




County of Fairfax, Virginia

MEMORANDUM

DATE: February 6, 2023

TO: Board of Supervisors

FROM: Bryan J. Hill, County Executive 

SUBJECT: 2023 Legislative Report No. 2 – Board Legislative Committee Meetings of January 27, 2023, and February 3, 2023

With crossover upon us, just over two weeks remain in the 2023 General Assembly session. While the vast majority of bills introduced this session have already been acted upon by their respective originating chambers, any outstanding legislation must reach the opposite chamber by midnight tomorrow, February 7, or it will not be considered for the remainder of the session.

Following crossover, both houses will continue work on their individual revenue bills, as well as the state budget. The House Appropriations and Senate Finance Committees reported their respective budgets on February 5. As in years past, we expect that each chamber will reject the other's budget and appoint members to a conference committee to resolve these differences.

The Legislative Committee met on January 27 and February 3 to consider several issues of importance to the County. The Committee offers the following report and recommendations for action to the Board.

Legislative Committee Actions of January 27, 2023:

Legislative Committee Actions of February 3, 2023, begin on page 55

Members Present: Legislative Chairman Walkinshaw
Chairman McKay
Supervisor Alcorn
Supervisor Foust
Supervisor Gross
Supervisor Lusk
Supervisor Palchik
Supervisor Smith
Supervisor Storck

Specific Issues

Pandemic Impact on Public K-12 Education: The Committee received copies of a presentation prepared by the Joint Legislative Audit and Review Commission providing an overview of the pandemic's impact on public K-12 education (see "Supplementary Documents," pages 50-99).

Virginia's Medicaid Program: The Committee received copies of a presentation prepared by the Department of Medical Assistance Services (DMAS) providing an overview of DMAS' priorities for the 2023 General Assembly session (see Supplementary Documents," pages 100-126).

Priority Principles for Reviewing Legislation

- 1. Adequately fund K-12 education.**
- 2. Fully restore the \$102 million of funding to the Northern Virginia Transportation Authority (NVTa) that was diverted to the Washington Metropolitan Area Transit Authority (WMATA) in 2018, to ensure that transportation projects continue to advance in Northern Virginia after decades of state underfunding.**
- 3. Build upon the successful enactment of significant transportation revenues by the 2013 and 2020 GAs to ensure sufficient funding for transportation needs.**
- 4. Preserve and expand local government authority, particularly in such key areas as taxation, land use, and the protection of public health, safety, and welfare; allow greater flexibility in the administration of government.**
- 5. Restore the funding partnership between the state and localities through adequate state funding.**

Specific Legislation

Fairfax County Legislative Summary: The Committee discussed the status of legislation on which the Committee had previously taken positions, and discussed changing positions on two bills. The Committee's positions on these bills are noted in the attached tracking chart (see "Supplementary Documents," pages 1-49).

Historical Positions of the Board

OPPOSE

SB 1488 (Chase) (SJUD) repeals the procedure by which any attorney for the Commonwealth or law-enforcement officer may apply to a general district court, circuit court, or juvenile and domestic relations district court judge or magistrate for an emergency substantial risk order to prohibit a person who poses a substantial risk of injury to himself or others from purchasing, possessing, or transporting a firearm. The bill also removes the substantial risk order registry for the entry of orders issued. Oppose; Board has historically opposed. (23104312D)

SB 1485 (Morrissey) (SCL) allows every person access to distribution service or retail natural gas from a natural gas company authorized to provide natural gas service to the area where the service will be received. The bill prohibits a public entity from adopting an ordinance, resolution, or any other requirement that limits or prohibits customers from acquiring natural gas service and supply from both utility and non-utility gas companies. The bill prohibits public entities from denying building permits solely based on a proposed utility provider and directs public entities to ensure that all applicable permits and fees are reasonable, as compared to other utility providers, and do not restrict an applicant's ability to use the services of an authorized utility provider. Oppose; Board has historically opposed. (23104013D)

New Bills – 2023 GA

Courts

SB 1067 (Surovell) (Passed Senate) provides various factors that a judge or magistrate shall consider for the purpose of determining probable cause prior to issuing an emergency substantial risk order or a substantial risk order. The bill provides that such factors shall include whether the person who is subject to the order (i) committed any acts of violence or criminal offenses resulting in injury to himself or another person within the six months prior to the filing of the petition; (ii) made any threats or used any physical force against another person that resulted in injury within the six months prior to the filing of the petition; (iii) violated any provision of a protective order issued or was arrested for stalking within the six months prior to the filing of the petition; (iv) was convicted of any offense that would prohibit such person from possessing a firearm; (v) engaged in any conduct within the year prior to the filing of the petition that demonstrated a pattern of violent acts or threats to another person, including any acts or threats made against family members, neighbors, co-workers, or toward schools or students or government buildings or employees; (vi) committed any acts of violence or criminal offenses against an animal within the six months prior to the filing of the petition; (vii) made any attempt or threat of suicide or any act, attempted act, or threat of self-harm that caused or may have caused serious bodily injury; or (viii) evidence of recent acquisition of a firearm or ammunition by the respondent. The bill also outlines various other factors that a judge or magistrate may, but is not required to, consider for the purpose of issuing an emergency substantial risk order or a substantial risk order. Support. (23105335D-S1)

Environment

HB 1485 (Webert) (HAG) changes the contingency for the effective date of the Chesapeake Bay Watershed Implementation Plan provisions to (i) allow consideration of a combination of point or nonpoint source pollution reduction efforts other than agricultural best management conservation practices when determining whether the Commonwealth's commitments in the Chesapeake Bay Total Maximum Daily Load Phase III Watershed Implementation Plan have been satisfied and (ii) bar such provisions from becoming effective unless the Commonwealth funds the Virginia Natural Resources Commitment Fund each year of the current or existing biennial period. Oppose. (23101756D)

SB 1129 (Hanger) (SACNR) changes the contingency for the effective date of the Chesapeake Bay Watershed Implementation Plan to (i) allow consideration of a combination of point or nonpoint source pollution reduction efforts other than agricultural best management conservation practices when determining whether the Commonwealth's commitments in the Chesapeake Bay Total Maximum Daily Load Phase III Watershed Implementation Plan have been satisfied and (ii) bar such provisions from becoming effective unless the Commonwealth has fully funded the Virginia Natural Resources Commitment Fund until June 30, 2030. The bill also advances from July 1, 2026, to July 1, 2030, the contingency effective date of the Chesapeake Bay Watershed Implementation Plan. The bill requires the Department of Conservation and Recreation to submit an annual report analyzing the use of funds from the Virginia Agricultural Best Management Practices Cost-Share Program to demonstrate whether farmers or landowners are participating in the Program at levels to maximize nutrient load reductions. The bill directs each soil and water conservation district to report to the Department any recommendations for improving the disbursement of funds from the Virginia Natural Resources Commitment Fund and program efficiencies that would expedite the disbursal of such funds. Finally, the bill prohibits any regulatory action to be imposed on agricultural practices before the effective date of the Chesapeake Bay Watershed Implementation Plan. Oppose. (23104207D)

HB 1632 (Bulova) (HAG) directs the State Water Control Board to adopt regulations to implement before July 1, 2024, the requirements of amendments to the Virginia Erosion and Stormwater Management Act enacted by the 2016 Session and amended by the 2017 Session and delays from July 1, 2018, to July 1, 2024, the effective date of the amendments made by the 2016 Session and regulations required to be adopted pursuant thereto. Monitor. (23102679D)

HB 2390 (Runion) (HAG)/**SB 1168** (DeSteph) (SACNR) directs the State Water Control Board to adopt regulations to implement before July 1, 2024, the requirements of amendments to the Virginia Erosion and Stormwater Management Act enacted by the 2016 Session and amended by the 2017 Session and delays from July 1, 2018, to July 1, 2024, the effective date of the amendments made by the 2016 Session and regulations required to be adopted pursuant thereto. The bill also directs such adopted regulations to include the reduction of regulations through consolidation of duplicative requirements. Monitor. (23103204D, 23103206D)

HJ 516 (Bennett-Parker) (HRUL) increases the total membership of the Joint Subcommittee on Recurrent Flooding from 11 to 17 by increasing the number of nonlegislative members from three to seven. The additional nonlegislative members include representatives from the environmental, development, and business communities, a certified floodplain manager, and three local elected officials representing three of Virginia's flood-prone communities. Support. (23102936D)

HB 2493 (Kory) (HFIN) allows the revenue from the disposable plastic bag tax to be used for illegal roadside sign cleanup and litter pickup. Support. (23100728D)

Housing

HB 1805 (Bloxom) (HGL)/**SB 1401** (Lewis) (SGL) adds community development projects related to the production and preservation of housing, including housing for persons and families of low and moderate income, to those projects that the Virginia Resources Authority may finance. The bill directs the Department of Housing and Community Development to assist the Authority with determining which local governments are to receive grants from the Authority for such projects. Support. (23104158D, 23103834D)

HB 2100 (Hudson) (HCCT) establishes authority and requirements for localities in the development and use of accessory dwelling units (ADUs). An ADU is defined in the bill as an independent dwelling unit on a single-family dwelling (SFD) lot with its own living, bathroom, and kitchen space. An ADU may be within or attached to an SFD or in a detached structure on a lot containing an SFD. An ADU may include, but is not limited to, basements, attics, flats, guest houses, cottages, and converted structures such as garages and sheds. The bill specifies that an ADU is not permitted in cases where it would violate historic preservation rules, deed restrictions, or property owners' association rules. Oppose. (23104025D)

Land Use

SB 1312 (Boysko) (SLG) provides that any locality may by ordinance require electric vehicle charging stations as part of subdivision or site plan approval for a development containing commercial, industrial, or multifamily residential uses with a density of seven residential dwelling units per acre or greater. Support. (23104300D)

SB 1495 (Surovell) (SLG) provides that any person aggrieved by an enforcement action by a locality, where the enforcement action was based upon a willful disregard for applicable law, regulation, or ordinance, shall be entitled to an award of compensatory damages and to an order remanding the matter to the locality with a direction to terminate such enforcement and may be entitled to reasonable attorney fees and court costs. Oppose. (23103576D)

Study

SJ 230 (Bell) (SRUL) directs the Virginia State Crime Commission to study the increase in hate crimes and bias-motivated acts directed toward Asian Americans and Pacific Islanders in the Commonwealth. Support. (23103327D)

Transportation

HB 1516 (Adams, D.) (Passed House) prohibits towing and recovery operators from refusing, at their place of business, to allow the owner of a vehicle to access and recover any personal items not attached to the vehicle without retrieving the vehicle and without paying any fee. The bill requires the governing body of each county, city, and town to set reasonable limits on storage fees charged by towing and recovery operators after the first 24 hours, taking into consideration

the average daily public parking rate in the locality. The bill requires periodic review and timely adjustment of such limitations. Support. (23104731D-H1)

HB 1723 (Simonds) (HTRAN) makes evidence that a bus was stopped with at least one warning device activated prima facie evidence that the bus was stopped for the purpose of taking on or discharging children, the elderly, or mentally or physically handicapped persons. Support. (23102405D)

HB 2340 (Bulova) (HTRAN) increases from \$100 to \$150 the maximum license tax that a locality is authorized to impose annually on motor vehicles not displaying current license plates. The bill increases from up to \$250 to up to \$350 the penalty on motor vehicles that have not been registered within the first 30 days of an individual's residency in the Commonwealth. Support. (23104119D)

Health and Human Services

HB 1534 (Clark) (HAPP) creates a loan repayment program for persons who have worked as mental health professionals in the Commonwealth for at least five years. Support. (23101851D)

HB 1963 (Runion) (HAPP)/**SB 945** (Suetterlein) (SFIN) directs the Department of Medical Assistance Services to take steps to amend the Family and Individual Supports, Community Living, and Building Independence waivers to provide greater financial flexibility to individuals with developmental disabilities who are receiving waiver services. The bill requires the Department to report on its progress to the Governor and the General Assembly by December 1, 2023. Support. (23104079D, 23103672D)

SB 831 (Favola) (SRUL) directs the Department of Medical Assistance Services (the Department) to take steps to amend the Family and Individual Supports, Community Living, and Building Independence waivers to implement a medically needy spend down provision that allows otherwise eligible individuals to spend income in excess of the income limit for waiver services on medical expenses in order to meet the waiver income limit. The bill requires the Department to report on its activities and progress to the Governor and the General Assembly by December 1, 2023. Support. (23102038D)

HB 2231 (Sickles) (Passed House) expands the powers and duties of the Board of Social Work to requires the Board to maintain a list of the names and contact information of persons approved by the Board to supervise candidates for licensure as a clinical social worker and allows supervisees pursuing licensure as a clinical social worker to change or add a supervisor from the Board's list of approved supervisors without prior approval from the Board. Support. (23102964D-E)

HB 2018 (Adams, L.) (HHWI) allows family assessment and planning teams (FAPT) and community policy and management teams (CPMT) to share information with local law enforcement or threat assessment teams established by local school boards if a FAPT or CPMT

obtains information from which the team determines that a child poses a threat of violence or physical harm to himself or others. Under current law, all information about specific children and families obtained by FAPT and CPMT members must be kept confidential. Support. (23101405D)

SB 1140 (McPike) (SRSS) directs the Department for Aging and Rehabilitative Services to develop and provide training for court-appointed guardians by July 1, 2024. The bill requires an appointed guardian and any staff employed by such guardian to perform guardianship duties to complete the initial training developed by the Department within four months of the date of the initial court order of appointment and guardians and such staff appointed prior to July 1, 2024, to complete such training by January 1, 2026. The bill further requires a guardian to include in his annual report to the local department of social services a statement as to whether such training has been completed. Support. (23102600D)

Elections

HB 1910 (Batten) (HPE) requires any individual or organization sending an application for an absentee ballot to a registered voter that was not solicited or requested by the registered voter to include with the application instructions on completing the application and submitting it to the appropriate general registrar. The bill requires a statement that the application is not being sent by any state or local government official or agency to be printed on the envelope containing the application or on the first page of any enclosed materials. The bill specifies that individuals and organizations are required to use the information provided in the list of registered voters acquired by such individual or organization from the Department of Elections pursuant to relevant law and that a violation of this requirement is a Class 4 misdemeanor. The bill also requires the Department of Elections to ensure, when providing such list to such individual or organization for purposes of sending unsolicited applications, that no voter is included on such list if such voter has applied for an absentee ballot on or before the date such list is requested. Finally, the bill provides that no application for an absentee ballot sent to a registered voter that was not solicited or requested by the registered voter may be pre-populated with information that the applicant is required to provide. Monitor. (23101739D)

HB 1847 (LaRock) (HPE) restores the local option to hold May elections; repeals laws permitting registration on election day and requiring preregistration of certain persons under 18 years of age; eliminates the permanent absentee voter list; removes provisions allowing general registrars to contract with a third party for the printing, assembly, and mailing of absentee ballot packets; requires an excuse to vote absentee; reduces absentee voting in person to the 10 days prior to the date of an election; requires that mailed absentee ballots be returned by the United States Postal Service; repeals provisions allowing for absentee ballot drop boxes; requires absentee ballots to be received by the general registrar by the close of polls on election day in order to be counted; requires presentation of a form of identification containing a photograph in order to vote; repeals the provisions of law permitting a voter who does not have one of the required forms of identification to vote after signing a statement that he is the named registered voter he claims to be; and requires that provisional ballot envelopes have written on them certain

required information in order to be considered, including the signature of the officer of election administering the provisional ballot and his indication of whether photo identification was shown, and if so, the type. The bill also amends provisions regarding risk-limiting audits to allow for (i) risk-limiting audits of the part of a district that covers multiple localities that lies in a single locality and (ii) the use of the batch comparison method when conducting a risk-limiting audit. Oppose. (23102822D)

HB 1812 (March) (HPE) requires the Attorney General to provide assessments and reports on foreign interference, defined in the bill, in elections in the Commonwealth to the Governor and the General Assembly and to levy or recommend appropriate sanctions against any such foreign governments found to be interfering in elections in the Commonwealth. The bill also repeals the provision that allows persons 16 years of age or older to preregister to vote, removes the ability to register to vote using the websites of the Department of Elections or the Department of Motor Vehicles, and moves the deadline for registering to vote from 21 days prior to an election to 30 days prior to an election. In addition, the bill directs the Department of Elections to conduct list maintenance activities during the 30 days prior to any election in which a candidate for federal office is not on the ballot, including the removal of duplicate registrations, requires voters to provide an excuse in order to vote absentee, removes the option to vote absentee in person, reinstates provisions requiring the presentation of a valid form of photo identification in order to vote, and directs general registrars to provide a paper copy of the pollbook at each polling place during all elections. Finally, the bill eliminates curbside voting and same-day voter registration, prohibits the use of any voting system that can be connected to the Internet and directs the State Board of Elections to decertify any such voting system, and increases from a Class 6 felony to a Class 4 felony the penalty for voter registration fraud. Oppose. (23101719D)

HB 2266 (Ransone) (HPE) directs the State Board of Elections to adopt a policy regarding the counting and reporting of absentee ballots in a central absentee voter precinct in order to ensure that the results of absentee ballots cast early in person are reported separately from mailed absentee ballots and the results of all absentee ballots cast by voters are reported by precinct in accordance with law. Such policy is required to also ensure that all such results are posted on the State Board of Elections website no later than noon on the day after the election. The bill requires such policy to be adopted no later than September 1, 2023, and the Chairmen of the House and Senate Committees on Privileges and Elections to be notified of such policy within seven days of its adoption. Amend. Amend to extend the deadline for counting absentee ballots by precinct to the Friday after the election. (23103315D)

HB 2049 (Bennett-Parker) (HPE) limits the entitlement of voters with disabilities to vote outside the polls to those whose disability prevents them from entering the polling place. Expands the definition of disability for purposes of providing assistance outside of a polling place to voters with disabilities to include any permanent or temporary disability. Under current law, the disability is limited to a permanent or temporary physical disability. Support. (23100155D)

Taxation

HB 1442 (McNamara) (Passed House) requires the Department of Taxation to annually publish on its website the current transient occupancy tax rates imposed in each locality. The bill also (i) requires the tax-assessing officer of a locality to administer and enforce the assessment and collection of transient occupancy taxes from accommodations intermediaries, (ii) specifies certain return filing requirements for accommodations intermediaries, and (iii) directs the Compensation Board to contract with a third-party provider for development of an electronic interface that enables accommodations intermediaries, beginning on July 1, 2024, to provide a single filing and remittance system for transient occupancy taxes due for all localities. Monitor. (23104573D-H1)

Education Savings Account

HB 1508 (Davis) (HED) permits the parents of qualified students, defined in the bill, to apply for a one-year, renewable Virginia Education Success Account that consists of an amount that is equivalent to a certain percentage of all applicable annual Standards of Quality per pupil state funds appropriated for public school purposes and apportioned to the school division in which the qualified student resides, including the per pupil share of state sales tax funding in basic aid and any state per pupil share of special education funding for which the qualified student is eligible. The bill permits the parent of the qualified student to use the moneys in such account for certain qualified expenses of the qualified student, including tuition, deposits, fees, and required textbooks at a private elementary school or secondary school that is located in the Commonwealth. The bill also contains provisions relating to program and account administration by the Department of the Treasury and a third-party financial institution that serves as program administrator pursuant to a contract with the Department of the Treasury. Oppose. (23102042D)

HB 1371 (Scott, P.) (HED) establishes the Education Savings Account Program, to be administered by the Department of Education, whereby the parent of any individual who is a resident of the Commonwealth and who is eligible to enroll in a public elementary or secondary school may apply for an Education Savings Account for his child into which the Department of Education deposits certain state and local funds and from which the parent makes certain enumerated qualifying expenses to educate his child in a setting and a manner other than full-time education in a public school. The bill requires the Program to be fully implemented prior to the beginning of the 2023–2024 school year.

The bill also increases the value of the Education Improvement Scholarships income tax credit for a donation to a scholarship foundation from 65 percent to 100 percent of the donation. The bill removes the aggregate limit on tax credits per year, which under current law is \$25 million, and removes individual minimum and maximum required donation amounts.

The bill raises the threshold for students to qualify for scholarships from 300 percent of the current poverty guidelines to 1,000 percent of free or reduced-price lunch standards or, for eligible students with a disability, from 400 percent of the current poverty guidelines to 1,200

percent of such standards. The bill grants scholarship foundations the discretion to determine what expenses may be funded by tax-credit-subsidized scholarships. Under current law, such expenses are limited by statute. The bill expands eligibility for scholarships to any student who is a resident of the Commonwealth and eligible to enroll in a public elementary or secondary school in the Commonwealth. Current law restricts eligibility to certain categories of students.

