



**Virginia Funeral Directors Association  
2021 General Assembly Weekly Report  
for Week Ending February 28<sup>th</sup>, 2021**

## **THE FINAL WEEK – (February 22<sup>nd</sup> – February 28<sup>th</sup> – Week 7):**

As we approached the finish line for Special session, the deadline for floor action on revenue bills (bills that affect the budget and must be considered by conferees as they negotiate the final budget) was Friday, February 19<sup>th</sup>. Budget conferees were also named. Bills moved back and forth from one body to the other body as bill amendments were either accepted or rejected, which placed bills in a posture for final passage or for conference committee members to be named in order to work out policy or language issues with a bill and report the conference report back to the House and the Senate for a vote on the floor.

As major policy initiatives such as workers compensation for first responders due to COVID-19, paid sick leave for home health workers, marijuana legalization, establishing a private employer retirement plan program, elimination of mandatory minimum sentences, repeal of the death penalty and more were still to be resolved in the final week of session, it was not unusual for a first conference report to be rejected by either the House or the Senate and a second conference committee assigned. This process is particularly challenging in a virtual environment and made for some very long floor sessions in the final days. It also made it difficult for legislators, citizens and lobbyists alike to see the new language as the posting was very much behind.

Some of the key initiatives that passed this session include:

- Abolishment of the death penalty
- Automatic Expungement of certain criminal records
- Expansion of the number of appeals court judges
- 1<sup>st</sup> Constitutional amendment on automatic restoration of felons rights
- Regulatory framework for legalization of marijuana
- Several election reform bills including pre-registration of voters 16 years or older; assistance for curbside voters; absentee voting on Sundays; and establishment of drop box locations for absentee voting.
- Several COVID related measures also passed the General Assembly include facilitation of vaccine distribution by certain healthcare workers; presumption of workers compensation for emergency medical personnel and other first responders, child care subsidy program, exemptions from retail sales and use tax for the purchase of PPE equipment, and extension of utility bill non-termination.
- Education related bills passed include a requirement for in-person learning, cultural competency training for teachers and school board employees, creation of a Virginia STEM Education Advisory Board, authorization of school boards to appropriate funds for broadband expansion, and establishment of a through-year growth assessment system in grades three through eight in reading and math standards of learning.
- Paid sick leave to home health care workers.

Below is a statistical summary update of the status of the 1003 bills and resolutions introduced (828 were carried-over from the regular session). The Governor does not take action on resolutions; therefore only 334 House Bills and 218 Senate Bills from the Special Session are sent to the Governor's desk for action. The Governor may amend a bill, veto a bill or sign a bill into law. All Governor's amendments and vetoes are returned to the General Assembly for consideration during the reconvene session which will take place on Wednesday April 7, 2021. To date, the Governor has signed 33 bills

which will go into effect on July 1<sup>st</sup>, 2021 or if the bill contained an emergency clause it goes into effect on the date the Governor signs the bill.

Type	Introduced	Passed House	Passed Senate	Passed	Cont'd from last session	Failed	Pending	Approved	Vetoed
H.B.	378	378	340	334	376	44	0	30	0
H.J.R.	174	174	172	172	171	2	0	0	0
H.R.	141	141	0	141	0	0	0	0	0
S.B.	265	224	265	218	265	46	1	3	0
S.J.R.	17	13	17	13	16	4	0	0	0
S.R.	58	0	56	56	0	2	0	0	0
Totals	1033	930	850	934	828	98	1	33	0

- [Track Bills the Governor has signed](#)
- [Track Bills the Governor has amended](#)
- [Track Bills the Governor has vetoed](#)

### BUDGET:

The positive mid-session revenue review increases projected General Fund resources by \$730.2 million for the 2020-2022 biennium provided budget conferees with the ability to fund additional core service priority areas and increase the funds to be deposited in the Commonwealth's "Rainy Day" fund.

Each house had previously taken differing approaches to addressing the needs of the Commonwealth's core service areas, however the conferees came together to release the conference report on time passing the House by a vote of (67-Y 32-N) and passing the Senate by a vote of (29-Y 10-N) on Friday, February 27<sup>th</sup>. Below the chart are links to documents providing the key features of the conference report as well as a by service area breakdown of the funding allocations.

[HB1800](#) now heads to the Governor's desk where he will review and submit any amendments to the General Assembly prior to the April 7, 2021 reconvene session.

