion injuries
- Employers required to respond in 30 days to filed claims
- Disease presumption eligibility
 - *Cancer* – adds three types of cancer, removes toxic exposure requirement, reduces required length of service from 12 to 5 years
 - *Hypertension & heart disease* - Adds 5-year service requirement

HB 617 – Delegate Guzman
HB 46 – Delegate Carter

HB 783 – Delegate Askew
SB 9 – Senator Saslaw

Impact: Foster care

- Helping relatives become foster parents
 - Guidance & training to departments and foster parents, training requirements waived if hinder placement
- Creates Office of the Children's Ombudsman
- Reducing long stays
 - Scrutinizes delays in termination of parental rights
 - Requires transition plan for children 14+
- Directs study of limits on foster care supervisor caseloads

SB 1025 – Senator Dunnavant

HB 1301 – Delegate Hurst & Appropriation Act

SB 472 – Senator Reeves

Impact: Office of the State Inspector General

- Better addressing allegations of waste, fraud, and abuse
 - OSIG to investigate all serious administrative allegations
 - Prohibits referrals to agencies with no internal audit division
 - Expands authority to investigate allegations at certain higher education institutions
- OSIG to identify and make recommendations to address systemic problems at public behavioral health facilities and regulated providers

HB 1100 – Delegate Carr

Impact: Local and regional jails oversight

- More effective and cohesive oversight
 - Executive director and staffing
 - Integrates jail inspections and jail death reviews
- More transparency about process and results
 - Report jail inspection and audit results
 - Address most frequently-violated standards
 - Publish summaries of death reviews

SB 622 – Senator Deeds, Appropriation Act

SB 215 – Senator Suetterlein

Impact: Department of Elections (ELECT)

- ELECT to identify and address major risks to election process
- Creates director of operations position
 - classified state employee (not a political appointee)
 - manages day-to-day agency operations
 - ensures compliance with state and federal election laws and regulations

HB 539 – Delegate Carr

HB 540 – Delegate Carr

Appropriation Act

Impact: Water resources management planning

- State Water Control Board to designate regional water supply planning areas based on river basins
- DEQ to coordinate localities and ensure regional plans identify risk of supply problems and strategies to address them
- DEQ to better predict water supply problems using more data, and varying assumptions and timeframes

*HB 542 – Delegate Carr
Appropriation Act*

Impact: Misclassifying independent contractors

- Prohibits employers from misclassifying employees as independent contractors
- Directs TAX to review agency referrals to determine whether worker should be classified as an employee
- Establishes fines for misclassification
- Prohibits employers with misclassified workers from seeking state contracts for certain time periods

SB 744 – Senator McPike
HB 1407 – Delegate Ward

Impact: Manufacturing incentives

- Allows localities, *before construction is complete*, to seek tax-exempt certification of certain pollution control equipment and facilities
- Water, storm-water, wastewater, or solid waste management equipment and facilities

SB 685 – Senator Mason
HB 1173 – Delegate Lopez

JLARC recognized for “Excellence in Evaluation”

- Recipient of 2020 National Legislative Program Evaluation Society’s Excellence in Evaluation Award
 - awarded to one legislative evaluation agency in the country
 - based on impact, body of research studies, and contributions to field of legislative program evaluation (2016–2019)
- Received a Certificate of Impact for Gaming in the Commonwealth report

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Recommendations for Legislative Action (2021)

Recommendations: Marijuana legalization

- If the General Assembly wishes to legalize marijuana and authorize a commercial marijuana market
 - 46 recommendations
 - 29 options

Key Considerations for Marijuana Legalization (2020)

Recommendations: CSA-funded services

- Allow state funds reserved for private day school tuition to be spent on services delivered in public school to
 - Help students transition from private day school back to public school and
 - Prevent placement in private day school
- Transfer funds for private day school from OCS to VDOE
- Require VDOE to publish data on each private day school's staffing, accreditation, and other aspects of performance
- Require comparable restraint and seclusion regulations for private day schools

Review of the Children's Services Act and Private Special Education Day School Costs (2020)

Recommendations: Establish school improvement program as a long-term state priority

- Codify responsibility to implement an effective state school improvement program
 - Monitor effectiveness
 - Report annually to the Board of Education
- Appropriate funds for additional staff positions in VDOE's Office of School Quality

Operations and Performance of the Virginia Department of Education (2020)

Recommendation: VDOE pilot program to more effectively and comprehensively supervise division compliance

- For a subset of key standards, DOE would
 - Require submission of more comprehensive information
 - Selectively and independently verify compliance
 - Monitor division corrective actions to address non-compliance
- Could appropriate funds for additional staff if necessary

Operations and Performance of the Virginia Department of Education (2020)

Recommendation: Monitor adequacy of state agencies' IT networks

- Direct VITA to report annually on whether network infrastructure is adequate to meet state agencies' needs
 - Identify needed improvements for both centralized and agency network portions
 - Report to money committees and JLARC by November 1 annually

Update on VITA's Implementation of a Multi-Supplier Service Model (2020)

Recommendations: Eliminate or improve economic development incentives

- Eliminate coal tax credits
- If Real Property Investment Grant is maintained, restrict awards to
 - projects in higher multiplier, export-base industries or to
 - projects that would contribute to community revitalization

Recommendations: Improving data center incentives

- Reduce or remove the minimum job creation requirement for the sales and use tax exemption for data centers locating in a distressed area or an enterprise zone
- Convene a workgroup to study the data center industry
 - maintain the state's competitive position to attract data centers
 - examine whether the exemption can be reduced without adversely affecting industry growth

Data Center and Manufacturing Incentives (2019)

Recommendation: Notifying injured workers of their rights to appeal insurers' claim denials

- Require workers' compensation insurers to notify workers of their right to appeal denied claims to the Virginia Workers' Compensation Commission (VWC)
 - Explain VWC's neutral role in adjudicating disputed claims
 - Clarify need to file appeal within statute of limitations
 - Provide VWC contact information

Virginia's Workers' Compensation System and Disease Presumptions (2019)

Recommendation: Clarifying disability requirement for cancer presumption eligibility

- Establish that public safety workers can meet cancer presumption disability requirements by showing wage loss, lost work time, *or* with medical evidence
- Establish that workers seeking only medical benefits may demonstrate a total or partial disability through medical evidence

Virginia's Workers' Compensation System and Disease Presumptions (2019)

Recommendation: Strengthen elections administration

- Eliminate the two appointed positions at ELECT to reduce risk of undue political influence
 - chief deputy commissioner
 - confidential policy advisor

Operations and Performance of Virginia's Department of Elections (2018)

Recommendation: Improving dual enrollment courses and policies

- Require higher education institutions to report data on students taking dual enrollment courses to VCCS and SCHEV that can be used to improve dual enrollment courses and policies
 - total dual enrollment credits on students' transcripts
 - total credits accepted by higher education institutions
 - whether credits met elective, program, or other requirements

Recommendation: Improve early childhood development

- Direct state agencies (DBDHS, VDH, & DSS) to coordinate on improving an existing home visiting program designed to reduce maternal substance abuse

Conclusion

- Questions?
- Comments?
- JLARC staff would be happy to meet with members
 - Discuss findings and recommendations
 - Help draft legislation or budget language