The bill removes the requirement that scholarship-funded schools report test results of scholarship-funded students. The provisions of the bill pertaining to the Education Improvement Scholarships income tax credits apply starting with taxable year 2023. Oppose. (23100177D)

Legislation Provided for Discussion

Public Safety/Criminal Justice

HB 1561 (Watts) (HCT)/**HB 2106** (Bourne) (HCT) provides that no individual shall be subject to arrest or prosecution for an assault or assault and battery against a law-enforcement officer if at the time of the assault or assault and battery (i) the individual (a) is experiencing a mental health emergency or (b) meets the criteria for issuance of an emergency custody order pursuant to § 37.2-808 and (ii) the law-enforcement officer subject to the assault or assault and battery was responding to a call for service requesting assistance for such individual. The bill provides that no law-enforcement officer acting in good faith shall be found liable for false arrest if it is later determined that the person arrested was immune from prosecution. Monitor. (23102003D, 23102120D)

Environment

SB 933 (Edwards) (SLG) authorizes a locality to prohibit by ordinance the purchase, sale, or provision, whether free or for a cost, of any single-use plastic carrier bag that is not recyclable from grocery stores, retail stores, and convenience stores. (23101371D)

Elections

HB 1948 (Bloxom) (HPE) removes the witness requirement for absentee ballots and replaces it with the requirement that the voter provide the last four digits of his social security number and his date of birth. Support elimination of the witness requirement, but oppose requiring the voter's social security number and date of birth. (23100850D)

Taxation

SJ 247 (Hashmi) (SPE) amends the Constitution of Virginia by providing that the General Assembly may by general law authorize the governing body of any county, city, town, or regional government to provide for the exemption from local real property taxation, or a portion

thereof, within such restrictions and upon such conditions as may be prescribed, of real estate owned and occupied by persons of low income or low financial worth. Monitor. (23103108D)

Libraries

SB 1463 (Chase) (SEH) requires each local school board, any local governing body or library board that governs a free public library system or regional library board that governs a regional library system, and the Library Board to require a parental advisory label to be affixed to the front of any book that contains sexually explicit content, as that term is defined elsewhere in law, and that is made available to minors in any public elementary or secondary school library, any public library in the free public library system or regional public library system, or the Library of Virginia, respectively. Oppose. (23103847D)

Legislation Requiring Further Review

Administration of Government

SB 1470 (Ruff) (SGL) creates the Department of Workforce Development and Advancement (the Department) to serve as administrator and fiscal agent for the Commonwealth's workforce development programs. The bill consolidates statewide workforce program evaluation and data sharing under the Department and provides protections against improper disclosure of data. The bill provides for the Virginia Board of Workforce Development to conduct an independent evaluation of the operations and program objectives of the Department on a biennial basis with the first report due on December 1, 2025. The bill also (i) transfers administration of apprenticeship programs from the Department of Labor and Industry to the Department, (ii) changes the name of the Office of Education and Labor Market Analysis to the Office of Education and Workforce Research and moves the Office from the Virginia Economic Development Partnership Authority to the Department, and (iii) shifts the administration and implementation of adult education programs from the Board of Education and local school boards to the State Board for Community Colleges and comprehensive community colleges. The bill directs the Secretary of Labor to conduct a comprehensive review of the Commonwealth's workforce development programs and make recommendations to address a wide range of subjects relating to improving the effectiveness and efficiency of such programs. This bill is a recommendation of the Small Business Commission. (23103908D)

HB 1487 (March) (HCCT) requires localities to provide a live video broadcast of public meetings of the local governing body and to archive such broadcasts on their websites. (23100033D)

HB 2205 (Tran) (HFIN) creates a refundable tax credit for taxable years 2023 through 2027 for individuals whose households include dependents younger than the age of 18. The bill provides that the amount of the credit will be equal to \$500 for an individual or married persons filing a joint return whose family Virginia adjusted gross income, as defined by Virginia code, does not exceed \$100,000. The bill provides that if the amount of such credit exceeds the taxpayer's

liability for the taxable year, the excess shall be refunded by the Tax Commissioner within 90 days after the filing date of the income tax return on which the taxpayer applies for such refund. (23102353D)

HB 2245 (Tran) (HFIN) directs the Tax Commissioner to terminate the Virginia Free File Program and related agreement with the Consortium of Virginia. The bill also requires the Tax Commissioner to reinstate the iFile program or to develop and offer a substantially similar program that offers electronic filing services directly to Virginia individual taxpayers without monetary charge beginning in taxable year 2024. The bill contains technical amendments that remove obsolete language regarding fillable forms. (23104227D)

SB 1151 (Edwards) (SLG) standardizes the frequency and length of time that notices of certain meetings, hearings, and other intended actions of localities must be published in newspapers and other print media. The notice provisions included in the bill are organized into the following three groups: (i) publication required one week before the meeting, hearing, or intended action; (ii) publication required two consecutive weeks before the meeting, hearing, or intended action; and (iii) publication required three consecutive weeks before the meeting, hearing, or intended action. In addition, the bill amends provisions related to the content of notices for zoning ordinances and amendments to such ordinances by removing the requirement that such notices contain a descriptive summary of the proposed action and providing that such notices shall include the street address or tax map parcel number of the parcels subject to the action. In cases where the intended action affects more than 25 parcels, the notice must also include the approximate acreage subject to the intended action. The bill also removes the requirement that notices of proposed amendments to a zoning map state the general usage and density range of the proposed amendment and the general usage density set forth in the applicable part of the comprehensive plan. The bill directs the Virginia Code Commission to convene a work group to continue review of the notice requirements throughout the Code of Virginia and requires the Virginia Code Commission to submit a report to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology summarizing the work and any recommendations of the work group by November 30, 2023. (23100325D)

HB 1391 (Gooditis) (HRUL) establishes the 20-member Commission on Social Media in the legislative branch to study and make recommendations on the impacts and harms to citizens caused by social media platforms hosting or amplifying content that includes threats or suggestions of physical violence or danger toward citizens, institutions, groups, associations, or physical structures of the Commonwealth. The Commission will study the impact on citizens of dangerous and violent rhetoric, threats, harassment, doxing, intimidation, misinformation, disinformation, defamation, and deceptive practices of social media companies. The Commission will also study the impact of certain practices by social media companies, such as algorithmic amplification and target advertising, on citizens. The bill requires the Commission to report annually to the General Assembly on its activities and provides that the Commission will sunset on July 1, 2026. (23100109D)

SB 980 (Marsden) (SRUL) directs the Secretary of Transportation to convene a work group to evaluate how the Department of Transportation determines the usage of Disadvantaged Business Enterprises (DBE) on specific transportation projects with the goal of increasing participation statewide in transportation contracts by small business owned and controlled by socially and economically disadvantaged individuals. The bill specifies certain individuals and groups that will be members of the work group and directs the work group to report its findings and any recommended legislative, regulatory, or policy changes to the Governor and the Chairmen of the House and Senate Committees on Transportation by September 1, 2023. (23100536D)

SB 1270 (Edwards) (SRUL) requires the Department of Medical Assistance Services to include in its contracts with managed care organizations provisions that require the managed care organization to collect and report to the Department data regarding (i) the number and percentage of claims that are denied and the reasons for such denials and (ii) the number and percentage of claims that required resubmission prior to payment and the reasons for such resubmissions. The bill requires the Department to (a) examine such data and identify barriers that providers encounter when accepting and treating patients enrolled in the state plan for medical assistance services and (b) report such data and analysis by October 1 of each year to the Joint Commission on Health Care and the Joint Subcommittee for Health and Human Resources Oversight. (23101555D)

HB 1688 (Brewer) (HTECH) requires an operator, defined in the bill, to obtain verifiable parental consent prior to registering any child with the operator's product or service or before collecting, using, or disclosing such child's personal data and prohibits a controller from knowingly processing the personal data of a child for purposes of (i) targeted advertising, (ii) the sale of such personal data, or (iii) profiling in furtherance of decisions that produce legal or similarly significant effects concerning a consumer. The bill also amends the definition of child for purposes of the Consumer Data Protection Act to include any natural person younger than 18 years of age. (23104153D)

HB 1433 (Scott, P.) (HHWI)/**SB 802** (Hashmi) (SFIN) authorizes Virginia to become a signatory to the Counseling Compact. The Compact permits eligible licensed professional counselors to practice in Compact member states, provided that they are licensed in at least one member state. The bill has a delayed effective date of January 1, 2024, and directs the Board of Counseling to adopt emergency regulations to implement the provisions of the bill. The Compact takes effect when it is enacted by a tenth member state. (23100783D, 23100851D)

Building Code

SB 1263 (Hackworth) (SGL) defines stop work orders for the purposes of the Uniform Statewide Building Code. The bill provides that if, during an appeal pursuant to the provisions of the Administrative Process Act of the State Building Code Technical Review Board's decision with respect to the issuance of a stop work order by a local building official, the court finds in favor of the party that was issued the stop work order, such party shall be entitled to recover its actual

costs of litigation, including court costs, attorney fees, and witness fees, from the locality responsible for issuing the stop work order. The bill contains technical edits. (23104259D)

Elections

SB 907 (Spruill) (SFIN)/**SB 1092** (Ebbin) (SPE) adds to the list of protected voters any election official or employee of an election official. Protected voters are permitted by law to provide on the application for voter registration, in addition to the voter's residence street address, a post office box address located within the Commonwealth, which would be the address included on (i) lists of registered voters and persons who voted, (ii) voter registration records made available for public inspection, and (iii) lists of absentee voter applicants. The bill also makes it a Class 5 felony to hinder or prevent an election official or employee of an election official from administering elections. Under current law it is only a Class 5 felony to hinder or prevent an officer of election at a location being used for voting from holding an election. (23104930D-S1, 23100626D)

SB 944 (Suetterlein) (SPE) requires the writ of election to fill a vacancy in the membership of the General Assembly (i) to be issued within 30 days of the vacancy or receipt of notification of the vacancy, whichever comes first, and (ii) if the vacancy occurs or will occur between December 10 and March 1, to order that the special election take place no more than 30 days from the date of such vacancy. (23102711D)

HB 1377 (Greenhalgh) (Passed House) requires general registrars to cancel the voter registration of persons known by him to be deceased or disqualified to vote within seven days of discovering that the person is no longer entitled to be registered. Current law directs registrars to cancel a voter's registration for certain reasons and on the basis of certain information; the bill retains those requirements. (23100521D)

HB 1529 (Convirs-Fowler) (HPE) allows political parties to charge a filing fee for methods of nomination other than a primary and sets a cap on such fee. The maximum filing fee is set at two percent of the salary of any salaried office sought by a candidate or, for any office for which compensation is paid by fees, two percent of the average fees collected by the office. (23102099D)

HB 1530 (Convirs-Fowler) (HPE) extends the period of time that parties have to nominate a candidate by a method other than a primary for a special election that is not held on the date of a general election from within five days to within 10 days of the writ ordering such special election. (Extends the period of time that parties have to nominate a candidate by a method other than a primary for a special election that is not held on the date of a general election from within five days to within 10 days of the writ ordering such special election. (23102499D)

HB 1683 (Ransone) (Passed House) provides general registrars with the option to post notice of the final day of voter registration on the official website of the county or city or to publish the notice at least once in a newspaper of general circulation in the county or city. (23100444D)

HB 1793 (Ransone) (HPE) provides that customers of the Department of Motor Vehicles shall be presented with the option to have their relevant information transmitted to the Department of Elections for voter registration purposes in accordance with federal law. Currently, this information is transmitted unless the DMV customer specifically declines to have such information transmitted. (23100848D)

HB 2324 (Cordoza) (HPE) directs the State Board of Elections to promulgate standards and instructions for the conduct of recounts in elections for any office to which more than one candidate can be elected. Such standards and instructions shall include which candidates apparently nominated or elected are required to be named in the petition for a recount or served a copy of the petition for a recount. (23103681D)

SB 1431 (Surovell) (SPE) sets out the procedure by which, and clarifies the reasons for which, an elected officer or officer who has been appointed to fill an elective office may be removed from office. The bill requires, among other things, that (i) the general registrar review the petition and determine its sufficiency in accordance with the uniform standards approved by the State Board of Elections; (ii) the general registrar certify the petition within 10 business days and promptly file such certification with the clerk of the circuit court; and (iii) the certification state the number of signatures required, the number of signatures on the petition, and the number of valid signatures, along with any signatures found to be invalid and any material omissions from the petition. The bill also provides that the Commonwealth and the elected officer shall be the only two parties to a removal proceeding. This bill is a recommendation of the Boyd-Graves Conference. (23100264D)

SJ 223 (Locke) (SPE) provides that every person who meets the qualifications of voters set forth in the Constitution of Virginia shall have the fundamental right to vote in the Commonwealth and that such right shall not be abridged by law, except for persons who have been convicted of a felony and persons who have been adjudicated to lack the capacity to understand the act of voting. A person who has been convicted of a felony shall not be entitled to vote during any period of incarceration for such felony conviction, but upon release from incarceration for that felony conviction and without further action required of him, such person shall be invested with all political rights, including the right to vote. Currently, in order to be qualified to vote a person convicted of a felony must have his civil rights restored by the Governor or other appropriate authority. The amendment also provides that a person adjudicated by a court of competent jurisdiction as lacking the capacity to understand the act of voting shall not be entitled to vote during this period of incapacity until his capacity has been reestablished as prescribed by law. Currently, the Constitution of Virginia provides that a person who has been adjudicated to be mentally incompetent is not qualified to vote until his competency is reestablished. (23100705D)

HB 1680 (Ransone) (HPE) requires any registration application used to register persons after the close of registration records, up to and including the day of an election, to require the applicant to affirm, subject to felony penalties for making false statements, that he is not intentionally voting more than once in the same election, whether in the same or a different jurisdiction, and that he is not intentionally registering to vote at more than one residence at the same time, both

of which constitute the crime of election fraud and are punishable as a Class 6 felony. (23103314D)

Public Safety/Criminal Justice

HB 1813 (March) (HGL) exempts consumer, display, and permissible fireworks, defined in the bill and relevant law, from the definition of "device" as it pertains to criminal penalties for the possession, manufacture, transportation, distribution, or use of explosive devices. The bill provides that the Statewide Fire Prevention Code does not apply (i) to the sale of permissible or consumer fireworks; (ii) to any person using, igniting, or exploding permissible or consumer fireworks on residential or agricultural property with the consent of the owner of such property; or (iii) when such permissible or consumer fireworks are being transported from a locality where they were legally obtained to a locality where they are legally permitted. The bill imposes a 12 percent retail sales and use tax on the sale or use of consumer, display, or permissible fireworks the revenues from which shall be deposited in the Law Enforcement Support Fund, created by the bill. The bill contains technical amendments. (23100227D)

HB 1607 (Tata) (HCCT) permits any locality to adopt an ordinance that establishes a uniform schedule of civil penalties for violations of ordinances. The bill provides that the civil penalty, unless elsewhere authorized, shall not exceed (i) \$500 for the initial summons, (ii) \$1,000 for the second violation, or (iii) \$1,500 for the third or subsequent violation. The bill further provides that a locality that has charged an individual criminally under the ordinance may also issue summonses for civil penalties for continued or additional violations of the ordinance. (23103077D)

SB 1383 (Stuart) (SJUD) directs the Virginia Fusion Intelligence Center to (i) establish a 24-hour-a-day, seven-day-a-week toll-free Mental Health Crisis Intervention Hotline to receive anonymous tips regarding individuals suspected to be in need of mental health treatment in order to facilitate mental health treatment, crisis intervention, and the prevention of tragedies and (ii) develop and implement policies and procedures for referring tips received through the Hotline to state or local law enforcement, as may be appropriate, in a timely manner for follow-up and investigation. (23101979D)

HB 1835 (Bell) (HCT) removes the location element that specifies a health care provider must be in a hospital or in an emergency room on the premises of a clinic or other facility rendering emergency medical care from the crime of making an oral threat to kill or to do bodily injury to a health care provider. (23103573D)

HB 1380 (Campbell) (HCT) removes the provisions that provide that no law-enforcement officer may lawfully stop a motor vehicle for operating (i) without a light illuminating a license plate, (ii) with defective and unsafe equipment, (iii) without brake lights or a high mount stop light, (iv) without an exhaust system that prevents excessive or unusual levels of noise, (v) with certain sun-shading materials and tinting films, and (vi) with certain objects suspended in the vehicle, and the accompanying the exclusionary provisions. (23104498D-H1)

SB 875 (McDougle) (STRAN) removes the provisions that provide that no law-enforcement officer may lawfully stop a motor vehicle for operating (i) without a light illuminating a license plate, (ii) with defective and unsafe equipment, (iii) without brake lights or a high mount stop light, (iv) without an exhaust system that prevents excessive or unusual levels of noise, (v) with certain sun-shading materials and tinting films, and (vi) with certain objects suspended in the vehicle, and the accompanying the exclusionary provisions. (23103276D)

SB 1010 (DeSteph) (SJUD) removes the provisions that provide that no law-enforcement officer may lawfully stop a motor vehicle for operating (i) without a light illuminating a license plate, (ii) with defective and unsafe equipment, (iii) without brake lights or a high mount stop light, (iv) without an exhaust system that prevents excessive or unusual levels of noise, (v) with certain sun-shading materials and tinting films, and (vi) with certain objects suspended in the vehicle, and the accompanying the exclusionary provisions. (23102779D)

HB 2344 (Head) (HHWI)/**SB 1421** (Pillion) (SRSS) removes the requirement that the adult protective services hotline immediately refer certain reports of alleged adult abuse, neglect, or exploitation to the appropriate local law-enforcement agency and removes the duty of local law-enforcement agencies to provide the adult protective services hotline with a preferred point of contact for such referrals. The bill retains the requirement for the local department of social services to immediately refer such reports to the appropriate local law-enforcement agency and the duty of local law-enforcement agencies to provide local departments of social services with a preferred point of contact for such referrals. (23100952D, 23100951D)

SB 889 (Morrissey) (SFIN) eliminates or caps certain fees charged to inmates in local correctional facilities and repeals provisions that allow a sheriff or jail superintendent to establish a deferred or installment payment agreement or contract with a collections agency when an inmate is unable to pay fees owed to the local correctional facility. The bill establishes the manner in which the balance of all accounts maintained for an inmate's use must be transferred to the inmate upon release. The bill directs the State Board of Local and Regional Jails to create a work group to study implementation of the provisions of the bill and report to the General Assembly by October 1, 2023. The remainder of the bill has a delayed effective date of July 1, 2024. (23102869D)

SB 1054 (Peake) (SEH) provides that when an interjurisdictional compact requires criminal history record checks as a condition of participation, the applicable health regulatory board shall require each applicant to submit to fingerprinting and provide personal descriptive information to be forwarded along with his fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information. (23101247D)

Study

SJ 239 (Hackworth) (SRUL) requests the Compensation Board to study the feasibility and fiscal impact of including a locality's total square mileage when calculating funding for deputy sheriffs and to issue a report by the 2024 Regular Session of the General Assembly. (23100360D)

SJ 250 (Lucas) (SRUL) directs the Joint Legislative Audit and Review Commission, in conjunction with the Office of the Secretary of Public Safety and Homeland Security and the Office of the Secretary of Health and Human Resources, to conduct a study to determine the feasibility and benefits of transferring responsibility for the Department of Juvenile Justice from the Secretary of Public Safety and Homeland Security to the Secretary of Health and Human Resources. (23102519D)

Taxation

HB 2110 (Bourne) (HFIN) extends the maximum duration of an installment agreement between a locality and a landowner to pay delinquent taxes from 60 to 72 months. The bill also allows for a property owner, or his heirs, to redeem real estate sold for delinquent taxes for a period of up to 365 days after such judicial sale. The bill provides that such redemption shall be made by paying to the purchaser the amount paid by the purchaser plus the amount of taxes, penalties, interest, and other charges due to a locality and incurred after the judicial sale and plus interest thereon at the rate of six percent per year. (23102515D)

HB 1863 (Scott, P.) (HFIN) makes numerous changes to the Commonwealth's tax structure with the intention of eliminating the personal income tax. The bill provides that beginning January 1, 2025, all income tax rates shall be reduced by 1.15 percent each year that a tax reduction condition, defined in the bill, is met. Under the bill, tax rate reductions shall occur each year and shall be cumulative until reaching zero. The tax reduction condition would be met and the tax rate reduction would occur in any fiscal year that the amount of general fund revenues collected plus the amount of additional general fund revenues, defined in the bill, is greater than or equal to the amount of general fund appropriations made for such fiscal year plus the amount of revenue reduction that would result from a 1.15 percent reduction in the individual income tax rate.

Additional general fund revenues are defined in the bill as general fund revenues that would be generated as a result of the tax policy changes resulting from the bill. The bill would increase the sales and use tax rate to 5.3 percent beginning July 1, 2024, and would increase this rate by one percent each year until reaching 9.3 percent beginning July 1, 2028. The bill would increase the tax on cigarettes by three cents per cigarette and would double the statutory tax rate on tobacco products, with the revenues from such taxes to be deposited in the general fund. The motor vehicle sales and use tax rate would be increased by one percent beginning July 1, 2024, and would increase by one percent each year until reaching an additional five percent over current rates beginning July 1, 2028. The motor fuels tax would also be increased by five cents

per gallon beginning July 1, 2024, with additional five cents per gallon increases until reaching an additional 25 cents per gallon beginning July 1, 2028. The bill requires all additional revenue generated by such tax increases to be deposited in the general fund.

Finally, the bill directs the Secretary of Finance to convene a workgroup to recommend additional tax policy changes that would be needed to eliminate personal income tax liability. (23100231D)

Transportation

HB 2302 (Adams, L.) (HTRAN) requires the Governor to include in the Budget Bill an appropriation of up to \$200 million, limited to \$100 million each year, from the Commonwealth Transportation Fund to maintain a minimum available balance of \$300 million in the Transportation Partnership Opportunity Fund (the Fund). The bill authorizes the Governor to direct funds from the Fund to the Commonwealth Transportation Board for transportation projects determined to be necessary to support major economic development initiatives or to enhance the economic development opportunities of the Commonwealth's transportation programs when recommended by the Secretary of Transportation and Secretary of Commerce and Trade; these directed funds do not have a specified limit. The bill also authorizes the Governor to use funds from the Fund to enhance the economic development opportunities of the Commonwealth's transportation programs. The bill authorizes the use of grants, funds directed to the Board, and revolving loans for property acquisition and new or improved infrastructure to support economic development opportunities of the Commonwealth's transportation programs. The bill removes the requirement for the Governor to provide copies of the guidelines and criteria for awarding grants and loans to the Chairmen of the House Committees on Appropriations, Finance, and Transportation and the Senate Committees on Finance and Appropriations and Transportation. The bill repeals the requirement for the Commonwealth Transportation Board to ensure that projects are not undertaken primarily for economic development purposes. (23103984D)

SB 1106 (Newman) (STRAN) requires the Governor to include in the Budget Bill an appropriation of up to \$200 million, limited to \$100 million each year, from the Commonwealth Transportation Fund to maintain a minimum available balance of \$300 million in the Transportation Partnership Opportunity Fund (the Fund). The bill authorizes the Governor to direct funds from the Fund to the Commonwealth Transportation Board for transportation projects determined to be necessary to support major economic development initiatives or to enhance the economic development opportunities of the Commonwealth's transportation programs when recommended by the Secretary of Transportation and Secretary of Commerce and Trade; these directed funds do not have a specified limit. The bill also authorizes the Governor to use funds from the Fund to enhance the economic development opportunities of the Commonwealth's transportation programs. The bill authorizes the use of grants, funds directed to the Board, and revolving loans for property acquisition and new or improved infrastructure to support economic development opportunities of the Commonwealth's transportation programs. The bill removes the requirement for the Governor to provide copies of the guidelines and criteria

for awarding grants and loans to the Chairmen of the House Committees on Appropriations, Finance, and Transportation and the Senate Committees on Finance and Appropriations and Transportation. The bill repeals the requirement for the Commonwealth Transportation Board to ensure that projects are not undertaken primarily for economic development purposes. (23103887D)

HB 1437 (Wiley) (HTRAN)/**SB 1165** (Lewis) (STRAN) provides that the authority of the Commonwealth Transportation Board to make regulations for the use of systems of state highways includes authorizing the use of such highways for public safety purposes and the use of devices on such highways for public safety purposes whether related or unrelated to transportation safety. The bill requires any regulation authorizing the use in the system of state highways of a device for public safety purposes that records and stores videos or images to require that all data collected by such device be purged and not retained later than 30 days after collection unless such data is being used in an active law-enforcement investigation. (23102005D, 23102332D)

HB 2370 (Scott, D.) (HCT) provides that the membership of a local independent policy board of an alcohol safety action program must include at least one criminal defense attorney who has specialized knowledge in representing persons charged with driving while intoxicated offenses. The bill also provides that any court that has convicted a person of a reckless driving violation in which alcohol was a factor shall have continuing jurisdiction over such person during any period of license revocation related to that conviction for the limited purposes of (i) referring such person to a certified alcohol safety action program; (ii) providing for a restricted driver's license permit for such person; and (iii) imposing terms, conditions, and limitations for actions related to such person's participation in a certified alcohol safety action program and use of the restricted driver's license permit. This bill is a recommendation of the Commission on the Virginia Alcohol Safety Action Program. (23104141D)

SB 1115 (DeSteph) (SGL) provides preference for a bidder who is a resident of Virginia over a bidder who is a resident of any other state in determining the award for any contract for goods, services, or construction under the Virginia Public Procurement Act. The bill requires a state agency to decrease by seven percent the price of any offer for a Virginia end product, defined in the bill, and to decrease by two percent the price of any offer for a U.S. end product, defined in the bill, when evaluating bids for purposes of making an award determination. When the lowest responsive and responsible bidder, after price preferences have been taken into account, is a resident of Virginia and the offer price is within \$10,000 or five percent, whichever is less, of the lowest responsive and responsible bidder who is a resident of another state, the Virginia resident shall be given the option to match the price of the nonresident bidder. Current allowance for granting price preferences to Virginia residents is made mandatory by the bill. The bill directs the Secretary of Commerce and Trade to convene a stakeholder work group to recommend revisions to the recyclable materials tax credit and report on the work group's recommendations by November 1, 2023. This bill is a recommendation of the Manufacturing Development Commission. (23103895D)

SB 1398 (Surovell) (STRAN) requires the Department of Motor Vehicles to collect and disseminate, on an annual basis, statewide and locality-level data related to driving under the influence of alcohol, drugs, or a combination thereof. The bill requires the Department of Motor Vehicles to submit an annual report on the data collected on or before October 1 to the General Assembly, the Governor, and the Virginia State Crime Commission and to make such data available to the public on the website of the Department. The bill provides that the Department of Motor Vehicles shall not be required to submit the first annual report prior to October 1, 2024, and that the first annual report shall include data from calendar year 2019 through calendar year 2023. This bill is a recommendation of the Virginia State Crime Commission. (23104303D)