### Available General Fund Resources

(\$ in millions)	Introduced	Senate	Conference Amend.	Intro. + Conf. Amend
Beginning Balance	\$2,874.1	\$2,874.1	-	\$2,874.1
Balance Adjustments	(1,254.6)	(1,254.6)	5.9	(1,248.7)
GF Revenue Estimate	44,738.0	44,519.4	482.0	\$45,220.0
Transfers	1,280.8	1,302.5	93.8	1,374.6
<b>GF Resources Available for Appropriation</b>	<b>\$47,638.2</b>	<b>\$47,441.3</b>	<b>\$581.7</b>	<b>\$48,219.9</b>
<b>Total GF Spending</b>	<b>\$47,587.1</b>	<b>\$47,388.6</b>	<b>\$621.7</b>	<b>\$48,208.8</b>
<b>Unappropriated Balance</b>	<b>\$51.1</b>	<b>\$52.7</b>	<b>(\$40.0)</b>	<b>\$11.1</b>

[Economic and Revenue Update Presentation](#) – Secretary of Finance, Aubrey Layne – 2/17

[Overview of Conference Report HB 1800 \(Amendments to 2020-22 Budget\)](#) – Senate Finance Staff – 2/27

[Key Features - House Bill 1800 As Amended by the Conference Committee](#) – Senate Finance Staff – 2/27

[Summary School Division Distributions](#) – 2/27

## **MEDIA CLIPS:**

[Virginia lawmakers vote to forgive \\$18 million in unemployment insurance overpayments](#) - Virginia Mercury  
The General Assembly passed legislation Saturday that would forgive an estimated \$18 million in unemployment insurance claims the state says it erroneously paid out amid the pandemic and has since ... [www.virginiamercury.com](http://www.virginiamercury.com)

[General Assembly passes three-month extension of Dominion electric bill relief](#) - Virginia Mercury  
As the economic repercussions of the COVID-19 pandemic continue, the Virginia General Assembly has approved an extension of relief to customers of Dominion Energy, Virginia's largest utility, who a... [www.virginiamercury.com](http://www.virginiamercury.com)

[Assembly wrapping up with raises for teachers, state workers, transformation of criminal justice](#)  
Under the shadow of a police officer's violent death in a small Shenandoah Valley town, the General Assembly completed the work of a hybrid legislative session on Saturday that sought... [richmond.com](http://richmond.com)

[General Assembly passes parole board legislation following additional allegations of wrongdoing](#)  
Sen. Mark Obenshain, R-Rockingham, pushing for reforms since the fall, called the legislation headed to Gov. Ralph Northam superficial: "This is paying lip service to a problem."... [roanoke.com](http://roanoke.com)

[Medical providers, first responders, get expanded access to COVID-19 workers' compensation](#) - Virginia Mercury  
Virginia's frontline workers scored a victory on Saturday when the General Assembly nearly unanimously passed two bills making it easier for health care providers and first responders to claim work... [www.virginiamercury.com](http://www.virginiamercury.com)

[Virginia House and Senate give final approval of marijuana legalization measure](#)  
In an announcement tonight from the National Organization for the Reform of Marijuana Laws, members of the Virginia ... Staunton News Leader

## **LEGISLATIVE TRACKING UPDATE:**

**[VA - HB1785](#)** Employment health and safety standards; heat illness prevention.

Categories:

Last Action: Stricken from docket by Labor and Commerce (19-Y 0-N) (January 28, 2021)

Primary Sponsor: [Delegate Jeion A. Ward \(D\)](#)

Summary:

Employment health and safety standards; heat illness prevention. Requires the Safety and Health Codes Board to adopt regulations establishing standards designed to protect employees from heat illness, defined in the bill. The measure authorizes an employee to bring an action based on a violation of such standards in which injunctive relief and monetary damages may be sought.

**[VA - HB1856](#)** Estate planning documents; electronic execution, codifies Uniform Electronic Wills Act.

Categories: estate law

Last Action: Passed by indefinitely in Judiciary (12-Y 0-N) (February 10, 2021)

Primary Sponsor: [Delegate Richard C. "Rip" Sullivan, Jr. \(D\)](#)

Summary:

Electronic execution of estate planning documents; Uniform Electronic Wills Act. Permits trusts, advance medical directives, and refusals to make anatomical gifts to be signed and notarized, as appropriate, by electronic means. The bill also codifies the Uniform Electronic Wills Act, which permits a testator to execute a will by electronic means. The Act requires that the will be signed by two witnesses who are in the physical or electronic presence of the testator and acknowledged by the testator and attesting witnesses in the physical or electronic presence of a notary public.

Amendments:

[House subcommittee amendments and substitutes offered](#)

[House subcommittee amendments and substitutes adopted](#)

**[VA - HB2005](#)** Disposition of the remains of a decedent; persons to make arrangements for funeral.

Categories: vfda-legislative priority

Last Action: Failed to report (defeated) in General Laws and Technology (5-Y 9-N 1-A) (February 17, 2021)

Primary Sponsor: [Delegate Mark D. Sickles \(D\)](#)

Summary:

Disposition of the remains of a decedent; persons to make arrangements for funeral and disposition of remains. Establishes an order of priority for persons who have the right to make arrangements and otherwise be responsible for a decedent's funeral and the disposition of his remains and establishes processes by which such persons may assert or forfeit their right to make arrangements and otherwise be responsible for a decedent's funeral and the disposition of his remains. The bill also provides protections for any funeral service establishment, funeral service establishment manager of record, funeral service licensee, funeral director, embalmer, registered crematory, registered crematory owner, registered crematory manager of record, or certified crematory operator that relies upon a written statement made by a person attesting to his right to make arrangements or otherwise be responsible for a decedent's funeral and sets out rights of funeral service establishments when there is a dispute regarding the arrangements of a decedent's funeral or his remains or the identity of any persons who have the right to make arrangements for the decedent. The bill also adds provisions related to designation of a person to make arrangements for a decedent's funeral or disposition of a decedent's remains, clarification of decision-making authority when next of kin disagrees, and procedures in the absence of next of kin for cemeteries or cemetery companies.