HB 1649 (Wyatt) (HTRAN) prohibits localities from setting limits on towing fees and other associated fees for trespassing passenger cars and vehicles that are lower than the respective statewide maximum charges authorized for such fees in localities without a local ordinance setting towing fees; removes current specified limits for Planning Districts 8 and 16 that would fall below those limits; and requires an ordinance adopted by a locality that sets such limits to provide that no more than two additional fees can be charged for towing any vehicle between 7:00 p.m. and 8:00 a.m. or on any Saturday, Sunday, or holiday. The bill changes current statewide trespass towing fee limits on hookup and initial towing fees of passenger cars from \$150 to \$180 and additional fees for towing between 7:00 p.m. and 8:00 a.m. or on any Saturday, Sunday, or holiday from \$30 to \$35. (23102265D)

SB 979 (Marsden) (STRAN) prohibits localities from setting limits on towing fees and other associated fees for trespassing passenger cars and vehicles that are lower than the respective statewide maximum charges authorized for such fees in localities without a local ordinance setting towing fees; removes current specified limits for Planning Districts 8 and 16 that would fall below those limits; and requires an ordinance adopted by a locality that sets such limits to provide that no more than two additional fees can be charged for towing any vehicle between 7:00 p.m. and 8:00 a.m. or on any Saturday, Sunday, or holiday. The bill changes current statewide trespass towing fee limits on hookup and initial towing fees of passenger cars from \$150 to \$180 and additional fees for towing between 7:00 p.m. and 8:00 a.m. or on any Saturday, Sunday, or holiday from \$30 to \$35. (23100534D)

HB 1490 (Davis) (House Floor) allows localities to allow a contractor of indefinite delivery or quantity contracts, defined in the bill, who is otherwise required to furnish performance and payment bonds in the sum of the contract amount to the public body with which he contracted to furnish such bonds only the dollar amount of the individual tasks identified in the underlying contract. Such contractors shall not be required to furnish the sum of the contract amount if the governing locality has adopted such an ordinance. (23102279D)

HB 2119 (Hudson) (HPS) authorizes any locality to authorize, by ordinance, its local law-enforcement agency to place and operate photo speed monitoring devices in certain locations named in the ordinance, provided that (i) the highway has a posted speed limit of 35 miles per hour or greater; (ii) the ordinance identifies the locality-designated speeding offense to be enforced by the photo speed monitoring device; (iii) speeding, crash, or fatality data supports the

need for stronger enforcement against speeding; and (iv) in counties and towns whose roads are subject to the control and jurisdiction of the Department of Transportation, the locality-designated highway segment is in the secondary state highway system. The bill directs the locality to also identify the speeding violations that may be enforced by photo speed monitoring device. Current law authorizes the use of photo speed monitoring devices in highway work zones and school crossing zones. (23102271D)

HB 2218 (Tran) (HTRAN) authorizes the governing body of a county in Planning District 8 to decrease the speed limit in a school crossing zone if the school board having jurisdiction over such school passes a resolution requesting the decrease of the speed limit in such school crossing zone. Current law authorizes such governing bodies to increase or decrease such speed limits after justification for the increase or decrease has been shown by an engineering and traffic investigation. The bill provides that the authority to increase and decrease such speed limits applies on highways in the state highway system. (23101882D)

HB 2330 (McQuinn) (HCT) makes it a Class 1 misdemeanor for a person to commit a battery against another knowing or having reason to know that such individual is an operator of a vehicle operated by a public transportation service who is engaged in the performance of his duties. The bill requires the sentence of such person, upon conviction, to include a term of confinement of 15 days in jail, two days of which is a mandatory minimum. (23103484D)

Land Use

SB 949 (Petersen) (SLG) removes an exclusion for residential dwellings with fewer than five dwelling units and condominium projects from certain requirements related to a voluntary special assessment lien that secures a loan for the initial acquisition and installation of clean energy, resiliency, or stormwater management improvements. (23101618D)

SB 1078 (Petersen) (SLG) provides that any local government land use application required for the siting of a data center shall only be approved in areas where the data center (i) will have a minimal impact on historic, agricultural, and cultural resources and (ii) will not be within one mile of a national park or state park or other historically significant site. The bill also requires that prior to any such approval, a site assessment shall be performed to examine the effect of the data center on water usage and carbon emissions as well as any impacts on agricultural resources. (23100718D)

Stormwater Management

SB 1178 (Lewis) (SACNR) establishes that with regard to permanent gravel access roads associated with the construction and maintenance of electric transmission lines by a Phase I Utility, such utility is not required to obtain a General Virginia Pollutant Discharge Elimination System permit for the discharge of stormwater from construction activities if certain conditions are met and also requires such utility to provide in its annual standards and specifications reasonable assurance that such conditions will be satisfied. (23102335D)

Environment

HB 2096 (Bulova) (HAG) removes the provision in current law that prohibits the movement, transportation, delivery, shipment, or offering for shipment of any noxious weed into or within the Commonwealth without a permit from the Commissioner of Agriculture and Consumer Services and grants the Board of Agriculture and Consumer Services the authority to adopt regulations governing the conditions under which a permit will be required for such actions. The bill also adds requirements related to invasive plant species, including directing the Department of Conservation and Recreation to create an invasive plant species list and update it quadrennially. (23103916D)

HB 2326 (Runion) (HRUL) directs the Department of Forestry to conduct a study to (i) assess the opportunities for forest landowners to participate in voluntary and regulated ecosystem services markets, (ii) assess the existing scope of participation in ecosystem services markets by public and private forest landowners in the Commonwealth, and (iii) make recommendations for potential programs or resources to inform forest landowner participation in ecosystem services markets and to provide a report on its findings to the Chairmen of the Senate Committee on Agriculture, Conservation and Natural Resources and the House Committee on Agriculture, Chesapeake and Natural Resources no later than October 1, 2023. (23104338D)

Health and Human Services

SB 1169 (Hanger) (SEH) modifies and reorganizes provisions related to the requirements of performance contracts entered into by the Department of Behavioral Health and Developmental Services with community services boards and behavioral health authorities. (23103870D)

SB 1465 (Hanger) (SEH) provides that the purpose of behavioral health services provided by community services boards and behavioral health authorities is to enable individuals who have a mental illness or substance use disorder that significantly impairs their functioning to access effective, timely, and cost-efficient services that help them (i) overcome or manage functional impairments caused by the mental illness or substance use disorder and (ii) remain in the community to the greatest extent possible, consistent with the individual's well-being and public safety. The bill also requires that performance contracts entered into by the Department of Behavioral Health and Developmental Services with community services boards and behavioral health authorities include certain information, as specified in the bill. The bill reorganizes certain other provisions related to community services boards and behavioral health authorities. (23103868D)

HB 1525 (Coyner) (HHWI) permits the Department of Behavioral Health and Developmental Services, direct care service providers, and community boards to hire peer recovery specialists who have been convicted of certain barrier crimes where a history of such offense does not pose a risk in the work of a peer recovery specialist. (23101949D)

SB 846 (Favola) (SRSS) permits the Department of Behavioral Health and Developmental Services, direct care service providers, and community boards to hire peer recovery specialists who have been convicted of certain barrier crimes where a history of such offense does not pose a risk in the work of a peer recovery specialist. (23102071D)

SB 1219 (Mason) (Passed Senate) allows local boards of social services and child-placing agencies to approve as a kinship foster parent an applicant who has been convicted of possessing a Schedule I or Schedule II controlled substance, provided that (i) the offense did not involve possession of heroin, fentanyl, or methylenedioxy-methamphetamine, (ii) five years have elapsed from the date of the conviction, and (iii) the local board or child-placing agency makes a specific finding that approving the kinship foster care placement would not adversely affect the safety and well-being of the child. Under current law, such applicants may be approved as a kinship foster parent if 10 years have elapsed from the date of conviction. (23103937D-E)

HB 2117 (Hudson) (HHWI) allows persons with convictions for possession of a controlled substance to work at adult substance abuse or adult mental health treatment programs. (23103937D-E)

HB 2232 (Murphy) (HHWI)/**SB 1104** (Boysko) (SFIN) directs the Board of Medical Assistance Services to amend the state plan for medical assistance services to include a provision for the payment of medical assistance for violence prevention services. The bill requires the Department of Health to recognize violence prevention professionals and approve an accrediting body to certify such professionals. The bill requires the Department of Health to post on its website when such violence prevention services may be provided and billed and requires that a work group be established to design and implement such violence prevention services benefit. (23104056D), (23102511D)

HB 1849 (Willett) (HRUL) directs the Secretary of Public Safety and Homeland Security to convene a work group to study the use of chemical restraints in state and local correctional facilities, including the use of such restraints by third-party health providers. The bill provides that the work group shall report its findings and recommendations by December 1, 2023. (23104106D)

SB 1292 (Deeds) (SRUL) provides that the Department of Criminal Justice Services, in partnership with the State Crime Commission, shall administer a two-year Demand Reduction and Safe Harbor for Domestic Minor Sex Trafficked Youth pilot program that shall focus on (i) implementing proactive reverse sting operations that target buyers of sex services and (ii) establishing programs and protocols to aid victims of sex trafficking. The bill provides that the goal of the program shall be to reduce arrest of sex trafficking victims regardless of age, reduce demand for commercial sex exploitation by focusing on buyers, and establish high-quality residential care, education, alternative employment opportunities, and life skills for victims. (23102057D)

SB 1458 (Ebbin) (SRUL) directs the Department of Health Professions to review and adopt regulations regulating the use of supplemental nursing services, defined in the bill, in assisted living facilities. (23102989D)

SB 827 (Favola) (SEH) directs the Board of Health to amend its regulations to require every hospital with an emergency department to have at least one off-duty law-enforcement officer or a trained security officer present at all times. Hospital protocols shall ensure such officers providing security receive training in the use of weapons, defensive tactics, de-escalation techniques, appropriate physical restraint techniques, crisis intervention, and trauma-informed approaches in identifying and safely addressing situations involving patients, family members, or other persons who pose a risk of harm to themselves or others due to mental illness or substance abuse or who are experiencing a mental health crisis. (23101960D)

SB 1302 (Deeds) (SEH) clarifies that in the case where a mental or physical condition is a result of intoxication, a licensed physician who has attempted to obtain informed consent of an adult person for treatment of such mental or physical condition resulting from intoxication may seek an order from the magistrate or court in the jurisdiction where the respondent is located authorizing temporary detention of the adult person in a hospital emergency department or other appropriate facility for testing, observation, or treatment, provided that certain conditions are met. (23101960D)

SB 1299 (Deeds) (SRSS) permits the director of a facility where a person is awaiting transport to the facility of temporary detention pursuant to a temporary detention order to release the person prior to a commitment hearing if the person no longer meets the commitment criteria. (23104043D)

SB 872 (Newman) (SEH) requires magistrates to authorize alternative transportation if a person subject to an emergency custody order or temporary detention order is deemed to not be a danger to himself or others and appropriate alternative transportation is available. (23103084D)

HB 1446 (Orrock) (HAPP) sets nursing staffing requirements for certified nursing facilities, imposes administrative sanctions on a certified nursing facility if it does not comply with the staffing requirements, and provides for exemptions to the administrative sanctions under certain circumstances. The bill has a delayed effective date of July 1, 2026. (23104725D-H1)

HB 1564 (Watts) (HHWI) requires regulations establishing the staffing and care standards in nursing homes to require a minimum number of hours of direct care services to each resident per 24-hour period, which minimum increases in specified phases from 3.5 hours to 4.1 hours. The bill gives the Commissioner of Health the power to impose administrative sanctions on nursing homes and directs the Board of Health to promulgate regulations related to the criteria and procedures for the imposition of administrative sanctions or initiation of court proceedings for violations of the bill. The bill establishes the Long-Term Care Services Fund for the purpose of making grants to assist in the provision of activities that protect or improve the quality of care or quality of life for residents, patients, and consumers of long-term care services. (23101871D)

SB 1339 (Barker) (SEH) sets nursing staffing requirements for certified nursing facilities, imposes administrative sanctions on a certified nursing facility if it does not comply with the staffing requirements, and provides for exemptions to the administrative sanctions under certain circumstances. The bill has a delayed effective date of July 1, 2026. (23101878D)

HB 1799 (Freitas) (HHWI) increases from 11 to 13 the membership of the Opioid Abatement Authority board of directors by adding two representatives of the addiction and recovery community. (23102480D)

SB 820 (Favola) (SFIN) establishes the Virginia Opioid Use Reduction and Jail-Based Substance Use Disorder Treatment and Transition Fund to be administered by the Department of Criminal Justice Services for the purpose of funding and supporting the planning and implementation of locally administered jail-based addiction recovery and substance use disorder treatment and transition programs in local and regional jails. (23101234D)

SB 1414 (Pillion) (SFIN) establishes the Commonwealth Opioid Abatement and Remediation Fund to receive funds from a direct settlement, judgment, verdict, or other court order relating to consumer protection claims regarding the manufacturing, marketing, distribution, or sale of opioids or that are intended to be used for opioid abatement or remediation, excluding funds designated for transfer to the Opioid Abatement Authority and that shall be deposited by the Office of the Attorney General. Moneys in the Fund shall be administered by the Department of Health and shall be used solely for the purposes of efforts to treat, prevent, or reduce opioid use disorder or the misuse of opioids or to otherwise abate or remediate the opioid epidemic, or for any other approved purposes described in a related settlement, judgment, verdict, or other court order. (23104608D-S1)

SB 1415 (Pillion) (SFIN) directs the Department of Health to create the Commonwealth Opioid Impact Reduction Registry consisting of nonprofit organizations that work to reduce the impact of opioids in the Commonwealth. The bill allows any person to possess and administer naloxone or other opioid antagonist used for overdose reversal other than naloxone in an injectable formulation with a hypodermic needle or syringe in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, provided that certain other conditions enumerated in current law are met. The bill removes training requirements related to the possession and administration of naloxone and directs the Department of Health, the Department of Behavioral Health and Developmental Services, and the Department of Corrections to collaborate to develop and implement a plan for the distribution of naloxone throughout the Commonwealth. The bill also directs the Department of Corrections to amend its regulations to require that training in the administration of naloxone be provided to every inmate prior to release. (23101946D)

SB 923 (Favola) (SFIN) establishes the Kinship as Foster Care Prevention Program (the Program) to promote and support placements of children with relatives by local boards of social services (local boards) in order to avoid foster care. The bill provides that a child is eligible to participate in the Program if the local board determines that (i) the child is at imminent risk of

being removed from his home and a preliminary protective order is insufficient to address the child's immediate safety concerns and (ii) the child's parent or guardian consents to the placement of the child with a relative pursuant to an agreement with the local board developed in accordance with the provisions of the bill. (23103800D)

SB 1432 (Hashmi) (SEH) requires certain entities that collect, gather, or use consumer-generated health information, defined in the bill, to take reasonable measures to safeguard the such aggregated health data, including (i) adopting technical and organizational measures to ensure that consumer-generated health information is not linked to any individual, household, or device used by an individual or a household; (ii) committing not to attempt to re-identify or associate the aggregated health data with any individual, household, or device used by an individual or a household; and (iii) requiring that recipients of all transfers of aggregated health data uphold the same commitments. The bill provides civil remedies for violations of consumer-generated health information privacy. (23103864D)

HB 1879 (Bennett-Parker) (HHWI) requires each managed care health insurance plan licensee (licensee) to (i) provide a sufficient number and mix of services, specialists, and practice sites to meet covered persons' mental health care needs; (ii) ensure that covered persons have telephone access 24 hours a day, seven days a week, to responsible and knowledgeable mental health care practitioners capable of assessing the covered persons' conditions and, as necessary, providing for appropriate services; and (iii) incorporate strategies into its access procedures to facilitate utilization of the licensee's mental health care services by covered persons with physical, mental, language, or cultural barriers. The bill requires a managed care health insurance plan licensee to cover out-of-network mental health care services to a covered person if (a) the licensee does not have a mental health care provider within its network capable of providing mental health care services to the covered person; (b) the majority of the managed care health insurance plan licensee's mental health care providers within 25 miles of a covered person or, if appropriate for the covered person, available via telemedicine who have experience treating the general age group of a covered person are no longer accepting new patients or have wait-lists to receive care; or (c) the managed care health insurance plan licensee does not have a mental health care provider within 25 miles of a covered person or, if appropriate for the covered person, available via telemedicine who (1) has experience or expertise in treating patients who share the emotionally distressing experiences, defined in the bill, or demographics of the covered person seeking care and (2) is capable of providing care within the next 31 days. The bill provides that a licensee may require certain verification that the mental health care services are related to an emotionally distressing experience but is prohibited from requiring proof of a criminal proceeding.

The bill requires a managed care health insurance plan licensee, for any covered person seeking mental health care services that has self-harm or suicidal ideation, to cover any associated out-of-network care such that the covered person shall not be responsible for any additional costs incurred by the managed care health insurance plan licensee for such services, other than any applicable copayment, coinsurance, or deductible. The bill requires a licensee to accept verification from the associated out-of-network provider that the mental health care services

provided were related to the covered person's self-harm or suicidal ideation and prohibits a licensee from imposing any additional requirements to verify that the covered person was seeking care related to self-harm or suicidal ideation. (23104222D)

SB 970 (Mason) (SEH) directs the Department of Health Professions to amend its licensure, certification, and registration applications to remove any existing questions pertaining to mental health conditions and impairment to and include the following questions: (i) Do you have any reason to believe that you would pose a risk to the safety or well-being of your patients or clients?; and (ii) Are you able to perform the essential functions of a practitioner in your area of practice with or without reasonable accommodation? The bill contains an emergency clause. (23102876D)

SB 1286 (Dunnavant) (SEH) directs the State Board for Community Colleges to develop and implement a plan to standardize across all comprehensive community colleges the courses offered for health care-related degree, credential, or licensure programs. The bill requires such plan to include procedures and criteria for (i) standardizing the curriculum, quality, academic rigor, and standard of evaluation of such courses, (ii) awarding credit toward the completion of any such health care-related program for any student enrolled in a comprehensive community college who was previously employed in a field aligned with such program, and (iii) standardizing the manner in which academic credit is awarded for such health care-related courses and the manner in which clinical hour credits are awarded to ensure all academic credits and clinical hour credits are stackable and transferrable across all comprehensive community colleges. (23101501D)

HB 1744 (Carr) (HHWI) provides that home studies conducted by a local board of social services or licensed child-placing agency for the purpose of placing a child in a foster home or with an adoptive family shall, on and after July 1, 2024, be transferable between all localities, local boards, and licensed child-placing agencies within the Commonwealth, subject to any time limitations or other requirements imposed by law or State Board of Social Services regulations. The bill allows the Board to promulgate regulations that establish a market rate for such home studies. The bill also directs the Department of Social Services to convene a work group to study and create, in coordination with all relevant stakeholders, a template to be used for all home studies for these purposes and to report its findings to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Rehabilitation and Social Services by November 1, 2023. (23103974D)

HB 1768 (Head) (HHWI) requires local departments of social services (local department), when determined necessary by the local multidisciplinary team during the local department's investigation of a report of child abuse or neglect, to facilitate within 14 days an interview of the child by a child advocacy center that is recognized by the National Children's Alliance and located in the locality served by the local department. The bill allows, in cases in which the investigation is being conducted in cooperation with a law-enforcement agency, such interview to be conducted within 21 days. (23103807D)

HB 1814 (Wachsmann) (HHWI) removes dispensing of covered substances within a licensed narcotic maintenance treatment program from the list of circumstances exempt from reporting requirements of the Prescription Monitoring Program. The bill has a delayed effective date of July 1, 2024. (23103952D)

HB 1906 (Hope) (HHWI) allows the Department for Aging and Rehabilitative Services to provide auxiliary grants to eligible recipients residing in independent community living, as defined in the bill, under conditions set forth in the bill. The bill directs the Department of Medical Assistance Services to, if deemed necessary, amend the state plan for medical assistance services and any waivers thereof to implement the provisions of the bill and limits to no more than 200 the number of auxiliary grant recipients in independent community living. The bill has a delayed effective date of January 1, 2024, and directs the Commissioner for Aging and Rehabilitative Services to adopt emergency regulations to implement its provisions. (23104049D)

HB 1917 (Hope) (HHWI) directs the Board of Health to adopt regulations governing swimming pools and other water recreational facilities operated for public use, including swimming pools and other water recreational facilities operated in conjunction with a tourist facility or health spa. (23100681D)

SB 1232 (Dunnivant) (Senate Floor) clarifies that the deaths of individuals who are or who were, immediately prior to admission to another hospital, receiving services in a state hospital or training center operated by the Department of Behavioral Health and Developmental Services must be investigated by the Office of the Chief Medical Examiner, whether the death of such individual was expected or unexpected. The bill also requires that any report concerning the death of an individual who is receiving services or who, immediately prior to admission to another hospital, received services in a state hospital or training center operated by the Department of Behavioral Health and Developmental Services be delivered to the Commissioner of Behavioral Health and Developmental Services and to the State Inspector General. Current law only requires the delivery of autopsy reports. (23104712D-S1)

SB 1474 (Obenshain) (SEH) directs the Department of Health to amend its regulations and each local health department and health district to amend its regulations and guidance documents relating to mobile food units to allow up to 20 percent of the sanitation and food preparation activities of a mobile food unit to take place within a 50-foot radius of the mobile food unit. (23103888D)

SB 1475 (Obenshain) (SEH) requires the Board of Health to adopt regulations that prohibit the revocation, amendment, or denial of a renewal of a permit issued to a food establishment on the basis that such food establishment does not meet the requirements for the food establishment classification for which the initial permit was issued, unless such food establishment has materially changed its operations since issuance of the initial permit. (23104012D)

HB 1734 (Head) (HHWI) / **SB 1440** (Locke) (SEH) requires the Board of Medicine to adopt and implement policies that require each practitioner licensed by the Board who has direct contact with persons who are or may become pregnant to complete two hours of continuing education related to implicit bias, defined in the bill, and cultural competency in health care at least once every other license renewal cycle. (23103512D), (23103755D)

HB 1754 (Head) (HHWI)/**SB 1119** (Stuart) (SEH) allows patients who have an established relationship with a practitioner who is a member of a health maintenance organization or multispecialty group to receive services from a practitioner who is a member of the same multispecialty group via telemedicine without undergoing another in-person exam within the specified time period and increases the specified time period from one year to three years. The bill increases from one year to three years the period during which psychologists and clinical social workers who are licensed outside the Commonwealth and who meet certain criteria may provide behavioral health services via telemedicine to a patient located in the Commonwealth. (23104213D, 23103808D)

SB 1297 (DeSteph) (SRSS) requires hospitals, nursing homes, certified nursing facilities, hospices or hospice facilities, assisted living facilities, and intermediate care facilities to establish certain in-person visitation policies and procedures. The bill (i) requires that such policies include screening, personal protective equipment, and other infection control protocols for visitors; (ii) prohibits such policies from requiring the visitor to provide proof of immunization or vaccination; (iii) requires such policies to allow consensual physical contact between the visitor and the resident, client, or patient of the facility; (iv) authorizes the resident, client, or patient to designate an essential caregiver and establishes requirements related to essential caregivers; (v) requires that such policies allow unrestricted in-person visitation under certain circumstances; (vi) provides that the policies and procedures may require visitors to agree in writing to follow such policies and procedures; (vii) authorizes facilities to suspend in-person visitation of specific visitors for violations of such agreement; (viii) requires facilities to make their in-person policies and procedures available to the Department of Health for review when applying for initial licensure, licensure renewal, or change of ownership; and (ix) requires facilities and the Department of Health to make their in-person visitation policies and procedures easily accessible from their websites. (23100040D)

HB 1711 (Bell) (HHWI)/**SB 1070** (Newman) (SEH) prohibits denial of parental access to the medical records of such parent's minor child, unless federal law requires the minor child's consent. (23103794D, 23103795D)

SB 1146 (Boysko) (Passed Senate) limits, in the context of early childhood care and education entities, the requirement for the implementation of policies for the possession and administration of epinephrine to child day centers. Under current law, such requirement applies to all early childhood care and education entities, which include child day centers, family day homes, and family day systems serving children younger than the age of five. The bill also requires the Board of Education to amend its regulations to require each family day home provider or at least one other caregiver employed by such provider in the family day home to be trained in the

administration of epinephrine and to notify the parents of each child who receives care in such family day home whether the provider stores an appropriate weight-based dosage of epinephrine in the residence or home in which the family day home operates. (23101188D)

ABC Licenses

SB 983 (Mason) (SRSS) makes numerous changes to the privileges of and requirements for winery and farm winery licenses. Such changes relate to the characteristics of and tasks to be performed on the licensed premises, license qualifications, manufacturing and sale requirements and limitations, and utilization of contract winemaking services. (23101333D)

Cannabis

SB 1090 (Ebbin) (SEH) increases the limit on the number of permits that the Board of Pharmacy (the Board) may issue or renew in any year from one to two pharmaceutical processors for each health service area established by the Board of Health. The bill also allows the Board to issue or renew permits in any year for up to five cannabis dispensing facilities per pharmaceutical processor for each health service area. Under current law, the Board may issue up to five cannabis dispensing facilities for each health service area. With the exception of pharmaceutical processors permitted prior to July 1, 2023, the bill prohibits a pharmaceutical processor from receiving more than one permit from the Board. (23101461D)

SB 788 (Favola) (SFIN) transfers oversight and administration of the Commonwealth's medical cannabis program from the Board of Pharmacy to the Virginia Cannabis Control Authority. (23103753D-S1)

SB 1366 (McClellan) (SRSS) establishes a framework for the creation of the Virginia Cannabis Incubator Project in the Commonwealth. The bill creates a regulatory structure for such Incubator Project to be administered by the Virginia Cannabis Control Authority. The bill has a delayed effective date pending legalization of the manufacture, sale, and distribution of cannabis in the Commonwealth. (23104220D)

SB 1233 (Obenshain) (Passed Senate) makes it a Class 1 misdemeanor to advertise in or send any advertising matter into the Commonwealth regarding marijuana or marijuana products other than those that may be legally sold or to engage in advertising activities in violation of the provisions of the Cannabis Control Act or regulations of the Board of Directors of the Virginia Cannabis Control Authority. The bill provides that for violations of certain distance and zoning restrictions on outdoor advertising, as set forth in the bill, the Board must give the advertiser written notice to take corrective action and that, if such corrective action is not taken within 30 days, the advertiser is guilty of a Class 4 misdemeanor. The bill establishes numerous restrictions on marijuana advertisements, including provisions that prohibit advertisements from (i) targeting minors; (ii) being placed near schools, playgrounds, and certain other places; (iii) being displayed at a sporting event or on a billboard; (iv) being misleading, deceptive, or false; (v)

referencing the intoxicating effects of marijuana; or (vi) promoting overconsumption or consumption by minors. (23102671D)

SB 903 (Hanger) (SRSS) establishes provisions for the registration of a retail facility for regulated hemp products, as defined in the bill, establishes product packaging, labeling, and testing requirements for such products, and creates a civil penalty of up to \$1,000 for certain violations relating to such products. The bill requires any person who manufactures an industrial hemp extract, as defined in the bill, or food containing an industrial hemp extract to obtain a permit from the Commissioner of Agriculture and Consumer Services and creates a Class 1 misdemeanor and a civil penalty of up to \$10,000 for certain violations. The bill clarifies that any substances containing a concentration of total tetrahydrocannabinol, as defined in the bill, of more than 0.3 percent, including a hemp product or industrial hemp extract, are included in the definition of marijuana and also clarifies that the definition of marijuana does not include any substance containing tetrahydrocannabinol that has been placed by the Board of Pharmacy into one of the schedules set forth in the Drug Control Act. The bill increases the civil penalty for certain actions relating to sales of cigarettes and hemp products from \$50 to \$500. The bill also removes tetrahydrocannabinol from the Schedule I list of controlled substances and permits the Board of Pharmacy to schedule, deschedule, or reschedule a tetrahydrocannabinol isomer, except delta-9-tetrahydrocannabinol, or salts of such isomer in accordance with the provisions of the bill. (23102827D)

SB 1133 (Ebbin) (SRSS) establishes a framework for the creation of a retail marijuana market in the Commonwealth, which would be administered by the Virginia Cannabis Control Authority. The bill allows the Authority to begin issuing marijuana licenses on July 1, 2024, and allows, beginning July 1, 2023, certain pharmaceutical processors, pending establishment of the retail market, to cultivate, manufacture, and sell cannabis products to persons 21 years of age or older. The bill transitions from the Virginia Department of Agriculture and Consumer Services to the Authority the authority to regulate the testing, labeling, packaging, and advertising of regulated hemp products, as defined in the bill. (23104135D)

Zoning

HB 1473 (Fowler) (HCCT) alters the notice requirements related to local government adoption of land use plans and zoning ordinances by no longer requiring the notice to contain a descriptive summary of the proposed action but continues to require the locality to identify in the notice the place or places within the locality where copies of the proposed plans, ordinances, or amendments may be examined. Furthermore, such notice must include the street address or tax map parcel number of the parcels as well as the approximate acreage subject to the action. With regard to notice of proposed zoning actions, the bill also (i) removes the requirement to state general usage and density of the proposed zoning action and (ii) eliminates the requirement for an extra public hearing when land is zoned to a more intensive use classification than was contained in the previous public notice. (23103081D)

SB 1331 (McClellan) (SLG) authorizes any locality in the Commonwealth to provide for an affordable housing dwelling unit program by amending the zoning ordinance of such locality. Current law restricts such authorization to counties with an urban county executive form of government or county manager plan of government and certain other localities. The bill also requires the comprehensive plan of each locality to show the connection between affordable housing and other needs of its residents, such as job creation, educational opportunities, and parks and recreational activities. (23104081D)

Courts

SB 841 (Surovell) (SRSS) provides that the membership of a local independent policy board of an alcohol safety action program must include at least one criminal defense attorney who has specialized knowledge in representing persons charged with driving while intoxicated offenses. The bill also provides that any court that has convicted a person of a reckless driving violation in which alcohol was a factor shall have continuing jurisdiction over such person during any period of license revocation related to that conviction for the limited purposes of (i) referring such person to a certified alcohol safety action program; (ii) providing for a restricted driver's license permit for such person; and (iii) imposing terms, conditions, and limitations for actions related to such person's participation in a certified alcohol safety action program and use of the restricted driver's license permit. This bill is a recommendation of the Commission on the Virginia Alcohol Safety Action Program. (23103601D)

SB 1303 (Boysko) (SJUD) provides that a defendant with a disorder or disability, as defined in the bill, may file a petition that requests the sealing of the criminal history record information and court records of a Class 4 felony conviction or deferred and dismissed disposition. Under current law, Class 4 felony convictions or deferred and dismissed dispositions are ineligible to be sealed. The bill also provides that when a conviction or deferral and dismissal has been sealed, the defendant of such sealed record is a defendant with a disorder or disability, and the Governor granted the defendant a simple pardon for the commission of the crime or offense that was sealed, such conviction or deferral and dismissal shall be considered to be otherwise dismissed for purposes of expungement. (23104302D)

SB 1402 (Surovell) (SJUD) repeals the statute providing for the limitation on the dissemination of criminal history record information related to the possession of marijuana and the statute related to automatic sealing for mistaken identity or unauthorized use of identifying information. The bill also repeals the provisions related to the automatic and petition-based expungement of former marijuana offenses and instead provides for the sealing of such offenses. The bill also removes the provisions related to the automatic sealing of underage possession of alcohol offenses and instead provides for petition-based sealing of such offenses.

The bill creates an electronic, name-based criminal history record search to be used when an expungement or sealing petition is filed and requires the court to maintain a copy of a sealing order and send an electronic notification, rather than an order as current law requires, to the Department of State Police after an offense is sealed. The bill also allows courts and attorneys

for the Commonwealth to access sealed records in instances where the court or parties failed to strictly comply with sealing procedures or an order for sealing was entered contrary to law and clarifies that a petition for sealing can only include offenses that arose out of the same transaction or occurrence. The bill makes additional changes to the processes for expungement and sealing, including updates to the process of forwarding a petitioner's criminal history record to the court and maintaining expungement pleadings under seal. The bill provides a petition process by which the person who was charged with an offense that was ordered to be expunged may request access to such expunged court or police record.

The repeal of the statute related to the limitation on the dissemination of criminal history record information related to the possession of marijuana and various other provisions of the bill have a delayed effective date of the earlier of (i) the date on which the processes to seal criminal history record information and court records pursuant to Chapters 524 and 542 of the Acts of Assembly of 2021, Special Session I, become effective or (ii) July 1, 2025. This bill is a recommendation of the Virginia State Crime Commission. (23102885D)

SB 1413 (Norment) (SJUD) provides that where a civil claim is filed arising out of or relating to charges where a petition for the expungement of police and court records for such charges is pending or where the records have been expunged, any party to the civil claim may file a motion in the court in which the civil claim is pending, or in the court where the petition for the expungement was or is pending, for the release of the expunged records for use in the civil litigation, and, upon motion and for good cause shown, such police and court records shall be ordered to be released and the relevant penalties relating to disclosure of such expunged records shall not apply. (23100363D)

SB 783 (Reeves) (Passed Senate) provides that a person whose driver's license has been revoked for multiple convictions of driving while intoxicated may file a petition for the issuance of a restricted driver's license without having to wait for the expiration of three years from the date of his last conviction when such person's last conviction resulted from a final order being entered by a court after the successful completion of a Veterans Treatment Court Program, behavioral health docket, or other specialty docket. (23103255D)

SB 931 (Hashmi) (SJUD) provides that the same disposition procedures currently in place for an unrestorably incompetent defendant charged with aggravated murder shall also apply to an unrestorably incompetent defendant charged with an act of violence, which include procedures providing that such charge shall not be dismissed and that the court may order that the defendant receive continued treatment to restore competency, provided that (i) hearings be held at yearly intervals for five years and at biennial intervals thereafter, or at any time that the director of the treating facility or his designee submits a competency report to the court that the defendant's competency has been restored; (ii) the defendant remains incompetent; (iii) the court finds continued treatment to be medically appropriate; and (iv) the defendant presents a danger to himself or others. Under current law, if a defendant charged with an act of violence is found to be unrestorably incompetent, the court shall order that he be (a) released, (b) involuntarily

committed, (c) certified as eligible for admission to a training center, or if applicable (d) screened for civil commitment of sexually violent predators. (23101901D)

HB 2074 (Murphy) (HCT)/**SB 1272** (Boysko) (SJUD) provides that any person charged with a simple assault and battery offense who has been diagnosed by a psychiatrist or clinical psychologist with an autism spectrum disorder, an intellectual disability, or serious mental illness shall not be subject to a mandatory minimum punishment if the court finds that the violation was caused by or had a direct and substantial relationship to the person's disorder or disability. Under current law, certain simple assault and battery offenses carry a mandatory minimum punishment when such offenses are committed against certain groups of people, including judges, law-enforcement officers, first responders, school employees, and health care providers. (23102115D, 23101068D)

HB 1897 (Bell) (HCT) provides that if a petitioner files a written motion requesting a hearing to extend a permanent protective order, the court may extend the protective order until the extension hearing or for an additional period not to exceed six months if the respondent fails to appear at the extension hearing because the respondent was not personally served with such motion. The bill also provides that the respondent may file a written motion for a continuance of the extension hearing, and the court may, for good cause shown, continue the extension hearing and such protective order shall remain in effect until the extension hearing.

The bill also provides that when a temporary protective order has been issued, the court may continue the full hearing of the protective order upon the motion of the petitioner and for good cause shown. Under current law, only the respondent may file a motion to continue the hearing. Additionally, the bill provides that in cases of family abuse where the court orders a permanent protective order, the court may also award other monetary relief or financial support to the petitioner for the protection of the petitioner and any other family or household member of the petitioner. (23103914D)

HB 2252 (Williams) (HCT) gives supervisory control over the magistrate system to the chief circuit court judge and the Committee on District Courts and abolishes magisterial regions. Under current law, the Executive Secretary of the Supreme Court of Virginia exercises such authority with a provision for consultation with the chief judges of the circuit courts in the region where the appointment is made. (23102323D)

HB 2410 (Watts) (HCT) includes the termination of a period of involuntary temporary detention on any day or part of a day on which the clerk's office is lawfully closed as a reason to extend the duration of the period of involuntary temporary detention for adults and juveniles. Current law allows the period to extend past 72 hours for an adult only if the detention would terminate on a Saturday, Sunday, legal holiday, or day on which the court is closed and allows the period to extend past 96 hours for a juvenile only if the detention terminates on a Saturday, Sunday, or legal holiday. (23103505D)

Firearms

SB 909 (Favola) (SJUD) provides that a person who is prohibited from possessing a firearm because such person is subject to a protective order or has been convicted of an assault and battery of a family or household member may transfer a firearm owned by such prohibited person to any person who is not otherwise prohibited by law from possessing such firearm, provided that such person who is not otherwise prohibited by law from possessing such firearm is 21 years of age or older and does not reside with the person who is subject to the protective order. Under current law, there is no requirement that such transferee cannot be younger than 21 years of age and cannot reside with such prohibited person. The bill also provides that such prohibited person who transfers, sells, or surrenders a firearm pursuant to the provisions of the bill shall inform the clerk of the court of the name and address of the transferee, the federally licensed firearms dealer, or the law-enforcement agency in possession of the firearm. (23102002D)

SB 1192 (Ebbin) (SFIN) prohibits the carrying of certain semi-automatic center-fire rifles, pistols, and shotguns on any public street, road, alley, sidewalk, or public right-of-way or in any public park or any other place of whatever nature that is open to the public. Under current law, the current prohibition on carrying certain shotguns and semi-automatic center-fire rifles and pistols applies to a narrower range of firearms, only in certain localities, and only when such firearms are loaded. (23103857D)

SB 1353 (Norment) (SJUD) increases from three to five years for a first offense and from five to 10 years for a second or subsequent offense the mandatory minimum sentences for use or display of a firearm during the commission of certain felonies. The bill also increases the punishment from a Class 6 felony to a Class 5 felony and increases from five to 10 years the mandatory minimum sentence for knowingly possessing any firearm within the building of a child day center or public, private, or religious preschool, elementary, middle, or high school and intending to use, or attempting to use, such firearm, or displaying such weapon in a threatening manner. The bill also increases the punishment from a Class 6 felony to a Class 5 felony and increases from five to 10 years for a person previously convicted of a violent felony and from two to five years for a person previously convicted of any other felony within the prior 10 years the mandatory minimum sentences for knowingly and intentionally possessing or transporting any firearm. (23103248D)

HB 1656 (Price) (SJUD) increases from three to five years for a first offense and from five to 10 years for a second or subsequent offense the mandatory minimum sentences for use or display of a firearm during the commission of certain felonies. The bill also increases the punishment from a Class 6 felony to a Class 5 felony and increases from five to 10 years the mandatory minimum sentence for knowingly possessing any firearm within the building of a child day center or public, private, or religious preschool, elementary, middle, or high school and intending to use, or attempting to use, such firearm, or displaying such weapon in a threatening manner. The bill also increases the punishment from a Class 6 felony to a Class 5 felony and increases from five to 10 years for a person previously convicted of a violent felony and from two to five years for a person previously convicted of any other felony within the prior 10 years the

mandatory minimum sentences for knowingly and intentionally possessing or transporting any firearm. (23103248D)

Abortion

SB 1243 (Surovell) (HRUL) provides that no demand for extradition of a person charged with a criminal violation of law of another state shall be recognized by the Governor if such alleged violation involves the receipt of or assistance with reproductive health care services unless the alleged violation would also constitute a criminal offense under the laws of the Commonwealth. The bill adds obtaining, disclosing, selling, or disseminating certain enumerated personal reproductive or sexual health information without the consent of the consumer as a prohibited practice under the Virginia Consumer Protection Act. (23103737D)

HB 1488 (McGuire) (Committee Referral Pending) provides that no agency of the Commonwealth shall enter into any contract with or make any grant of public funds, as defined in the bill, to any entity or any affiliate of any entity that provides abortion services or operates a facility at which abortion services are provided. The bill also repeals provisions authorizing the Board of Health to use state general funds appropriated to the Department of Health to pay the cost of abortions for women who otherwise meet the financial eligibility criteria for services through the state plan for medical assistance services in cases in which (i) a pregnancy occurs as a result of rape or incest that is reported to a law-enforcement or public health agency or (ii) a physician certifies in writing that he believes the fetus will be born with a gross and totally incapacitating physical deformity or with a gross and totally incapacitating mental deficiency. (23100086D)

SR 87 (Chase) (SEH) recognizes that the right to life begins at conception. (23103683D)

SB 852 (Favola) (SJUD) prohibits the issuance of a search warrant for the search and seizure of a computer, computer network, or other device containing electronic or digital information related to menstrual health data, as defined in the bill. (23102370D)

HB 1954 (Bell) (HCT) provides that any person who kills the fetus of another by an intentional act committed while in the sudden heat of passion upon reasonable provocation is guilty of voluntary manslaughter, which is punishable as a Class 5 felony. The bill also provides that any person who kills the fetus of another accidentally, contrary to the intention of the parties and while engaged in conduct so gross, wanton, and culpable as to show a reckless disregard for human life, is guilty of involuntary manslaughter, which is also punishable as a Class 5 felony. (23100525D)

Education

SB 1404 (Barker) (SJUD) renames the School Readiness Committee as the Commission on Early Childhood Care and Education and makes several changes to the Commission, including

adjusting its purpose, increasing and adjusting its membership, and establishing eight enumerated powers and duties for the Commission.
(23102800D)

SJ 228 (Favola) (SJUD) directs the School Health Services Committee to study the feasibility of implementing the recommendations of the Department of Education relating to standardizing the qualification and training requirements for school personnel, such as school nurses, who administer health services to students in order to improve the equity, consistency, and quality of school health services, including mental health services, provided in public schools in the Commonwealth. (23102121D)

SB 1023 (Stuart) (SEH) expands eligibility for services under the Children's Services Act to students who transfer from an approved private school special education program to a public school special education program established and funded jointly by a local governing body and school division located within Planning District 16 (George Washington Regional) for the purpose of providing special education and related services when (i) the public school special education program is able to provide services comparable to those of an approved private school special education program and (ii) the student would require placement in an approved private school special education program but for the availability of the public school special education program. (23102957D)

SB 1099 (Norment) (SEH) provides that matching grants from the School Resource Officer Incentive Grants Fund may be awarded to local law-enforcement agencies and local school boards for the expenses related to the equipment necessary for uniformed school resource officers, school security officers, and other relevant school safety personnel and the enhancement of the school-law enforcement partnership through training and programming as determined by the Department. (23101308D)

SB 821 (Surovell) (Reported from SEH) requires each division superintendent to identify, update as necessary, and make available to the Department of Education and to other appropriate individuals a fax number, an email address, and a mailing address at which the division superintendent will receive the reports required to be transmitted pursuant to relevant law from (i) every state official or agency and every sheriff, police officer, or other local law-enforcement officer or conservator of the peace having the power to arrest for a felony upon arresting a person who is known or discovered by the arresting official to be a full-time, part-time, permanent, or temporary teacher or any other employee in any local school division in the Commonwealth for a felony or a Class 1 misdemeanor or an equivalent offense in another state and (ii) the clerk of any circuit court or any district court in the Commonwealth upon the conviction of a Board of Education-licensed school employee for certain enumerated felonies. The bill requires the Department to compile and make publicly available on its website a list of such fax numbers, email addresses, and mailing addresses. The bill also requires all such arresting officials or agencies and all such clerks to transmit the required reports via certified mail, return receipt requested, or to the identified fax numbers and email addresses. The bill finally requires, until July 1, 2027, all such arresting officials or agencies request in writing that the Virginia

Employment Commission provide the name of the current employer of each arrested person for purposes of determining whether such notice is required. (23100637D)

Housing

HB 1671 (Wyatt) (House Floor) requires localities with a population greater than 3,500 to submit an annual report no later than March 1 to the Department of Housing and Community Development containing the total fee revenue collected by the locality over the preceding calendar year in connection with the processing, reviewing, and permitting of applications for residential land development and construction activities. The bill requires the report to be submitted by the locality in accordance with any guidelines and forms developed by the Department and the Commission on Local Government. The Department shall make the reports available on its website. (23103925D)

“Watch List”/May Have State Revenue/Policy Implications

Health and Human Services

SB 953 (Petersen) (SEH) requires the Department of Health to establish an expedited review process for certain projects involving addition of imaging equipment, addition of a new ambulatory or outpatient surgery center, addition of operating rooms at an existing ambulatory or outpatient surgery center, and addition of psychiatric beds or conversion of existing beds at a medical care facility to psychiatric beds and requires the Board of Health to include in regulations governing the certificate of public need program a provision for the development of review criteria and standards for specific medical care facilities and health care services for each health planning region that take into account the unique needs and characteristics of such region. The bill also amends the definition of "charity care," redefines "clinical health service" as "health care service," and adds a definition of "indigent" for purposes of the certificate of public need program. The bill directs the Department of Health to convene a work group of stakeholders to make recommendations for funding options to alleviate the risk of financial insolvency for public and private hospitals with fewer than 100 licensed beds in the event of a future public health emergency. The bill requires the work group to report its recommendations to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions by November 1, 2023. (23102257D)

SB 975 (Peake) (Reported from SEH) changes references to certain practitioners in the Code to advanced practice registered nurse in order to align the Code with the professional designations established by the Consensus Model for Advanced Practice Registered Nurses Regulation established by the National Council of State Boards of Nursing. (23102178D)

HB 1874 (Helmer) (HHWI) prohibits the Board of Social Services from requiring persons applying to participate or renewing their participation in the Supplemental Nutrition Assistance Program to appear in person. The bill also codifies the Department of Health's authority to implement a Special Supplemental Nutrition Program for Women, Infants, and Children (WIC

program), which is currently authorized by regulation, and prohibits the Department of Health from requiring persons applying to participate or renewing their participation in the WIC program to appear in person. (23102771D)

HB 2025 (Roem) (HHWI) requires the Department of Social Services to develop, annually update, and provide to each school board in advance of the start of each school year an information sheet on the SNAP benefits program that sets forth the application process and such other information as the Department deems necessary or appropriate in order to properly inform the parents of students enrolled in public elementary and secondary schools of such program and encourage application by those who are eligible. The bill requires each school board to ensure that such information sheet is sent home with each student enrolled in a public elementary or secondary school in the local school division at the beginning of each school year or, in the case of any student who enrolls after the beginning of the school year, as soon as practicable after enrollment. The bill also requires each school board to ensure that a fillable free or reduced price meals application is sent home with each such student at the beginning of each school year or, in the case of any student who enrolls after the beginning of the school year, as soon as practicable after enrollment. (23102018D)

HB 1900 (Hope) (HHWI) modifies the requirements for inspections of services provided by a licensed provider of behavioral health and developmental services. The bill removes the requirement that an inspection is conducted annually and replaces it with a requirement that an inspection is conducted at least once during the licensing period. The bill removes an evaluation of physical facilities where services are provided from the inspection requirements. (23100684D)

HB 2255 (Hodges) (HHWI) requires the Commissioner of Behavioral Health and Developmental Services to notify a provider of behavioral health and developmental services who is issued a provisional license of any limitations that can be placed on the provider by any other agency of the Commonwealth, including restrictions on reimbursement that may be imposed by the Department of Medical Assistance Services. The bill requires that a consent agreement signed by such provider waiving his right to appeal a provisional license issuance decision outline such potential restrictions on reimbursement and that a copy of the signed consent agreement be provided to the Department of Medical Assistance Services. (23104085D)