Amendments:

[House subcommittee amendments and substitutes offered](#)

[House subcommittee amendments and substitutes adopted](#)

[House committee, floor amendments and substitutes offered](#)

**VA - HB2116** Funeral service licensees, etc.; priority for personal protective equipment and immunization, etc.

Categories: public health

Last Action: Governor's Action Deadline 11:59 p.m., March 31, 2021 (March 1, 2021)

Primary Sponsor: [Delegate Martha M. Mugler \(D\)](#)

Summary:

Certain declared states of emergency; priority for personal protective equipment and immunizations; funeral service licensees and funeral service establishment employees; emergency. Provides that in any case in which the Board of Health or Commissioner of Health has made an emergency order or regulation for the purpose of suppressing nuisances dangerous to the public health or a communicable, contagious, or infectious disease or other danger to the public life and health or the Governor has declared a state of emergency related to a communicable disease of public health threat, funeral service licensees and persons employed by a funeral service establishment shall be included in any group afforded priority with regard to (i) access to personal protective equipment and (ii) administration of any vaccination against such communicable disease of public health threat during such emergency. The bill contains an emergency clause.

Amendments:

[Senate subcommittee amendments and substitutes offered](#)

[House amendments adopted](#)

[House amendments not adopted](#)

**VA - SB1121** Birth certificates; amending certificate, review of request.

Last Action: Governor's Action Deadline 11:59 p.m., March 31, 2021 (March 1, 2021)

Primary Sponsor: [Senator Mamie E. Locke \(D\)](#)

Summary:

Birth certificates; amendments. Provides that every request for an amendment to a birth certificate shall be reviewed to determine whether the requested amendment can be made administratively or if a judicial order is required for the amendment. The bill also requires the Department of Health to make information about the process by which amendments to a birth certificate may be requested and are reviewed available on its website. Such information shall include a standard form for requests for amendments to a birth certificate.

Amendments:

[House subcommittee amendments and substitutes offered](#)

[House subcommittee amendments and substitutes adopted](#)

[House committee, floor amendments and substitutes offered](#)

[Senate subcommittee amendments and substitutes offered](#)

**VA - SB1268** Disposition of the remains of a decedent; persons to make arrangements for funeral.

Categories: vfda-legislative priority

Last Action: Passed by indefinitely in General Laws and Technology (11-Y 3-N) (February 2, 2021)

Primary Sponsor: [Senator R. Creigh Deeds \(D\)](#)

Summary:

Disposition of the remains of a decedent; persons to make arrangements for funeral and disposition of remains. Establishes an order of priority for persons who have the right to make arrangements and otherwise be responsible for a decedent's funeral and the disposition of his remains, provided that any such person is 18 years of age or older and of sound mind. The bill sets out, among other things, the circumstances under which such persons forfeit the right to make arrangements and otherwise be responsible for a person's funeral and the disposition of his remains and sets out assertions that a person seeking to exercise the right to make such arrangements must attest to in a signed written statement to be delivered to the funeral service establishment. Any funeral service establishment, funeral service establishment manager of record, funeral service licensee, funeral director, embalmer, registered crematory, registered crematory owner, registered crematory manager of record, or certified crematory operator that relies upon such a written statement shall be immune from civil or criminal liability for any act, decision, or omission in connection with following such person's direction related to the decedent's funeral and the disposition of his remains, unless such act, decision, or omission resulted from willful neglect or bad faith. The bill sets out rights of funeral service establishments when there is a dispute regarding the arrangements of a decedent's funeral or his remains or the identity of any persons who have the right to make arrangements for the decedent. The bill specifies that the provisions do not apply to cemeteries or cemetery companies.

Amendments:

[Senate committee, floor amendments and substitutes offered](#)

**[VA - SB1424](#)** Funeral service establishments; defines "manager of record."

Categories: vfda-legislative priority

Last Action: Passed by indefinitely in General Laws and Technology (12-Y 3-N) (January 27, 2021)

Primary Sponsor: [Senator John A. Cosgrove, Jr. \(R\)](#)

Summary:

Funeral service establishments; manager of record. Defines "manager of record" as a person who manages and handles all operations of a licensed funeral service establishment and sets out the conditions under which a funeral service licensee or a funeral director may serve as a manager of record. The bill requires that funeral service establishments employ a full-time manager of record.

Amendments:

[Senate committee, floor amendments and substitutes offered](#)