SB 1155 (Mason) (SEH) requires the Commissioner of Behavioral Health and Developmental Services or his authorized agents to make at least one unannounced inspection of each service offered by each licensed provider during the licensing period. Current law requires an annual unannounced inspection. The bill also removes the requirement that inspections evaluate the physical facilities in which services are provided. (23104006D-E)

SB 1043 (McPike) (SEH) requires the Department of Education, in consultation with the Department of Behavioral Health and Developmental Services, to develop, adopt, and distribute to each school board a model memorandum of understanding between a school board and a public or private community mental health services provider that sets forth parameters for the

provision of mental health services to public school students enrolled in the local school division by such provider. The bill requires the memorandum of understanding to be available to each school board no later than the beginning of the 2023 - 2024 school year. The bill also permits, in order to fill vacant school psychologist positions, any local school board to employ, under a provisional license issued by the Department of Education for three school years with an allowance for an additional two-year extension, clinical psychologists licensed by the Board of Psychology, provided that any such individual makes progress toward completing the requirements for full licensure as a school psychologist during such period of employment. Finally, the bill defines the terms "direct counseling" and "program planning and school support" for the purpose of the provision of law that requires each school counselor to spend at least 80 percent of his staff time during normal school hours in the direct counseling of individual students or groups of students. (23103865D)

SB 1170 (Hanger) (SEH) clarifies the duty of all agencies, as defined in the bill, and political subdivisions of the Commonwealth and certain other entities to cooperate with and assist the Behavioral Health Commission in the performance of its duties and requires such agencies, political subdivisions, and other entities to, upon request, provide to the Commission certain information and facility access. The bill also excludes from the mandatory disclosure provisions of the Virginia Freedom of Information Act records of the Commission. (23103859D)

Study

SJ 261 (Reeves) (SRUL) establishes a joint subcommittee of the Senate Committee on General Laws and Technology, the Senate Committee on Finance and Appropriations, the House Committee on General Laws, and the House Committee on Appropriations to study the feasibility of establishing the Virginia Gaming Commission to regulate and oversee all forms of gaming in the Commonwealth. (23104336D)

SJ 246 (Boysko) (SJUD) requests the Compensation Board to study the feasibility and fiscal impact of including a locality's total square mileage when calculating funding for deputy sheriffs and to issue a report by the 2024 Regular Session of the General Assembly. (23100360D)

Elections

HB 2301 (Bloxom) (HPE)/**SB 1380** (Deeds) (SPE) allows political parties to hold presidential primaries using ballots that allow a voter to rank such party's candidates in his order of choice. (23100995D, 23100386D)

SB 1180 (Ebbin) (SPE) provides that (i) the acceptance of technical assistance, research, or subject matter expertise regarding election law, policies, and administration by any state or local elections officials and (ii) the acceptance or use of money or grants given by a private individual or nongovernmental entity when such money or grant is received and disbursed by the treasurer for the locality or provided through the regular process for appropriating public funds are not prohibited under the general prohibition on the solicitation or acceptance by such officials of

money, grants, property, or services given by a private individual or nongovernmental entity for the purpose of funding voting-related programs. (23104147D)

Courts

HB 2015 (Adams) (HCT)/**SB 1224** (Obenshain) (SJUD) provides that any person who, with the intent of interfering with, obstructing, or impeding the administration of justice, or with the intent of influencing or intimidating in the discharge of his duty any judge, juror, witness, court officer, or court employee, pickets or parades in or near a residence occupied or used by such person is guilty of a Class 1 misdemeanor. The bill also provides that the provisions regarding the issuance and service of summons in place of a warrant do not apply to such violations. (23103542D, 23103543D)

SB 987 (Mason) (SFIN) requires the court to set up a schedule for periodic review hearings in the order of appointment of a guardian or conservator, unless the court makes a determination that such hearings are unnecessary or impracticable. The bill further provides that any periodic review hearing shall include the following assessments by the court: (i) the likelihood that the respondent's condition will improve or the respondent will regain capacity, (ii) whether concerns or questions were raised about the suitability of the person appointed as a guardian or conservator at the time of the initial appointment, and (iii) whether the appointment of a guardian or conservator or the appointment of the specifically appointed guardian or conservator was contested by the respondent or another party. (23102563D)

HB 2037 (Sewell) (HCT) requires the governing body of any county or city that elects to supplement the compensation of the public defender or any of his deputies to pay such funds directly to the Indigent Defense Commission, which is required to provide the funds directly to employees in combination with the compensation fixed by the executive director. Current law requires that such funds be provided directly to the employees, with notice to the Commission of the amount of such funds. (23103073D)

SB 1291 (Deeds) (SJUD) provides that it is a Class 1 misdemeanor for any person to knowingly report, or cause another to report in reliance on intentionally false information provided by such person, a false emergency communication to any emergency personnel that results in an emergency response. The bill also provides that it is a Class 6 felony if such false emergency communication results in an emergency response during which and as a result of such emergency response any person suffers a serious bodily injury and a Class 5 felony if any person is killed. The bill authorizes any locality to provide by ordinance that a person convicted of such false emergency communication shall be liable for the reasonable expense in responding to such false emergency communication. The bill also requires the Secretary of Education, together with the Secretary of Public Safety and Homeland Security, to convene a work group for the purpose of establishing best practices, policies, and procedures for school personnel in the event of false information resulting in an emergency response at or near a school. (23103560D)

Legislative Studies

HB 1869 (Scott, P.) (HRUL) requires all bills creating a board, council, commission, or other collegial body in the legislative branch to contain a provision for the expiration of such body three years after its creation. Currently, only bills creating such advisory boards, councils, commissions, and other collegial bodies in the executive branch are required to include such sunset provision. The bill directs the Secretary of the Commonwealth and the Clerks of the House of Delegates and the Senate to submit to the Virginia Code Commission by October 1, 2023, a list of those boards, councils, commissions, or other collegial bodies in the executive or legislative branch that are not set to expire within three years and directs the Virginia Code Commission to submit legislation at the 2024 Regular Session that prescribes an expiration date of July 1, 2027, for such bodies. (23101842D)

Transportation

SB 1137 (McPike) (SFIN) creates the Fredericksburg Area Transportation Authority, comprising the counties and cities located in Planning District 16. The Authority will administer transportation funding generated through the imposition of (i) an additional transportation improvement grantor's fee at a rate of \$0.06 per \$100 of the consideration for the conveyance and (ii) a local transportation transient occupancy tax at a rate of one percent of the amount of the charge for the occupancy of any room or space occupied in any county or city in Planning District 16. The bill also increases the annual distribution of recordation tax revenues to cities and counties from \$20 million to \$55 million and dedicates \$15 million of such annual distribution to the Fredericksburg Area Transportation Fund, created by the bill. (23104217D)

SB 1161 (Stuart) (SFIN) increases the annual distribution of recordation tax revenues to cities and counties from \$20 million to \$60 million. (23103175D)

HB 1858 (Webert) (HTRAN)/**SB 1162** (Marsden) (SFIN) directs the Commissioner of Highways to evaluate whether it is in the public interest for any roadway operated pursuant to the Virginia Highway Corporation Act of 1988 (HCA) to operate instead under the authority and requirements provided by the Public-Private Transportation Act of 1995 (PPTA). The bill authorizes the Commissioner, if he determines it is in the public interest for any such roadway to operate under the PPTA and if the Secretary of Transportation and the Transportation Public-Private Partnership Steering Committee concur, to negotiate and execute a new comprehensive agreement with the operator of such roadway to operate under the authority and requirements provided by the PPTA. The bill has an expiration date of January 1, 2025. (2310415D, 23102471D)

HB 1637 (Webert) (HCE)/**SB 1370** (Vogel) (SFIN) adds one project to the existing pilot program for underground transmission lines. The bill requires the State Corporation Commission to approve one additional application filed between January 1, 2023, and October 1, 2023, as a qualifying project to be constructed in whole or in part underground, as a part of the pilot program. The bill requires that the added qualifying project be a newly proposed 230-kilovolt

line underground line and that (i) an engineering analysis demonstrates that it is technically feasible to place the proposed line, in whole or in part, underground; (ii) the governing body of each locality in which a portion of the proposed line will be placed underground indicates, by resolution, general community support for the project and that the governing body supports the transmission line to be placed underground; (iii) a project has been filed with the Commission or is pending issuance of a certificate of public convenience and necessity by October 1, 2023; (iv) the estimated additional cost of placing the proposed line, in whole or in part, underground does not exceed \$40 million or, if greater than \$40 million, the cost does not exceed 2.5 times the cost of placing the same line overhead, assuming accepted industry standards for undergrounding to ensure safety and reliability; if the public utility, the affected localities, and the Commission agree, a proposed underground line whose cost exceeds 2.5 times the cost of placing the line overhead may also be accepted into the pilot program; (v) the public utility requests that the project be considered as a qualifying project under the pilot program; and (vi) the primary need of the project is for purposes of grid reliability or grid resiliency or to support economic development priorities of the Commonwealth, including the economic development priorities and the comprehensive plan of the governing body of the locality in which at least a portion of line will be placed, and not to address aging assets that would have otherwise been replaced in due course. (23100154D, 23101426D)

Firearms

SB 1181 (Ebbin) (SFIN) creates a Class 1 misdemeanor, which is punishable as a Class 4 felony for a second or subsequent offense, for any person to knowingly sell, offer to sell, transfer, or purchase an unfinished frame or receiver, as defined in the bill, unless the party selling, offering to sell, transferring, or purchasing the unfinished frame or receiver is a federal firearms importer, manufacturer, or dealer or the unfinished frame or receiver is required by federal law to be, and has been, imprinted with a serial number by a federal firearms importer, manufacturer, or dealer. (23104048D)

Education

HB 1704 (Bell) (HED) requires each division superintendent to annually designate an employee in the local school division as the division safety official whose duty is to receive all reports required to be made pursuant to relevant law from (i) every state official or agency and every sheriff, police officer, or other local law-enforcement officer or conservator of the peace having the power to arrest for a felony upon arresting a person who is known or discovered by the arresting official to be a full-time, part-time, permanent, or temporary teacher or any other employee in such local school division for a felony or a Class 1 misdemeanor or an equivalent offense in another state and (ii) the clerk of any circuit court or any district court in the Commonwealth upon the felony conviction of any person known by such clerk to be employed by such local school division. The bill requires each division superintendent to include such designation in the collated packet of school safety audits submitted to the Virginia Center for School and Campus Safety pursuant to relevant law and requires the Center to designate an employee of the Center as the school personnel safety official for the Commonwealth whose

duty is to compile and maintain a list of each such division safety official. The bill also provides that a probation and parole officer who is supervising a person employed by a local school division in the Commonwealth shall, upon discovering that such supervised person has been arrested or convicted of a felony offense or an equivalent offense in another state, report such arrest or conviction to the Superintendent of Public Instruction and the designated division safety official in the local school division where such supervised person is employed as soon as practicable. (23100367D)

Administration of Government

SB 1237 (Obenshain) (SJUD) provides that, where any ordinance, resolution, notice, or advertisement is required by law to be published in a newspaper, such ordinance, resolution, notice, or advertisement instead may be published in an online publication, subject to certain requirements specified in the bill. (23103717D)

Land Use

SB 1390 (Lewis) (SLG) extends to July 1, 2026, the sunset date for various local land use approvals for solar photovoltaic projects that were valid and outstanding as of July 1, 2023. (23103968D)

Legislation Provided for Information

Education/Schools

SB 1041 (McPike) (SEH) provides that the Board of Education shall require any candidate for division superintendent of a local school division serving a locality with a population greater than 140,000 people to have (i) a master's degree and relevant endorsements or a doctorate degree in educational administration or educational leadership administration and (ii) at least five years of instructional, administrative, and supervisory experience in education, with no exceptions or substitutes for senior leadership experience in non-education fields. The Board of Education may substitute certain requirements for education-specific endorsements, degrees, or educational, administrative, or supervisory experience for a certain amount of experience in senior leadership positions outside of the education field only for local school divisions serving a locality with a population not exceeding 140,000 people. (23102619D)

SB 1052 (McPike) (Passed Senate) directs the Advisory Board on Teacher Education and Licensure to advise the Board of Education and submit recommendations on policies related to helping school divisions more effectively recruit and retain licensed teachers. (23102744D)

HB 1893 (Walker) (HED) requires, prior to the start of each school year, each school board to post on its website in a prominent location and in a format that is easily accessible to the public (i) a list of each textbook to be used in any elementary or secondary school in the local school

division during that school year and (ii) the Standards of Learning and any associated curriculum framework that correlate with any course or class to be offered in any elementary or secondary school in the local school division during that school year or a link to another source that contains such information. (23101817D)

General Assembly

SB 1352 (Norment) (SRUL) prohibits any member of the General Assembly or any member of his immediate family from holding a direct or indirect ownership interest in a casino gaming establishment or retail marijuana store or in any entity that sells or distributes on the premises of such establishment or store any goods or services that are incidental or ancillary to the principal business of the establishment or store. Such prohibition shall apply during the legislator's service as a legislator and for the five years immediately following the termination of such service. The bill provides that any person who violates the prohibition is guilty of a Class 6 felony and that any money or thing of value derived by the legislator from such violation is forfeited to the Commonwealth. (23104148D)

SB 1357 (Norment) (SRUL) grants the Capitol Square Preservation Council the authority 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. (23101219D)

Elections

SB 946 (Suetterlein) (SPE) prohibits campaign fundraising on any day the General Assembly is scheduled to meet during a special session. Currently, campaign fundraising is prohibited only during regular sessions of the General Assembly. (23102721D)

HB 1551 (Helmer) (HPE)/**SB 854** (Favola) (Passed Senate) broadens the scope of disclaimer requirements for campaign advertisements to include electioneering communications, as defined in the bill, and messages advocating for the passage or defeat of a referendum. The bill also requires an advertisement that is an independent expenditure or that expressly advocates for the passage or defeat of a referendum to contain a disclaimer providing the names of the advertisement sponsor's three largest contributors. (23100661D, 23100463D)

HB 1826 (Cherry) (HPE)/**SB 1471** (Boysko) (SFIN) prohibits any person from converting contributions to a candidate or his campaign committee for personal use. Current law only prohibits such conversion of contributions with regard to disbursement of surplus funds at the dissolution of a campaign or political committee. The bill provides that a contribution is considered to have been converted to personal use if the contribution, in whole or in part, is used to fulfill any commitment, obligation, or expense that would exist irrespective of the person's seeking, holding, or maintaining public office but allows a contribution to be used for the ordinary and accepted expenses related to campaigning for or holding elective office, including

the use of campaign funds to pay for the candidate's child care expenses that are incurred as a direct result of campaign activity. The bill provides that any person subject to the personal use ban may request an advisory opinion from the State Board of Elections on such matters. The bill directs the State Board of Elections to adopt emergency regulations to implement the provisions of the bill and to provide an updated summary of Virginia campaign finance law that reflects the State Board of Elections' and Attorney General's guidance on the provisions of such law that prohibit the personal use of campaign funds and any new regulations promulgated by the State Board of Elections. (23100204D, 23104251D)

HB 1552 (Simon) (HPE) prohibits any person from converting contributions to a candidate or his campaign committee for personal use. Current law only prohibits such conversion of contributions with regard to disbursement of surplus funds at the dissolution of a campaign or political committee. The bill provides that a contribution is considered to have been converted to personal use if the contribution, in whole or in part, is used to fulfill any commitment, obligation, or expense that would exist irrespective of the person's seeking, holding, or maintaining public office but allows a contribution to be used for the ordinary and accepted expenses related to campaigning for or holding elective office, including the use of campaign funds to pay for the candidate's child care expenses that are incurred as a direct result of campaign activity. The bill provides that any person subject to the personal use ban may request an advisory opinion from the State Board of Elections on such matters. The bill directs the State Board of Elections to adopt emergency regulations similar to those promulgated by the Federal Election Commission to implement the provisions of the bill and to provide an updated summary of Virginia campaign finance law that reflects the State Board of Elections' and Attorney General's guidance on the provisions of such law that prohibit the personal use of campaign funds and any new regulations promulgated by the State Board of Elections. (23102527D)

SB 1053 (McPike) (Passed Senate) requires all candidates to file their campaign finance reports electronically with the State Board of Elections. The bill provides an exemption for any candidate who is incapable of accessing the technology necessary to make such filings. (23101956D)

SB 1427 (Suetterlein) (SPE) requires in-state political action committees to file a report for any single expenditure of \$1,000 or more made between October 1 and the date of the November general election. Such reports are to be made electronically and must be received by the State Board of Elections by 11:59 p.m. on the following day or, for an expenditure made on a Saturday, by 11:59 p.m. on the following Monday. However, the bill requires that any such expenditure made within the 24 hours prior to the election day be reported and a report thereof received on the day prior to the election (23102732D)

HB 1648 (Anderson) (HPE) prohibits foreign-influenced corporations, as defined in the bill, from making independent expenditures or making contributions to a candidate, campaign committee, political committee, or political party committee. The bill provides that any such corporation violating the prohibition is subject to a fine of not more than \$50,000 and that any officer, director, or agent of any such corporation involved in such violation is subject to a fine

of not more than \$10,000, imprisonment for not more than one year, or both. The bill also requires that any corporation, as defined in the bill, that makes an independent expenditure or makes a contribution to a candidate, campaign committee, political committee, or political party committee must certify with the Department of Elections that, after due inquiry, the corporation was not a foreign-influenced corporation on the date such expenditure or contribution was made. (23100110D)

HB 1518 (Adams) (HRUL) requires each member of the General Assembly to annually submit a certification of his legal residence to the clerk of the house in which he serves, signed by the member under penalty of perjury to be true and correct. The bill requires the clerk of each house to verify that the address provided on the certification is within the district that the member was most recently elected to represent. Any member who is found to not be a resident of the district that he was most recently elected to represent shall, in accordance with Article IV, Section 4 of the Constitution of Virginia, vacate his office. (23101939D)

Health and Human Services

SB 1327 (McClellan) (SEH) directs the Department of Medical Assistance Services to establish a program to provide state-funded comprehensive health care coverage for individuals in the Commonwealth who (i) are under 19 years of age, (ii) are not covered under a group health plan or health insurance coverage, and (iii) but for their immigration status would be eligible for medical assistance services through the Commonwealth's program of medical assistance services established pursuant to Title XIX or XXI of the Social Security Act. The bill also requires the Department to ensure that all program information is made available in a manner that is accessible to individuals with limited English proficiency and individuals with disabilities through the provision of language access services, including oral interpretation and written translations, free of charge, and to ensure that information obtained by the program remains confidential and is not disclosed for any purpose not related to the administration of the program. (23102538D)

SB 932 (Hashmi) (SEH) establishes the Virginia Psilocybin Advisory Board to develop a long-term strategic plan for establishing therapeutic access to psilocybin services and monitor and study federal laws, regulations, and policies regarding psilocybin. The bill requires the Board to report annually by December 1 to the Governor and the General Assembly regarding its activities and recommendations. The bill reclassifies psilocybin under the Drug Control Act from a Schedule I to a Schedule III controlled substance. (23101994D)

SB 1234 (Cosgrove) (Senate Floor) requires the Department of Behavioral Health and Developmental Services to establish a pilot program to make electroencephalogram combined transcranial magnetic stimulation available for veterans, first responders, and law-enforcement officers. The bill requires the State Board of Behavioral Health and Developmental Services to establish regulations for the pilot program. (23105211D-S1)

SB 1344 (Barker) (Passed Senate) allows the City of Alexandria to enter into a contract with the Department of Health for the local administration of local health services. (23104580D-S1)

SB 798 (Hashmi) (Passed Senate) replaces various instances of the terms "handicap," "handicapped," and similar variations throughout the Code of Virginia with alternative terms, as appropriate in the statutory context, such as "disability" and "impairment." The bill contains technical amendments. The bill is a recommendation of the Virginia Disability Commission. (23100009D-E)

HB 2008 (Adams) (HHWI) directs the Department of Health to convene a work group to study and make recommendations for reducing the occurrence and impact of tick-borne diseases in the Commonwealth. The work group shall report its findings and recommendations to the Governor and the General Assembly by November 1, 2023. (23101717D)

Covid-19 Vaccination

HB 2276 (LaRock) (HHWI) specifies that parents shall not be required to immunize their children against COVID-19. (23103367D)

HB 2306 (Freitas) (HHWI) exempts a person, including a parent or guardian on behalf of a child, who objects to administration of a vaccine on religious grounds from mandatory immunization requirements issued by the Commissioner of Health during an epidemic. Currently, exemption from mandatory immunization requirements during an epidemic is available only to those persons to whose health the administration of the vaccine would be detrimental, as certified in writing by a licensed physician. (23103428D)

SB 876 (McDougle) (SEH) prohibits any child from being denied admission to school for not receiving a COVID-19 vaccination. The bill also prohibits the State Board of Health from adopting any regulation requiring immunization against COVID-19 for attendance at any public elementary or secondary school. (23101033D)

Environment

HB 2284 (Wiley) (Reported from HHWI) removes from the membership of the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals a faculty member of a public institution of higher education in the Commonwealth whose principal field of teaching is management or operation of waterworks or wastewater works and adds to the Board's membership a local or regional representative of the Department of Health. (23101257D)

Gender Identity

SB 791 (Chase) (SEH) creates the Save Adolescents from Experimentation (SAFE) Act, which prohibits gender transition procedures, defined in the bill, for individuals under 18 years of age and prohibits the use of public funds for gender transition procedures for individuals under 18

years of age. The bill establishes enforcement procedures for violation of the SAFE Act. The bill provides that a health benefit plan providing health care coverage in the Commonwealth is prohibited from providing coverage for gender transition procedures for individuals younger than 18 years of age and is not required to provide coverage for gender transition procedures for individuals 18 years of age or older. (23100911D)

SB 960 (Peake) (SEH) creates the Youth Health Protection Act (the Act), which makes it unlawful for any individual to provide gender transition procedures for minors and prohibits the use of public funds for gender transition procedures. The bill allows parents, guardians, or custodians to withhold consent for any treatment, activity, or mental health care services that are designed and intended to form their child's conceptions of sex and gender or to treat gender dysphoria or gender nonconformity. The bill prohibits government agents, other than law-enforcement personnel, from encouraging or coercing a minor to withhold information from the minor's parent. The bill establishes a duty for a government agent with knowledge that a minor has exhibited symptoms of gender dysphoria or gender nonconformity or otherwise demonstrates a desire to be treated in a manner incongruent with the minor's sex to immediately notify each of the minor's parents, guardians, or custodians in writing, with descriptions of relevant circumstances. The bill prohibits discrimination against persons (i) providing information regarding violations of the Act to their employer or specified public entities or (ii) who make disclosures under the Act believed to be a violation of law, rule, or regulation; any violation of any standard of care or other ethical guidelines for the provision of health care service; or gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety. The bill establishes a civil action for any violation of the Act by a clinic, health care system, medical professional, or other responsible person with a two-year statute of limitations. The bill prohibits political subdivisions of the Commonwealth from enacting, adopting, maintaining, or enforcing any measure that interferes with the professional conduct and judgment of a mental health care professional or counselor undertaken within the course of treatment and communication with clients, patients, other persons, or the public. The bill provides for enforcement by the Attorney General or a mental health care professional or counsel through an action for injunctive relief and allows a mental health care professional to recover reasonable attorney fees and reasonable costs incurred in obtaining an injunction. The bill waives sovereign immunity to suit and immunity from liability under this statute. (23100877D)

SB 1186 (Reeves) (SEH) requires each interscholastic, intercollegiate, intramural, or club athletic team or sport sponsored by a public elementary or secondary school or by a public institution of higher education to be expressly designated as one of the following based on biological sex: (i) males, men, or boys; (ii) females, women, or girls; or (iii) coed or mixed if participation on such team or sport is open to both (a) males, men, or boys and (b) females, women, or girls. The bill requires identification of the student's biological sex on an athletics eligibility form signed by a licensed physician, nurse practitioner, or physician assistant to be submitted by any such student who desires to try out for or participate in an interscholastic, intercollegiate, intramural, or club athletic team or sport. The bill prohibits any such team or

sport that is expressly designated for females, women, or girls from being open to students whose biological sex is male.

The bill prohibits any government entity, licensing or accrediting organization, or athletic association or organization from entertaining a complaint, opening an investigation, or taking any other adverse action against public school or institution of higher education based on a violation of the provisions of the bill and creates a cause of action for any school or institution of higher education that suffers harm as a result of a violation of the bill. Finally, the bill creates a civil cause of action for any student that suffers harm as a result of a knowing violation of a provision of the bill by a school or institution or as a result of the student's reporting a violation of a provision of the bill by a school, institution, athletic association, or organization. (23104062D)

SB 1203 (Reeves) (SEH) creates the Children Deserve Help Not Harm Act (the Act), which prohibits gender transition procedures, defined in the bill, for individuals under 18 years of age and prohibits the use of public funds for gender transition procedures for individuals under 18 years of age. The bill establishes enforcement procedures for violation of the Act. The bill provides that a health benefit plan providing health care coverage in the Commonwealth is prohibited from providing coverage for gender transition procedures for individuals younger than 18 years of age and is not required to provide coverage for gender transition procedures for individuals 18 years of age or older. (23103055D)

SB 911 (Cosgrove) (SEH) requires each public elementary or secondary school and each public institution of higher education to expressly designate all interscholastic, intercollegiate, intramural, or club athletic teams and sports sponsored by such school based on biological sex as follows: (i) for "males," "men," or "boys"; (ii) for "females," "women," or "girls"; or (iii) as "coed" or "mixed" if such team or sport is open to participation by both (a) males, men, or boys and (b) females, women, or girls. The bill provides that a student's "biological sex" is the statement of such student's biological sex on such student's official birth certificate if the statement was filed at or near the time of the student's birth. The bill prohibits any student whose biological sex is female from participating on any interscholastic, intercollegiate, intramural, or club team or sport that is expressly designated for "males," "men," or "boys," unless such school or institution does not offer an equivalent team or sport that is expressly designated for "females," "women," or "girls," or as "coed" or "mixed." The bill also prohibits any student whose biological sex is male from participation on any interscholastic, intercollegiate, intramural, or club team or sport that is expressly designated for "females," "women," or "girls." Furthermore, the bill prohibits any interscholastic, intercollegiate, intramural, or club athletic team or sport that is sponsored by a public elementary or secondary school or sponsored by a public institution of higher education from competing against any interscholastic, intercollegiate, intramural, or club athletic team or sport that is sponsored by a private elementary or secondary school or a private institution of higher education unless such private school or institution also complies with the provisions of the bill. Finally, the bill creates a civil cause of action for students that suffer any deprivation, harm, retaliation, or adverse action or for schools that suffer any harm as a result of

a violation of the provisions of the bill, provided that such action is initiated within two years of such deprivation, harm, retaliation, or adverse action. (23102088D)

Public Safety/Criminal Justice

SB 797 (Favola) (Passed Senate) increases from nine members to 11 members the State Board of Local and Regional Jails by requiring (i) the appointment of both a former sheriff and a former superintendent of a regional jail facility where current law requires appointment of only one former sheriff or one former warden, superintendent, administrator, or operations manager of a state or local correctional facility and (ii) the appointment of an additional member who is employed by a public mental health services agency with training in or clinical, managerial, or other relevant experience working with individuals subject to the criminal justice system who have mental illness. (23100944D)

ABC licenses

SB 1100 (Boysko) (Passed Senate) allows mixed beverage carrier licenses to be granted to financial institutions, subsidiaries of a financial institution, and certain persons under contract with a financial institution or subsidiary that are operating a lounge for air carrier passengers located within an airport in the Commonwealth, which would authorize the licensee to sell and serve mixed beverages in designated areas of such passenger lounge. The bill has an emergency clause. (23100944D)

Transportation

HB 1495 (Austin) (Passed House)/**SB 1216** (Lucas) (Passed Senate) removes the requirement that transportation network companies (TNCs) maintain uninsured and underinsured motorist coverage at a minimum of \$1 million. The bill requires TNCs to maintain the same minimum uninsured and underinsured motorist coverage as is currently required by law for all motorists of \$30,000 for bodily injury per person, \$60,000 for bodily injury per accident, and \$20,000 for property damage. The bill repeals expired provisions related to TNC insurance coverage. (23103953D-H1, 23102185D)

HB 1932 (Runion) (Reported from HTRAN)/**SB 982** (Marsden) (Passed Senate) requires drivers to make a lane change or reduce speed when passing stationary vehicles that have activated the vehicular hazard warning signal flashers, displayed caution signs, or been marked with properly lit flares or torches on certain highways when safe and reasonable to do so, and makes a violation of this requirement a traffic infraction. (23102790D, 23102033D)

HB 1955 (Krizek) (Reported from HTRAN) extends from 10 days to 30 business days the deadline for issuing a summons for an alleged violation of passing a stopped school bus in order for proof that the motor vehicle passed a stopped school bus and that the defendant was the registered owner of the vehicle to give rise to a rebuttable presumption that the owner of the vehicle was the operator during the violation. (23101852D)

HB 2034 (Sewell) (HTRAN) directs the Commonwealth Transportation Board to invite the National Capital Region Transportation Planning Board (NCRTPB) to participate in and present information at the joint transportation meeting held annually concerning projects in Planning District 8. The bill clarifies that the NCRTPB is not required to participate in the meeting. The bill requires the meeting to be made available online in a manner that allows the public to contemporaneously view and hear the meeting. (23103186D)

HB 2104 (Bourne) (Passed House) increases the default boundaries of a school crossing zone from 600 feet to 750 feet from the limits of school. (23104701D-H1)

HB 2254 (Sickles) (Passed House) requires the Department of Motor Vehicles to establish and administer a process whereby a vehicle owner may contest an assessed highway use fee. The bill requires the Department to reimburse the vehicle owner for any contested highway use fee or portion thereof that was incorrectly collected. (23100711D)

SB 981 (Marsden) (STRAN) authorizes vehicles operated by the Response and Recovery Coordination Branch of the Washington Metropolitan Area Transit Authority's Office of Emergency Preparedness to (i) be equipped with flashing, blinking, or alternating red or red and white combination warning lights and (ii) disregard certain regulations regarding the operation of vehicles without being subject to criminal prosecution while responding to an emergency. The bill adds responding to metropolitan transit-related incidents to the list of circumstances in which such lighted warning lights shall be displayed. (23101698D)

SB 1051 (McPike) (STRAN) allows public utility company service vehicles to be left temporarily on private property without the consent of the property owner while utility service or maintenance is being conducted by an employee of the company on the property. The bill prohibits removal or towing of such vehicle for a period of 72 hours. (23102737D)

SB 1466 (Marsden) (STRAN) creates the Electric Vehicle Rural Infrastructure Program and Fund to assist private developers with non-utility costs associated with the installation of electric vehicle charging stations. The bill provides that a private developer is eligible to receive grants of 70 percent of such non-utility costs for electric vehicle charging stations installed in a city or county that meets the criteria of a distressed locality as provided in the bill and caps the total amount of grants awarded in any fiscal year at \$25 million. (23104193D)

SB 1473 (Marsden) (STRAN) authorizes toll facility operators to obtain from the Department of Motor Vehicles the email address or other electronic address of the owner of a vehicle that failed to pay a toll. Existing provisions require an invoice for an unpaid toll to be sent by first-class mail. The bill contains technical amendments. (23104289D)

HB 1674 (Hodges) (House Floor) requires localities, when developing a transportation plan as part of the locality's comprehensive plan, to include freight corridors when designating transportation facilities that support the planned development of the locality. (23101352D)

HB 1712 (Wachsmann) (HTRAN) expands the prohibition on damaging or removing traffic control devices or street signs, punishable as a Class 1 misdemeanor, to include damaging or removing temporary signs approved by the Department of Transportation warning motorists that work is in progress on or adjacent to the highway or that certain vehicles may be entering the highway. (23101688D)

HB 2392 (Austin) (HTRAN) authorizes towing and recovery operators to recover reasonable attorney fees and costs in a civil action brought by the towing and recovery operator to recover costs or enforce a lien related to towing and recovery services rendered as a result of a request made by any local or state law-enforcement officer or other government official acting in his official capacity. (23101523D)

SB 855 (Spruill) (Passed Senate) prohibits the use of headlights on motor vehicles, motorcycles, autocycles, bicycles, electric personal assistive mobility devices, personal delivery devices, electric power-assisted bicycles, mopeds, and motorized skateboards or scooters with aftermarket modifications that make the color of such lights appear blue. (23101439D-E)

SB 951 (Ruff) (STRAN) repeals the option to register an uninsured motor vehicle upon payment of the uninsured motor vehicle fee of \$500. The repeal has an effective date of July 1, 2024. The bill authorizes the Commissioner of the Department of Motor Vehicles to continue registering uninsured vehicles from July 1, 2023, to July 1, 2024, but provides that all such registrations shall expire prior to July 1, 2024. (23102400D)

SB 1035 (McPike) (STRAN) designates bridges with a general condition rating, defined in the bill, of five or less for at least one major bridge component as eligible for state of good repair funds. Currently, bridges must be structurally deficient to be eligible. The bill authorizes the use of state of good repair funds for the implementation of improvements anticipated to extend the useful life of a bridge by at least 10 years. The bill changes the funding distribution standard from equitable needs-based distribution, with percentage limits for a given district and a process to exceed such limits when necessary, to needs-based distribution of funding among the highway construction districts. The bill has a delayed effective date of June 1, 2024. (23101954D)

HB 1745 (Carr) (Passed House) prohibits tow truck drivers and towing and recovery operators from monitoring law-enforcement communications in order to determine the location of a wrecked or disabled vehicle that is subject to a law-enforcement-requested tow for the purpose of driving by the scene of such vehicle to initiate contact with the owner or operator of the vehicle to solicit or offer towing services and prohibits tow truck drivers from driving by the scene of a wrecked or disabled vehicle for the same purposes. (23101420D)

Legislative Committee Actions of February 3, 2023:

Members Present: Legislative Chairman Walkinshaw
 Chairman McKay
 Supervisor Alcorn
 Supervisor Foust
 Supervisor Gross
 Supervisor Lusk
 Supervisor Palchik
 Supervisor Smith
 Supervisor Storck

Priority Principles for Reviewing Legislation

- 1. Adequately fund K-12 education.**
- 2. Fully restore the \$102 million of funding to the Northern Virginia Transportation Authority (NVTa) that was diverted to the Washington Metropolitan Area Transit Authority (WMATA) in 2018, to ensure that transportation projects continue to advance in Northern Virginia after decades of state underfunding.**
- 3. Build upon the successful enactment of significant transportation revenues by the 2013 and 2020 GAs to ensure sufficient funding for transportation needs.**
- 4. Preserve and expand local government authority, particularly in such key areas as taxation, land use, and the protection of public health, safety, and welfare; allow greater flexibility in the administration of government.**
- 5. Restore the funding partnership between the state and localities through adequate state funding.**

Specific Legislation

Fairfax County Legislative Summary: The Committee discussed the status of legislation on which the Committee had previously taken positions. The Committee also discussed possible position changes on four bills, and changed positions on three of them. The Committee's positions on these bills are noted in the attached tracking chart (see "Supplementary Documents," pages 1-49).

Specific Legislation

New Bills – 2023 GA

Courts

SB 1025 (Stuart) (SJUD) adds an officer or agent of a partnership, governmental agency, or other entity to the list of persons who are exempt from the rule allowing the exclusion of witnesses during a proceeding in a civil case. Support. (23100836D)

Environment

HB 2209 (Tran) (House Floor) permits a locality to prohibit the sale and distribution of any pavement sealant that contains polycyclic aromatic hydrocarbon concentrations greater than one percent by weight on or after July 1, 2023, except that a retailer may continue to sell any existing inventory that remains in stock on that date. The bill allows a local governing body to prohibit the use of such sealants beginning July 1, 2024, and subject any person who violates either prohibition to a civil penalty of \$250, to be paid into the Virginia Environmental Emergency Response Fund. Support. (23101700D)

SB 999 (Mason) (Passed Senate) requires the Department of Professional and Occupational Regulation (the Department) to issue a reciprocal license for waterworks and wastewater works operators licensed in another state within 15 days of receipt of a complete application. Such license is to be issued, without examination, for the highest Virginia classification that is generally comparable to the applicant's existing license or certificate with appropriate credit given for an applicant's education and experience. The bill entitles an applicant to appeal the Department's denial or classification decision and directs the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals to adopt regulations to implement the provisions of the bill. Support. (23105284D-S1)

SB 1091 (Ebbin) (Passed Senate) expands the allowable uses of grants from a local Stormwater Management Fund, established under current law to grant funds to private property owners and common interest communities for certain stormwater management and erosion control projects, to include joint flooding mitigation projects of condominium owners. Support. (23100427D)

HB 2282 (Edmunds) (HAG) clarifies that the exemptions for the harvesting of forest crops from the provisions of the Virginia Stormwater Management Program and the Erosion and Sediment Control Program apply only to land-disturbing activity that is (i) the minimum land disturbance necessary, including clearing, grading, excavating, or removal of stumps, for the harvesting of timber, the construction of roads and trails for forest management purposes, or the preparation of the property for reforestation or (ii) for a conversion to bona fide agricultural or improved pasture use. Oppose. (23105340D-H1)

SB 1365 (Lewis) (SACNR) provides that a locality may not adopt a local ordinance that would prevent or prohibit the disposal of garbage, trash, or refuse at any materials recovery facility as such term is defined in the bill. Oppose. (23105817D-S1)

Firearms

HB 2449 (Ballard) (Passed House) limits the exception to the requirement that the State Police withhold from public disclosure concealed handgun permittee information submitted to the State Police for purposes of entry into the Virginia Criminal Information Network provided under current law for any law-enforcement agency, officer, or authorized agent thereof acting in the performance of official law-enforcement duties or an entity that has a valid contract with any local, state, or federal law-enforcement agency for the purpose of performing official duties of

the law-enforcement agency to apply only when such permittee information is related to a criminal investigation or prosecution. Oppose. (23104483D)

HB 1428 (LaRock) (HPS) repeals the prohibition on carrying certain loaded shotguns and semi-automatic center-fire rifles and pistols in certain localities in the Commonwealth. Oppose. (23100753D)

HB 1462 (Wiley) (Passed House) removes the provision that prevents a firearms dealer from selling or otherwise transferring a firearm to a prospective purchaser until 30 days after the date of issue of the prospective purchaser's original or duplicate photo identification. Oppose. (23101809D)

Land Use

HB 1671 (Wyatt) (Passed House, SLG) requires localities with a population greater than 3,500 to submit an annual report no later than March 1 to the Department of Housing and Community Development containing the total fee revenue collected by the locality over the preceding calendar year in connection with the processing, reviewing, and permitting of applications for residential land development and construction activities. The bill requires the report to be submitted by the locality in accordance with any guidelines and forms developed by the Department and the Commission on Local Government. The Department shall make the reports available on its website. Monitor. (23103925D)

HB 2494 (Ware) (HCCT) requires any locality with a population greater than 3,500 to submit a report to the Department of Housing and Community Development. Such report shall summarize any information collected or changes made regarding such locality's policies, ordinances, or processes affecting the development and construction of housing. The bill requires such localities to submit the report annually by September 1 in accordance with any forms developed by the Department of Housing and Community Development. Monitor. (23103473D)

Health and Human Services

HB 1874 (Helmer) (Reported from HHWI) prohibits the Board of Social Services from requiring persons applying to participate or renewing their participation in the Supplemental Nutrition Assistance Program to appear in person. The bill also codifies the Department of Health's authority to implement a Special Supplemental Nutrition Program for Women, Infants, and Children (WIC program), which is currently authorized by regulation, and prohibits the Department of Health from requiring persons applying to participate or renewing their participation in the WIC program to appear in person. Support. (23102771D)

HB 2437 (Roem) (HAPP) directs the Department for Aging and Rehabilitative Services to develop and provide training for court-appointed guardians by July 1, 2024. The bill requires an appointed guardian and any staff employed by such guardian to perform guardianship duties to complete the initial training developed by the Department within four months of the date of the initial court order of appointment and guardians and such staff appointed prior to July 1, 2024,

to complete such training by January 1, 2026. The bill further requires a guardian to include in his annual report to the local department of social services a statement as to whether such training has been completed. Support. (23105934D-H1)

Elections

HJ 520 (Herring) (HPE)/**SJ 223** (Locke) (SPE) provides that every person who meets the qualifications of voters set forth in the Constitution of Virginia shall have the fundamental right to vote in the Commonwealth and that such right shall not be abridged by law, except for persons who have been convicted of a felony and persons who have been adjudicated to lack the capacity to understand the act of voting. A person who has been convicted of a felony shall not be entitled to vote during any period of incarceration for such felony conviction, but upon release from incarceration for that felony conviction and without further action required of him, such person shall be invested with all political rights, including the right to vote. Currently, in order to be qualified to vote a person convicted of a felony must have his civil rights restored by the Governor or other appropriate authority. The amendment also provides that a person adjudicated by a court of competent jurisdiction as lacking the capacity to understand the act of voting shall not be entitled to vote during this period of incapacity until his capacity has been reestablished as prescribed by law. Currently, the Constitution of Virginia provides that a person who has been adjudicated to be mentally incompetent is not qualified to vote until his competency is reestablished. Support. (23102047D, 23100705D)

Anti-Semitism

HB 2208 (Kilgore) (HCT) provides that it is the policy of the Commonwealth to safeguard all individuals within the Commonwealth from unlawful discrimination in employment and in places of public accommodation because of anti-Semitism. The bill also adds victims who are intentionally selected because of anti-Semitism to the categories of victims whose intentional selection for a hate crime involving assault, assault and battery, or trespass for the purpose of damaging another's property results in a higher criminal penalty for the offense and adds anti-Semitism to the categories of hate crimes that are to be reported to the central repository of information regarding hate crimes maintained by the Virginia State Police. The bill provides that a person who is subjected to acts of intimidation or harassment, violence directed against his person, or vandalism to his real or personal property, where such acts are motivated by anti-Semitism, may bring a civil action to recover his damages. The bill also provides that no provider or user of an interactive computer service on the Internet shall be liable for any action voluntarily taken by it in good faith to restrict access to material that the provider or user considers to be intended to incite hatred on the basis of anti-Semitism. Support. (23103994D)

SB 1184 (Reeves) (Reported from SFIN) provides that it is the policy of the Commonwealth to safeguard all individuals within the Commonwealth from unlawful discrimination in employment and in places of public accommodation because of anti-Semitism. The bill also adds victims who are intentionally selected because of anti-Semitism to the categories of victims whose intentional selection for a hate crime involving assault, assault and battery, or trespass for the purpose of damaging another's property results in a higher criminal penalty for the offense

and adds anti-Semitism to the categories of hate crimes that are to be reported to the central repository of information regarding hate crimes maintained by the Virginia State Police. The bill provides that a person who is subjected to acts of intimidation or harassment, violence directed against his person, or vandalism to his real or personal property, where such acts are motivated by anti-Semitism, may bring a civil action to recover his damages. The bill also provides that no provider or user of an interactive computer service on the Internet shall be liable for any action voluntarily taken by it in good faith to restrict access to material that the provider or user considers to be intended to incite hatred on the basis of anti-Semitism. Support. (23105369D-S1)

Legislation Provided for Discussion

Administration of Government

HB 2161 (Williams) (Passed House)/**SB 1151** (Edwards) (Passed Senate) standardizes the frequency and length of time that notices of certain meetings, hearings, and other intended actions of localities must be published in newspapers and other print media. The notice provisions included in the bill are organized into the following three groups: (i) publication required one week before the meeting, hearing, or intended action; (ii) publication required two consecutive weeks before the meeting, hearing, or intended action; and (iii) publication required three consecutive weeks before the meeting, hearing, or intended action. In addition, the bill amends provisions related to the content of notices for zoning ordinances and amendments to such ordinances by removing the requirement that such notices contain a descriptive summary of the proposed action and providing that such notices shall include the street address or tax map parcel number of the parcels subject to the action. In cases where the intended action affects more than 25 parcels, the notice must also include the approximate acreage subject to the intended action. The bill also removes the requirement that notices of proposed amendments to a zoning map state the general usage and density range of the proposed amendment and the general usage density set forth in the applicable part of the comprehensive plan. The bill directs the Virginia Code Commission to convene a work group to continue review of the notice requirements throughout the Code of Virginia and requires the Virginia Code Commission to submit a report to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology summarizing the work and any recommendations of the work group by November 30, 2023. (23101898D, 23100325D-E)

HB 2195 (Byron) (Reported from HAPP)/**SB 1470** (Ruff) (SGL) creates the Department of Workforce Development and Advancement (the Department) to serve as administrator and fiscal agent for the Commonwealth's workforce development programs. The bill consolidates statewide workforce program evaluation and data sharing under the Department and provides protections against improper disclosure of data. The bill provides for the Virginia Board of Workforce Development to conduct an independent evaluation of the operations and program objectives of the Department on a biennial basis with the first report due on December 1, 2025. The bill also (i) transfers administration of apprenticeship programs from the Department of Labor and Industry to the Department, (ii) changes the name of the Office of Education and Labor Market Analysis to the Office of Education and Workforce Research and moves the Office

from the Virginia Economic Development Partnership Authority to the Department, and (iii) shifts the administration and implementation of adult education programs from the Board of Education and local school boards to the State Board for Community Colleges and comprehensive community colleges. The bill directs the Secretary of Labor to conduct a comprehensive review of the Commonwealth's workforce development programs and make recommendations to address a wide range of subjects relating to improving the effectiveness and efficiency of such programs. This bill is a recommendation of the Small Business Commission. Monitor. (23105937D-H2, 23103908D)

HB 2207 (Tran) (Reported from HAPP) makes numerous organizational changes to the Information Technology Access Act. The bill defines "information and communications technology" that is used to promote digital accessibility, also defined in the bill, for all persons with disabilities. The bill requires the head of each covered entity, defined in the bill, to designate an employee to serve as such covered entity's digital accessibility coordinator and to be responsible for developing and implementing such covered entity's digital accessibility policy and report. The bill has a delayed effective date of January 1, 2024. Support with state funding for implementation. (23106111D-H2)

Health and Human Services

HB 1976 (Bell) (HCT) permits the director of a facility where a person is awaiting transport to the facility of temporary detention pursuant to a temporary detention order to release the person prior to a commitment hearing if the person no longer meets the commitment criteria. Support, amend to provide clarity on CSB's role. (HCT Subcommittee Substitute)

SB 1299 (Deeds) (Reported from SRSS) permits the director of a facility where a person is awaiting transport to the facility of temporary detention pursuant to a temporary detention order to release the person prior to a commitment hearing if the person no longer meets the commitment criteria. Support. (SRSS Substitute)

SB 1512 (Mason) (Reported from SEH) authorizes hospitals with a psychiatric emergency department located in Planning District 21 to employ certain trained individuals to perform evaluations to determine whether a person meets the criteria for temporary detention for behavioral health treatment. The bill requires participating hospitals with psychiatric emergency departments in Planning District 21 to annually report the number of temporary detention order evaluations completed, the number of temporary detention orders petitioned, the number of individuals evaluated for temporary detention who were determined to not meet the criteria for temporary detention, and the number of individuals under a temporary detention order admitted to a state facility to the Chairmen of the Senate Committee on Education and Health, the House Committee on Health, Welfare and Institutions, and the Behavioral Health Commission. The bill has an expiration date of July 1, 2025. Oppose. (23105314D-S1)

SB 1474 (Obenshain) (Reported from SEH) directs the Department of Health to amend its regulations and each local health department and health district to amend its regulations and guidance documents relating to mobile food units to allow up to 20 percent of the sanitation and

food preparation activities of a mobile food unit to take place within a 50-foot radius of the mobile food unit. Oppose. (23103888D)

Transportation

HB 1649 (Wyatt) (HTRAN) allows towing and recovery operators to charge a fuel surcharge fee of no more than \$30 for each vehicle towed or removed from private property without the consent of its owner. Prohibits local governing bodies from limiting or prohibiting this fee. The provision expires on July 1, 2024. Issue should be studied as part of proposed workgroup on towing. (23106018D-H1)

Courts

HB 2410 (Watts) (HCT) includes the termination of a period of involuntary temporary detention on any day or part of a day on which the clerk's office is lawfully closed as a reason to extend the duration of the period of involuntary temporary detention for adults and juveniles. Current law allows the period to extend past 72 hours for an adult only if the detention would terminate on a Saturday, Sunday, legal holiday, or day on which the court is closed and allows the period to extend past 96 hours for a juvenile only if the detention terminates on a Saturday, Sunday, or legal holiday. Support. (23103505D)

Legislation Requiring Further Review

Administration of Government

SB 980 (Marsden) (SRUL) directs the Secretary of Transportation to convene a work group to evaluate how the Department of Transportation determines the usage of Disadvantaged Business Enterprises (DBE) on specific transportation projects with the goal of increasing participation statewide in transportation contracts by small business owned and controlled by socially and economically disadvantaged individuals. The bill specifies certain individuals and groups that will be members of the work group and directs the work group to report its findings and any recommended legislative, regulatory, or policy changes to the Governor and the Chairmen of the House and Senate Committees on Transportation by September 1, 2023. (23100536D)

HB 1688 (Brewer) (HTECH) requires an operator, defined in the bill, to obtain verifiable parental consent prior to registering any child with the operator's product or service or before collecting, using, or disclosing such child's personal data and prohibits a controller from knowingly processing the personal data of a child for purposes of (i) targeted advertising, (ii) the sale of such personal data, or (iii) profiling in furtherance of decisions that produce legal or similarly significant effects concerning a consumer. The bill also amends the definition of child for purposes of the Consumer Data Protection Act to include any natural person younger than 18 years of age. (23104153D)

HB 1433 (Scott, P.) (HHWI)/**SB 802** (Hashmi) (SFIN) authorizes Virginia to become a signatory to the Counseling Compact. The Compact permits eligible licensed professional counselors to practice in Compact member states, provided that they are licensed in at least one member state. The bill has a delayed effective date of January 1, 2024, and directs the Board of Counseling to adopt emergency regulations to implement the provisions of the bill. The Compact takes effect when it is enacted by a tenth member state. (23100783D, 23100851D)

Elections

SB 907 (Spruill) (SFIN) adds to the list of protected voters any election official or employee of an election official. Protected voters are permitted by law to provide on the application for voter registration, in addition to the voter's residence street address, a post office box address located within the Commonwealth, which would be the address included on (i) lists of registered voters and persons who voted, (ii) voter registration records made available for public inspection, and (iii) lists of absentee voter applicants. The bill also makes it a Class 5 felony to hinder or prevent an election official or employee of an election official from administering elections. Under current law it is only a Class 5 felony to hinder or prevent an officer of election at a location being used for voting from holding an election. (23104930D-S1)

HB 1683 (Ransone) (Passed House) provides general registrars with the option to post notice of the final day of voter registration on the official website of the county or city or to publish the notice at least once in a newspaper of general circulation in the county or city. (23100444D)

HB 1793 (Ransone) (HPE) provides that customers of the Department of Motor Vehicles shall be presented with the option to have their relevant information transmitted to the Department of Elections for voter registration purposes in accordance with federal law. Currently, this information is transmitted unless the DMV customer specifically declines to have such information transmitted. (23100848D)

HB 2324 (Cordoza) (HPE) directs the State Board of Elections to promulgate standards and instructions for the conduct of recounts in elections for any office to which more than one candidate can be elected. Such standards and instructions shall include which candidates apparently nominated or elected are required to be named in the petition for a recount or served a copy of the petition for a recount. (23103681D)

SB 1431 (Surovell) (SPE) sets out the procedure by which, and clarifies the reasons for which, an elected officer or officer who has been appointed to fill an elective office may be removed from office. The bill requires, among other things, that (i) the general registrar review the petition and determine its sufficiency in accordance with the uniform standards approved by the State Board of Elections; (ii) the general registrar certify the petition within 10 business days and promptly file such certification with the clerk of the circuit court; and (iii) the certification state the number of signatures required, the number of signatures on the petition, and the number of valid signatures, along with any signatures found to be invalid and any material omissions from the petition. The bill also provides that the Commonwealth and the elected officer shall be the

only two parties to a removal proceeding. This bill is a recommendation of the Boyd-Graves Conference. (23100264D)

HB 1377 (Greenhalgh) (Passed House) requires general registrars to cancel the voter registration of persons known by him to be deceased or disqualified to vote within seven days of discovering that the person is no longer entitled to be registered. Current law directs registrars to cancel a voter's registration for certain reasons and on the basis of certain information; the bill retains those requirements. (23100521D)

SB 944 (Suetterlein) (SPE) requires the writ of election to fill a vacancy in the membership of the General Assembly (i) to be issued within 30 days of the vacancy or receipt of notification of the vacancy, whichever comes first, and (ii) if the vacancy occurs or will occur between December 10 and March 1, to order that the special election take place no more than 30 days from the date of such vacancy. (23102711D)

Public Safety/Criminal Justice

HB 1813 (March) (HGL) exempts consumer, display, and permissible fireworks, defined in the bill and relevant law, from the definition of "device" as it pertains to criminal penalties for the possession, manufacture, transportation, distribution, or use of explosive devices. The bill provides that the Statewide Fire Prevention Code does not apply (i) to the sale of permissible or consumer fireworks; (ii) to any person using, igniting, or exploding permissible or consumer fireworks on residential or agricultural property with the consent of the owner of such property; or (iii) when such permissible or consumer fireworks are being transported from a locality where they were legally obtained to a locality where they are legally permitted. The bill imposes a 12 percent retail sales and use tax on the sale or use of consumer, display, or permissible fireworks the revenues from which shall be deposited in the Law Enforcement Support Fund, created by the bill. The bill contains technical amendments. (23100227D)

SB 1383 (Stuart) (SJUD) directs the Virginia Fusion Intelligence Center to (i) establish a 24-hour-a-day, seven-day-a-week toll-free Mental Health Crisis Intervention Hotline to receive anonymous tips regarding individuals suspected to be in need of mental health treatment in order to facilitate mental health treatment, crisis intervention, and the prevention of tragedies and (ii) develop and implement policies and procedures for referring tips received through the Hotline to state or local law enforcement, as may be appropriate, in a timely manner for follow-up and investigation. (23101979D)

HB 1835 (Bell) (HCT) removes the location element that specifies a health care provider must be in a hospital or in an emergency room on the premises of a clinic or other facility rendering emergency medical care from the crime of making an oral threat to kill or to do bodily injury to a health care provider. (23103573D)

SB 875 (McDougle) (STRAN) removes the provisions that provide that no law-enforcement officer may lawfully stop a motor vehicle for operating (i) without a light illuminating a license plate, (ii) with defective and unsafe equipment, (iii) without brake lights or a high mount stop

light, (iv) without an exhaust system that prevents excessive or unusual levels of noise, (v) with certain sun-shading materials and tinting films, and (vi) with certain objects suspended in the vehicle, and the accompanying the exclusionary provisions. (23103276D)

SB 1010 (DeSteph) (SJUD) removes the provisions that provide that no law-enforcement officer may lawfully stop a motor vehicle for operating (i) without a light illuminating a license plate, (ii) with defective and unsafe equipment, (iii) without brake lights or a high mount stop light, (iv) without an exhaust system that prevents excessive or unusual levels of noise, (v) with certain sun-shading materials and tinting films, and (vi) with certain objects suspended in the vehicle, and the accompanying the exclusionary provisions. (23102779D)

SB 1054 (Peake) (SEH) provides that when an interjurisdictional compact requires criminal history record checks as a condition of participation, the applicable health regulatory board shall require each applicant to submit to fingerprinting and provide personal descriptive information to be forwarded along with his fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information. (23101247D)

HB 1466 (Anderson) (HAG) special provisions involving voluntary anti-forced labor and child slavery certifications for sales of low emissions and electric motor vehicles in the Commonwealth of Virginia; remedies for Attorney General when sufficient supply of EV and LEV vehicles are not available. (23103678D)

SB 842 (Petersen) (Reported from SFIN) provides a petition process for a person serving a sentence for any conviction or a combination of any convictions who remains incarcerated in a state or local correctional facility and meets certain criteria to petition the circuit court that entered the original judgment or order to (i) suspend the unserved portion of such sentence or run the unserved portion of such sentence concurrently with another sentence, (ii) place such person on probation for such time as the court shall determine, or (iii) otherwise modify the sentence imposed. (23103532D)

HB 2400 (Herring) (Passed House) repeals the statute providing for the limitation on the dissemination of criminal history record information related to the possession of marijuana and the statute related to automatic sealing for mistaken identity or unauthorized use of identifying information. The bill also repeals the provisions related to the automatic and petition-based expungement of former marijuana offenses and instead provides for the sealing of such offenses. The bill also removes the provisions related to the automatic sealing of underage possession of alcohol offenses and instead provides for petition-based sealing of such offenses.

The bill creates an electronic, name-based criminal history record search to be used when an expungement or sealing petition is filed and requires the court to maintain a copy of a sealing order and send an electronic notification, rather than an order as current law requires, to the Department of State Police after an offense is sealed. The bill also allows courts and attorneys for the Commonwealth to access sealed records in instances where the court or parties failed to strictly comply with sealing procedures or an order for sealing was entered contrary to law and

clarifies that a petition for sealing can only include offenses that arose out of the same transaction or occurrence. The bill makes additional changes to the processes for expungement and sealing, including updates to the process of forwarding a petitioner's criminal history record to the court and maintaining expungement pleadings under seal. The bill provides a petition process by which the person who was charged with an offense that was ordered to be expunged may request access to such expunged court or police record.

The repeal of the statute related to the limitation on the dissemination of criminal history record information related to the possession of marijuana and various other provisions of the bill have a delayed effective date of the earlier of (i) the date on which the processes to seal criminal history record information and court records pursuant to Chapters 524 and 542 of the Acts of Assembly of 2021, Special Session I, become effective or (ii) July 1, 2025. This bill is a recommendation of the Virginia State Crime Commission. (23104310D-E)

HB 2384 (Adams, L.) (House Floor) removes certain offenses, described in the bill, from the prohibition of searches without a search warrant for the odor of marijuana and establishes a presumption of intoxication if a person has a blood concentration equal to or greater than 0.003 milligrams of delta-9-tetrahydrocannabinol per liter of blood. The bill establishes a process for preliminary analysis of a person's saliva to screen for the presence of drugs in the saliva, similar to the process utilized for a person's blood alcohol content. (23104348D)

HB 2037 (Sewell) (House Floor) requires the governing body of any county or city that elects to supplement the compensation of the public defender or any of his deputies to pay such funds directly to the Indigent Defense Commission, which is required to provide the funds directly to employees in combination with the compensation fixed by the executive director. Current law requires that such funds be provided directly to the employees, with notice to the Commission of the amount of such funds. (23105407D-H1)

HB 2252 (Williams) (HCT) gives supervisory control over the magistrate system to the chief circuit court judge and the Committee on District Courts and abolishes magisterial regions. Under current law, the Executive Secretary of the Supreme Court of Virginia exercises such authority with a provision for consultation with the chief judges of the circuit courts in the region where the appointment is made. (23102323D)

SB 1504 (Petersen) (SJUD) creates an additional process for a person required to register on the Sex Offender and Crimes Against Minors Registry (Registry) to have his name and information removed from the Registry through a removal request form submitted to the Virginia State Police if such person meets the eligibility criteria, defined in the bill. The bill requires the Virginia State Police to remove from the Registry the name of any person and all identifying information within 30 days of receipt of the removal request form upon determining that such person has met the eligibility requirements.

The bill directs the Virginia State Police to develop a form for requesting removal from the Sex Offender Registry and make such form available on its website on or before October 1, 2023; such form shall also include information on how to obtain a criminal history record check, the

link to the record check form, the cost of the record check, and the address to which the removal request should be returned. The bill also directs the Virginia State Police shall send a letter by first-class mail notifying every person currently on the Sex Offender Registry of the change in the name removal process on or before October 1, 2023. Current law only allows a person to petition the circuit court in which he was convicted or the circuit court in the jurisdiction where he resides for removal of his name and all identifying information from the Registry after such person is eligible. (23106051D-S1)

Study

SJ 250 (Lucas) (SRUL) directs the Joint Legislative Audit and Review Commission, in conjunction with the Office of the Secretary of Public Safety and Homeland Security and the Office of the Secretary of Health and Human Resources, to conduct a study to determine the feasibility and benefits of transferring responsibility for the Department of Juvenile Justice from the Secretary of Public Safety and Homeland Security to the Secretary of Health and Human Resources. (23102519D)

Transportation

HB 2302 (Adams, L.) (HTRAN) requires the Governor to include in the Budget Bill an appropriation of up to \$200 million, limited to \$100 million each year, from the Commonwealth Transportation Fund to maintain a minimum available balance of \$300 million in the Transportation Partnership Opportunity Fund (the Fund). The bill authorizes the Governor to direct funds from the Fund to the Commonwealth Transportation Board for transportation projects determined to be necessary to support major economic development initiatives or to enhance the economic development opportunities of the Commonwealth's transportation programs when recommended by the Secretary of Transportation and Secretary of Commerce and Trade; these directed funds do not have a specified limit. The bill also authorizes the Governor to use funds from the Fund to enhance the economic development opportunities of the Commonwealth's transportation programs. The bill authorizes the use of grants, funds directed to the Board, and revolving loans for property acquisition and new or improved infrastructure to support economic development opportunities of the Commonwealth's transportation programs. The bill removes the requirement for the Governor to provide copies of the guidelines and criteria for awarding grants and loans to the Chairmen of the House Committees on Appropriations, Finance, and Transportation and the Senate Committees on Finance and Appropriations and Transportation. The bill repeals the requirement for the Commonwealth Transportation Board to ensure that projects are not undertaken primarily for economic development purposes. (23103984D)

SB 1106 (Newman) (STRAN) requires the Governor to include in the Budget Bill an appropriation of up to \$200 million, limited to \$100 million each year, from the Commonwealth Transportation Fund to maintain a minimum available balance of \$300 million in the Transportation Partnership Opportunity Fund (the Fund). The bill authorizes the Governor to direct funds from the Fund to the Commonwealth Transportation Board for transportation projects determined to be necessary to support major economic development initiatives or to

enhance the economic development opportunities of the Commonwealth's transportation programs when recommended by the Secretary of Transportation and Secretary of Commerce and Trade; these directed funds do not have a specified limit. The bill also authorizes the Governor to use funds from the Fund to enhance the economic development opportunities of the Commonwealth's transportation programs. The bill authorizes the use of grants, funds directed to the Board, and revolving loans for property acquisition and new or improved infrastructure to support economic development opportunities of the Commonwealth's transportation programs. The bill removes the requirement for the Governor to provide copies of the guidelines and criteria for awarding grants and loans to the Chairmen of the House Committees on Appropriations, Finance, and Transportation and the Senate Committees on Finance and Appropriations and Transportation. The bill repeals the requirement for the Commonwealth Transportation Board to ensure that projects are not undertaken primarily for economic development purposes. (23103887D)

SB 1145 (McPike) (SFIN) makes various changes to the Underground Utility Damage Prevention Act. The bill (i) requires excavators to review updates in the 811 positive response system and conduct additional safety verifications before digging, (ii) allows an excavator to schedule a locate request 12 days in advance, (iii) grants stop work authority to State Corporation Commission representatives if they encounter a threat to public safety or property, (iv) creates a criminal penalty for any person who knowingly excavates in violation of the Act and fails or refuses to stop work after being requested to do so, (v) increases from \$2,500 to \$10,000 the maximum civil penalty for violations of the Act, and (vi) updates notification requirements. (23105091D-S1)

Land Use

SB 949 (Petersen) (SLG) removes an exclusion for residential dwellings with fewer than five dwelling units and condominium projects from certain requirements related to a voluntary special assessment lien that secures a loan for the initial acquisition and installation of clean energy, resiliency, or stormwater management improvements. (23101618D)

Stormwater Management

HB 2126 (Wilt) (HAG)/**SB 1178** (Lewis) (SACNR) establishes that with regard to permanent gravel access roads associated with the construction and maintenance of electric transmission lines by a Phase I Utility, such utility is not required to obtain a General Virginia Pollutant Discharge Elimination System permit for the discharge of stormwater from construction activities if certain conditions are met and also requires such utility to provide in its annual standards and specifications reasonable assurance that such conditions will be satisfied. (23106082D-H1, 23102335D)

Environment

HB 2189 (Rasoul) (Reported from HAG) requires industrial users of publicly owned treatment works that receive and clean, repair, refurbish, or process items that contain PFAS, as defined in the bill, to test wastestreams for PFAS prior to and after cleaning, repairing, refurbishing, or processing such items. The bill also requires prompt testing for PFAS following the discharge of certain toxic agents or materials listed in the federal Clean Water Act into state waters and requires the results of such tests to be submitted to the coordinator of emergency services for the affected political subdivision. (23106081D-H1)

SB 1013 (Edwards) (SACNR) requires a waterworks owner to notify customers when a water quality analysis reveals that perfluoroalkyl and polyfluoroalkyl substances (PFAS chemicals), as defined in the bill, are present in the water supply or when a contaminant in the water supply exceeds maximum contaminant levels established in state or federal regulations, whichever is more stringent. Such notification shall be published in a newspaper of general circulation in the affected area and mailed to all customers. Such published and mailed notifications shall include information regarding the water quality analysis, the contaminant or contaminants, potential adverse health impacts, actions to reduce the level of the contaminant or contaminants, and public contact information for the waterworks. (23105859D-S1)

SB 1152 (Cosgrove) (SACNR) exempts federal government agencies from the provisions of Virginia law and local ordinances relating to wetlands and the Chesapeake Bay Preservation Act. (23106061D-S1)

Health and Human Services

SB 1169 (Hanger) (SEH) modifies and reorganizes provisions related to the requirements of performance contracts entered into by the Department of Behavioral Health and Developmental Services with community services boards and behavioral health authorities. (23103870D)

SB 1465 (Hanger) (SEH) provides that the purpose of behavioral health services provided by community services boards and behavioral health authorities is to enable individuals who have a mental illness or substance use disorder that significantly impairs their functioning to access effective, timely, and cost-efficient services that help them (i) overcome or manage functional impairments caused by the mental illness or substance use disorder and (ii) remain in the community to the greatest extent possible, consistent with the individual's well-being and public safety. The bill also requires that performance contracts entered into by the Department of Behavioral Health and Developmental Services with community services boards and behavioral health authorities include certain information, as specified in the bill. The bill reorganizes certain other provisions related to community services boards and behavioral health authorities. (23103868D)

SB 1104 (Boysko) (Passed Senate) directs the Board of Medical Assistance Services to amend the state plan for medical assistance services to include a provision for payment of medical assistance for violence prevention services, defined in the bill, provided by a qualified violence

prevention professional to an individual who receives medical treatment for an injury sustained as a result of community violence, defined in the bill, who is determined by a health care provider to be at risk of repeat injury or retaliation. The bill directs the Department of Medical Assistance Services to convene a work group to advise the Board on the design and implementation of the violence prevention services benefit and specifies that the work group include representatives from the Department and violence intervention programs, medical providers, survivors of community violence, and other members as deemed appropriate by the Department. The bill requires the Department to post on its website the date upon which violence prevention services may be provided and billed pursuant to the provisions of the bill. (23104805D-ES1)

SB 1292 (Deeds) (SRUL) provides that the Department of Criminal Justice Services, in partnership with the State Crime Commission, shall administer a two-year Demand Reduction and Safe Harbor for Domestic Minor Sex Trafficked Youth pilot program that shall focus on (i) implementing proactive reverse sting operations that target buyers of sex services and (ii) establishing programs and protocols to aid victims of sex trafficking. The bill provides that the goal of the program shall be to reduce arrest of sex trafficking victims regardless of age, reduce demand for commercial sex exploitation by focusing on buyers, and establish high-quality residential care, education, alternative employment opportunities, and life skills for victims. (23102057D)

SB 1458 (Ebbin) (SRUL) directs the Department of Health Professions to review and adopt regulations regulating the use of supplemental nursing services, defined in the bill, in assisted living facilities. (23102989D)

HB 1446 (Orrock) (HAPP) sets nursing staffing requirements for certified nursing facilities, imposes administrative sanctions on a certified nursing facility if it does not comply with the staffing requirements, and provides for exemptions to the administrative sanctions under certain circumstances. The bill has a delayed effective date of July 1, 2026. (23104725D-H1)

HB 1564 (Watts) (HHWI) requires regulations establishing the staffing and care standards in nursing homes to require a minimum number of hours of direct care services to each resident per 24-hour period, which minimum increases in specified phases from 3.5 hours to 4.1 hours. The bill gives the Commissioner of Health the power to impose administrative sanctions on nursing homes and directs the Board of Health to promulgate regulations related to the criteria and procedures for the imposition of administrative sanctions or initiation of court proceedings for violations of the bill. The bill establishes the Long-Term Care Services Fund for the purpose of making grants to assist in the provision of activities that protect or improve the quality of care or quality of life for residents, patients, and consumers of long-term care services. (23101871D)

SB 1339 (Barker) (SEH) sets nursing staffing requirements for certified nursing facilities, imposes administrative sanctions on a certified nursing facility if it does not comply with the staffing requirements, and provides for exemptions to the administrative sanctions under certain circumstances. The bill has a delayed effective date of July 1, 2026. (23101878D)

SB 970 (Mason) (Passed Senate) directs the Department of Health Professions to amend its licensure, certification, and registration applications to remove any existing questions pertaining to mental health conditions and impairment to and include the following questions: (i) Do you have any reason to believe that you would pose a risk to the safety or well-being of your patients or clients?; and (ii) Are you able to perform the essential functions of a practitioner in your area of practice with or without reasonable accommodation? The bill contains an emergency clause. (23102876D)

HB 1573 (Walker) (Passed House; SEH) Directs the Department of Health Professions to amend its licensure, certification, and registration applications to remove any existing questions pertaining to mental health conditions and impairment to and include the following questions: (i) Do you have any reason to believe that you would pose a risk to the safety or well-being of your patients or clients?; and (ii) Are you able to perform the essential functions of a practitioner in your area of practice with or without reasonable accommodation? The bill contains an emergency clause. (23103067D-E)

HB 1744 (Carr) (House Floor) provides that home studies conducted by a local board of social services or licensed child-placing agency for the purpose of placing a child in a foster home or with an adoptive family shall, on and after July 1, 2024, be transferable between all localities, local boards, and licensed child-placing agencies within the Commonwealth, subject to any time limitations or other requirements imposed by law or State Board of Social Services regulations. The bill allows the Board to promulgate regulations that establish a market rate for such home studies. The bill also directs the Department of Social Services to convene a work group to study and create, in coordination with all relevant stakeholders, a template to be used for all home studies for these purposes and to report its findings to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Rehabilitation and Social Services by November 1, 2023. (23105093D-H1)

HB 1768 (Head) (Reported from HAPP) requires local departments of social services (local department), when determined necessary by the local multidisciplinary team during the local department's investigation of a report of child abuse or neglect, to facilitate within 14 days an interview of the child by a child advocacy center that is recognized by the National Children's Alliance and located in the locality served by the local department. The bill allows, in cases in which the investigation is being conducted in cooperation with a law-enforcement agency, such interview to be conducted within 21 days. (23106095D-H1)

SB 1096 (Ebbin) (Passed Senate) clarifies that a marriage between two parties is lawful regardless of the sex of such parties, provided that such marriage is not otherwise prohibited by the laws of the Commonwealth. The bill also provides that religious organizations or members of the clergy acting in their religious capacity shall have the right to refuse to perform any marriage. (23103930D-E)

HB 2074 (Murphy) (HCT)/**SB 1272** (Boysko) (SJUD) provides that any person charged with a simple assault and battery offense who has been diagnosed by a psychiatrist or clinical psychologist with an autism spectrum disorder, an intellectual disability or developmental

disability, or serious mental illness shall not be subject to a mandatory minimum punishment if the court finds that the violation was caused by or had a direct and substantial relationship to the person's disorder or disability. Under current law, certain simple assault and battery offenses carry a mandatory minimum punishment when such offenses are committed against certain groups of people, including judges, law-enforcement officers, first responders, school employees, and health care providers. (23102115D, 23101068D)

HB 1525 (Coyner) (HAPP)/**SB 846** (Favola) (Senate Floor) permits the Department of Behavioral Health and Developmental Services, direct care service providers, and community boards to hire peer recovery specialists who have been convicted of certain barrier crimes where a history of such offense does not pose a risk in the work of a peer recovery specialist. (23105167D-H1, 23105768D-S2)

ABC Licenses

SB 983 (Mason) (SRSS) makes numerous changes to the privileges of and requirements for winery and farm winery licenses. Such changes relate to the characteristics of and tasks to be performed on the licensed premises, license qualifications, manufacturing and sale requirements and limitations, and utilization of contract winemaking services. (23101333D)

Cannabis

SB 1090 (Ebbin) (SEH) increases the limit on the number of permits that the Board of Pharmacy (the Board) may issue or renew in any year from one to two pharmaceutical processors for each health service area established by the Board of Health. The bill also allows the Board to issue or renew permits in any year for up to five cannabis dispensing facilities per pharmaceutical processor for each health service area. Under current law, the Board may issue up to five cannabis dispensing facilities for each health service area. With the exception of pharmaceutical processors permitted prior to July 1, 2023, the bill prohibits a pharmaceutical processor from receiving more than one permit from the Board. (23101461D)

SB 788 (Favola) (Passed Senate) transfers oversight and administration of the Commonwealth's medical cannabis program from the Board of Pharmacy to the Virginia Cannabis Control Authority. (23103753D-S1)

SB 1366 (McClellan) (SFIN) establishes a framework for the creation of the Virginia Cannabis Incubator Project in the Commonwealth. The bill creates a regulatory structure for such Incubator Project to be administered by the Virginia Cannabis Control Authority. The bill has a delayed effective date pending legalization of the manufacture, sale, and distribution of cannabis in the Commonwealth. (23103753D-ES1)

SB 1233 (Obenshain) (Passed Senate) makes it a Class 1 misdemeanor to advertise in or send any advertising matter into the Commonwealth regarding marijuana or marijuana products other than those that may be legally sold or to engage in advertising activities in violation of the provisions of the Cannabis Control Act or regulations of the Board of Directors of the Virginia

Cannabis Control Authority. The bill provides that for violations of certain distance and zoning restrictions on outdoor advertising, as set forth in the bill, the Board must give the advertiser written notice to take corrective action and that, if such corrective action is not taken within 30 days, the advertiser is guilty of a Class 4 misdemeanor. The bill establishes numerous restrictions on marijuana advertisements, including provisions that prohibit advertisements from (i) targeting minors; (ii) being placed near schools, playgrounds, and certain other places; (iii) being displayed at a sporting event or on a billboard; (iv) being misleading, deceptive, or false; (v) referencing the intoxicating effects of marijuana; or (vi) promoting overconsumption or consumption by minors. (23102671D)

SB 903 (Hanger) (SFIN) establishes provisions for the registration of a retail facility for regulated hemp products, as defined in the bill, establishes product packaging, labeling, and testing requirements for such products, and creates a civil penalty of up to \$1,000 for certain violations relating to such products. The bill requires any person who manufactures an industrial hemp extract, as defined in the bill, or food containing an industrial hemp extract to obtain a permit from the Commissioner of Agriculture and Consumer Services and creates a Class 1 misdemeanor and a civil penalty of up to \$10,000 for certain violations. The bill clarifies that any substances containing a concentration of total tetrahydrocannabinol, as defined in the bill, of more than 0.3 percent, including a hemp product or industrial hemp extract, are included in the definition of marijuana and also clarifies that the definition of marijuana does not include any substance containing tetrahydrocannabinol that has been placed by the Board of Pharmacy into one of the schedules set forth in the Drug Control Act. The bill increases the civil penalty for certain actions relating to sales of cigarettes and hemp products from \$50 to \$500. The bill also removes tetrahydrocannabinol from the Schedule I list of controlled substances and permits the Board of Pharmacy to schedule, deschedule, or reschedule a tetrahydrocannabinol isomer, except delta-9-tetrahydrocannabinol, or salts of such isomer in accordance with the provisions of the bill. (23102827D)

SB 1133 (Ebbin) (SFIN) establishes a framework for the creation of a retail marijuana market in the Commonwealth, which would be administered by the Virginia Cannabis Control Authority. The bill allows the Authority to begin issuing marijuana licenses on July 1, 2024, and allows, beginning July 1, 2023, certain pharmaceutical processors, pending establishment of the retail market, to cultivate, manufacture, and sell cannabis products to persons 21 years of age or older. The bill transitions from the Virginia Department of Agriculture and Consumer Services to the Authority the authority to regulate the testing, labeling, packaging, and advertising of regulated hemp products, as defined in the bill. (23104135D)

HB 1597 (Robinson) (HHWI) transfers oversight and administration of the Commonwealth's medical cannabis program from the Board of Pharmacy to the Virginia Cannabis Control Authority. (23100578D)

HB 1598 (Robinson) (Reported from HHWI) transfers oversight and administration of the Commonwealth's medical cannabis program from the Board of Pharmacy to the Virginia Cannabis Control Authority. (23106176D-H1)

HB 1846 (Head) (HHWI) allows pharmacists who are employed by a pharmaceutical processor or cannabis dispensing facility to issue written certificates for cannabis products if the pharmacist (i) is acting as the agent of a practitioner, (ii) is acting pursuant to policies established by a practitioner who has contracted with a pharmaceutical processor or cannabis dispensing facility to serve as the medical director of such pharmaceutical processor or cannabis dispensing facility, and (iii) has verified the patient's diagnosis with a practitioner with whom the patient has a bona fide practitioner-patient relationship. The bill amends and adds numerous provisions regarding the Commonwealth's medical marijuana program, including provisions related to recordkeeping, product registration, expiration dates, allowable deviations, dispensing, packing, labeling, and advertising. The bill requires pharmaceutical processors and cannabis dispensing facilities to collect and provide to the Board of Pharmacy by July 1, 2024, data regarding implementation of the bill. The bill also requires the Board of Pharmacy to make certain amendments to its regulations. (23106205D-H1)

HB 2368 (Adams, D.) (Reported from HHWI) requires cannabis product and botanical cannabis labels to be complete, accurate, easily discernable, and uniform among different products and brands and that each label, which shall be included on the product and on the pharmaceutical processor's website, include (i) the product name, (ii) all active and inactive ingredients, (iii) the total percentage and milligrams of tetrahydrocannabinol and cannabidiol included in the product and the number of milligrams of tetrahydrocannabinol and cannabidiol in each serving, (iv) the amount of product that constitutes a single serving and the amount recommended for use by the practitioner or dispensing pharmacist, (v) information regarding the product's purpose and detailed usage directions, and (vi) child and safety warnings in a conspicuous font. The bill also requires that no less than 50 percent of all cannabis products offered for sale by a pharmaceutical processor or cannabis dispensing facility (a) contain cannabidiol as its primary cannabinoid and (b) have low levels of or no tetrahydrocannabinol. The bill provides that a patient's registered agent shall not be required to register with the Board of Pharmacy when such registered agent is listed on the patient's written certification pursuant to the patient's request and in the discretion of the practitioner based on medical need. The bill also requires that, in the case of cannabis products, the Prescription Monitoring Program include only the information specified in law, which is amended by the bill. (23104177D)

HB 2369 (Adams, D.) (HHWI) removes the requirement that a cannabis dispensing facility be owned, at least in part, by a pharmaceutical processor and increases from five to 12 the number of cannabis dispensing facility permits the Board of Pharmacy may issue per year in each health service area. (23104246D)

SB 1393 (Lewis) (SFIN) requires the Board of Agriculture and Consumer Services to adopt certain regulations relating to industrial hemp and industrial hemp extracts intended for inhalation, as defined in the bill, that include labeling requirements, batch testing requirements, and tolerances for contaminants of such products. The bill requires any manufacturer of a hemp product, wholesale supplier that sells hemp products, or retail establishment that sells hemp products to register with the Board and pay an annual fee for a license to sell such products and also requires hemp products sold or offered for sale to have certain information included on the

label. The bill updates the definition of industrial hemp to match the definition in federal law. (23105778D-S1)

SB 1533 (Deeds) (Reported from SFIN) allows each pharmaceutical processor that has obtained a permit to operate a pharmaceutical processing facility from the Board of Pharmacy to establish one additional location for the cultivation of cannabis plants, which must be located within the same health service area as the pharmaceutical processing facility. (23104080D)

Courts

SB 841 (Surovell) (SRSS) provides that the membership of a local independent policy board of an alcohol safety action program must include at least one criminal defense attorney who has specialized knowledge in representing persons charged with driving while intoxicated offenses. The bill also provides that any court that has convicted a person of a reckless driving violation in which alcohol was a factor shall have continuing jurisdiction over such person during any period of license revocation related to that conviction for the limited purposes of (i) referring such person to a certified alcohol safety action program; (ii) providing for a restricted driver's license permit for such person; and (iii) imposing terms, conditions, and limitations for actions related to such person's participation in a certified alcohol safety action program and use of the restricted driver's license permit. This bill is a recommendation of the Commission on the Virginia Alcohol Safety Action Program. (23103601D)

SB 783 (Reeves) (Passed Senate) provides that a person whose driver's license has been revoked for multiple convictions of driving while intoxicated may file a petition for the issuance of a restricted driver's license without having to wait for the expiration of three years from the date of his last conviction when such person's last conviction resulted from a final order being entered by a court after the successful completion of a Veterans Treatment Court Program, behavioral health docket, or other specialty docket. (23103255D)

HB 1959 (Mullin) (Passed House) provides that if a defendant is ordered to undergo treatment to restore his competency to stand trial and the initial evaluator has found that the defendant has an ongoing and irreversible medical condition causing him to likely remain incompetent for the foreseeable future or that the defendant has been found to be unrestorably incompetent in the past two years, the initial evaluator shall send a report to the court and the court shall proceed with a competency determination. (23100522D)

Firearms

SB 909 (Favola) (SJUD) provides that a person who is prohibited from possessing a firearm because such person is subject to a protective order or has been convicted of an assault and battery of a family or household member may transfer a firearm owned by such prohibited person to any person who is not otherwise prohibited by law from possessing such firearm, provided that such person who is not otherwise prohibited by law from possessing such firearm is 21 years of age or older and does not reside with the person who is subject to the protective order. Under current law, there is no requirement that such transferee cannot be younger than 21 years of age

and cannot reside with such prohibited person. The bill also provides that such prohibited person who transfers, sells, or surrenders a firearm pursuant to the provisions of the bill shall inform the clerk of the court of the name and address of the transferee, the federally licensed firearms dealer, or the law-enforcement agency in possession of the firearm. (23102002D)

SB 1192 (Ebbin) (SFIN) prohibits the carrying of certain semi-automatic center-fire rifles, pistols, and shotguns on any public street, road, alley, sidewalk, or public right-of-way or in any public park or any other place of whatever nature that is open to the public. Under current law, the current prohibition on carrying certain shotguns and semi-automatic center-fire rifles and pistols applies to a narrower range of firearms, only in certain localities, and only when such firearms are loaded. (23103857D)

Abortion

SB 1243 (Surovell) (SJUD) provides that no demand for extradition of a person charged with a criminal violation of law of another state shall be recognized by the Governor if such alleged violation involves the receipt of or assistance with reproductive health care services unless the alleged violation would also constitute a criminal offense under the laws of the Commonwealth. The bill adds obtaining, disclosing, selling, or disseminating certain enumerated personal reproductive or sexual health information without the consent of the consumer as a prohibited practice under the Virginia Consumer Protection Act. (23103737D)

HB 1488 (McGuire) (Committee Referral Pending) provides that no agency of the Commonwealth shall enter into any contract with or make any grant of public funds, as defined in the bill, to any entity or any affiliate of any entity that provides abortion services or operates a facility at which abortion services are provided. The bill also repeals provisions authorizing the Board of Health to use state general funds appropriated to the Department of Health to pay the cost of abortions for women who otherwise meet the financial eligibility criteria for services through the state plan for medical assistance services in cases in which (i) a pregnancy occurs as a result of rape or incest that is reported to a law-enforcement or public health agency or (ii) a physician certifies in writing that he believes the fetus will be born with a gross and totally incapacitating physical deformity or with a gross and totally incapacitating mental deficiency. (23100086D)

SR 87 (Chase) (SEH) recognizes that the right to life begins at conception. (23103683D)

SB 852 (Favola) (SJUD) prohibits the issuance of a search warrant for the search and seizure of a computer, computer network, or other device containing electronic or digital information related to menstrual health data, as defined in the bill. (23102370D)

HB 1954 (Bell) (HCT) provides that any person who kills the fetus of another by an intentional act committed while in the sudden heat of passion upon reasonable provocation is guilty of voluntary manslaughter, which is punishable as a Class 5 felony. The bill also provides that any person who kills the fetus of another accidentally, contrary to the intention of the parties and

while engaged in conduct so gross, wanton, and culpable as to show a reckless disregard for human life, is guilty of involuntary manslaughter, which is also punishable as a Class 5 felony. (23100525D)

HB 1795 (Freitas) (HCT) requires every health care provider licensed by the Board of Medicine who attempts to terminate a pregnancy to (i) exercise the same degree of professional skill, care, and diligence to preserve the life and health of a human infant who has been born alive following such attempt as a reasonably diligent and conscientious health care practitioner would render to any other child born alive at the same gestational age and (ii) take all reasonable steps to ensure the immediate transfer of the infant who has been born alive to a hospital for further medical care. A health care provider who fails to comply with the requirements of the bill is guilty of a Class 4 felony and may be subject to disciplinary action by the Board of Medicine. The bill also requires every hospital licensed by the Department of Health to establish a protocol for the treatment and care of a human infant who has been born alive following an attempt to terminate a pregnancy and for the immediate reporting to law enforcement of any failure to provide such required treatment and care. (23100175D)

HB 1999 (Kory) (HCE) sets out statutory protections for an individual's right to access and a health care provider's right to provide contraceptives, contraception, and information related to contraception. The bill prohibits measures that single out and impede access to contraceptives, contraception, or contraception-related information. However, a party may defend against a claim that a measure violates the bill's prohibitions by demonstrating through clear and convincing evidence that the measure significantly advances access to contraceptives, contraception, and information related to contraception and cannot be advanced by a less restrictive alternative measure or action. The Office of the Attorney General, individuals, or health care providers may bring a lawsuit to enforce the provisions of the bill, and localities are not immune from suits for violations. (23100152D)

HB 2270 (Greenhalgh) (HCT) requires physicians and authorized nurse practitioners to follow certain procedures and processes to effect a pregnant woman's informed written consent prior to the performance of an abortion and imposes civil and criminal penalties for violations of certain provisions. (23102087D)

HJ 519 (Herring) (HCT) provides that every individual has the fundamental right to reproductive freedom and that the right to make and effectuate one's own decisions about all matters related to one's pregnancy cannot be denied, burdened, or otherwise infringed upon by the Commonwealth, unless justified by a compelling state interest and achieved by the least restrictive means. The amendment prohibits the Commonwealth from penalizing, prosecuting, or otherwise taking adverse action against an individual for exercising the individual's right to reproductive freedom or for aiding another individual in the exercise of such right, unless justified by a compelling state interest. (23100027D)

Education

SB 1404 (Barker) (SJUD) renames the School Readiness Committee as the Commission on Early Childhood Care and Education and makes several changes to the Commission, including adjusting its purpose, increasing and adjusting its membership, and establishing eight enumerated powers and duties for the Commission. (23102800D)

SJ 228 (Favola) (SJUD) directs the School Health Services Committee to study the feasibility of implementing the recommendations of the Department of Education relating to standardizing the qualification and training requirements for school personnel, such as school nurses, who administer health services to students in order to improve the equity, consistency, and quality of school health services, including mental health services, provided in public schools in the Commonwealth. (23102121D)

“Watch List”/May Have State Revenue/Policy Implications

Health and Human Services

SB 975 (Peake) (Passed Senate) changes references to certain practitioners in the Code to advanced practice registered nurse in order to align the Code with the professional designations established by the Consensus Model for Advanced Practice Registered Nurses Regulation established by the National Council of State Boards of Nursing. (23102178D-E)

HB 2025 (Roem) (House Floor) requires the Department of Social Services to develop, annually update, and provide to each school board in advance of the start of each school year an information sheet on the SNAP benefits program that sets forth the application process and such other information as the Department deems necessary or appropriate in order to properly inform the parents of students enrolled in public elementary and secondary schools of such program and encourage application by those who are eligible. The bill requires each school board to ensure that such information sheet is sent home with each student enrolled in a public elementary or secondary school in the local school division at the beginning of each school year or, in the case of any student who enrolls after the beginning of the school year, as soon as practicable after enrollment. The bill also requires each school board to ensure that a fillable free or reduced price meals application is sent home with each such student at the beginning of each school year or, in the case of any student who enrolls after the beginning of the school year, as soon as practicable after enrollment. (23102018D)

HB 1900 (Hope) (House Floor) modifies the requirements for inspections of services provided by a licensed provider of behavioral health and developmental services. The bill removes the requirement that an inspection is conducted annually and replaces it with a requirement that an inspection is conducted at least once during the licensing period. The bill removes an evaluation of physical facilities where services are provided from the inspection requirements. (HHWI Amendments)

HB 2255 (Hodges) (House Floor) requires the Commissioner of Behavioral Health and Developmental Services to notify a provider of behavioral health and developmental services who is issued a provisional license of any limitations that can be placed on the provider by any other agency of the Commonwealth, including restrictions on reimbursement that may be imposed by the Department of Medical Assistance Services. The bill requires that a consent agreement signed by such provider waiving his right to appeal a provisional license issuance decision outline such potential restrictions on reimbursement and that a copy of the signed consent agreement be provided to the Department of Medical Assistance Services. (23105542D-H1)

SB 1155 (Mason) (Reported from SEH) requires the Commissioner of Behavioral Health and Developmental Services or his authorized agents to make at least one unannounced inspection of each service offered by each licensed provider during the licensing period. Current law requires an annual unannounced inspection. The bill also removes the requirement that inspections evaluate the physical facilities in which services are provided. (23105857D-S1)

SB 1043 (McPike) (Passed Senate) requires the Department of Education, in consultation with the Department of Behavioral Health and Developmental Services, to develop, adopt, and distribute to each school board a model memorandum of understanding between a school board and a public or private community mental health services provider that sets forth parameters for the provision of mental health services to public school students enrolled in the local school division by such provider. The bill requires the memorandum of understanding to be available to each school board no later than the beginning of the 2023 - 2024 school year. The bill also permits, in order to fill vacant school psychologist positions, any local school board to employ, under a provisional license issued by the Department of Education for three school years with an allowance for an additional two-year extension, clinical psychologists licensed by the Board of Psychology, provided that any such individual makes progress toward completing the requirements for full licensure as a school psychologist during such period of employment. Finally, the bill defines the terms "direct counseling" and "program planning and school support" for the purpose of the provision of law that requires each school counselor to spend at least 80 percent of his staff time during normal school hours in the direct counseling of individual students or groups of students. (23105161D-ES1)

SB 1170 (Hanger) (Reported from SEH) clarifies the duty of all agencies, as defined in the bill, and political subdivisions of the Commonwealth and certain other entities to cooperate with and assist the Behavioral Health Commission in the performance of its duties and requires such agencies, political subdivisions, and other entities to, upon request, provide to the Commission certain information and facility access. The bill also excludes from the mandatory disclosure provisions of the Virginia Freedom of Information Act records of the Commission. (23106037D-S1)

SB 1219 (Mason) (Passed Senate) allows local boards of social services and child-placing agencies to approve as a kinship foster parent an applicant who has been convicted of possessing a Schedule I or Schedule II controlled substance, provided that (i) the offense did not involve possession of heroin, fentanyl, or methylenedioxy-methamphetamine, (ii) five years have

elapsed from the date of the conviction, and (iii) the local board or child-placing agency makes a specific finding that approving the kinship foster care placement would not adversely affect the safety and well-being of the child. Under current law, such applicants may be approved as a kinship foster parent if 10 years have elapsed from the date of conviction. (23103937D-E)

SB 827 (Favola) (Reported from SEH) directs the Board of Health to amend its regulations to require every hospital with an emergency department to have at least one off-duty law-enforcement officer or a trained security officer present at all times. Hospital protocols shall ensure such officers providing security receive training in the use of weapons, defensive tactics, de-escalation techniques, appropriate physical restraint techniques, crisis intervention, and trauma-informed approaches in identifying and safely addressing situations involving patients, family members, or other persons who pose a risk of harm to themselves or others due to mental illness or substance abuse or who are experiencing a mental health crisis. (23105296D-S1)

HB 1792 (Ransone) (Passed House)/**SB 1302** (Deeds) (Passed Senate) clarifies that in the case where a mental or physical condition is a result of intoxication, a licensed physician who has attempted to obtain informed consent of an adult person for treatment of such mental or physical condition resulting from intoxication may seek an order from the magistrate or court in the jurisdiction where the respondent is located authorizing temporary detention of the adult person in a hospital emergency department or other appropriate facility for testing, observation, or treatment, provided that certain conditions are met. (23101887D-E, 23105467D-S1)

SB 872 (Newman) (Passed Senate) requires magistrates to authorize alternative transportation if a person subject to an emergency custody order or temporary detention order is deemed to not be a danger to himself or others and appropriate alternative transportation is available. (23105273D-S1)

SB 820 (Favola) (Passed Senate) establishes the Virginia Opioid Use Reduction and Jail-Based Substance Use Disorder Treatment and Transition Fund to be administered by the Department of Criminal Justice Services for the purpose of funding and supporting the planning and implementation of locally administered jail-based addiction recovery and substance use disorder treatment and transition programs in local and regional jails. (23101234D)

SB 1414 (Pillion) (Passed Senate) establishes the Commonwealth Opioid Abatement and Remediation Fund to receive funds from a direct settlement, judgment, verdict, or other court order relating to consumer protection claims regarding the manufacturing, marketing, distribution, or sale of opioids or that are intended to be used for opioid abatement or remediation, excluding funds designated for transfer to the Opioid Abatement Authority and that shall be deposited by the Office of the Attorney General. Moneys in the Fund shall be administered by the Department of Health and shall be used solely for the purposes of efforts to treat, prevent, or reduce opioid use disorder or the misuse of opioids or to otherwise abate or remediate the opioid epidemic, or for any other approved purposes described in a related settlement, judgment, verdict, or other court order. (23104608D-S1)

SB 1415 (Pillion) (Passed Senate) directs the Department of Health to create the Commonwealth Opioid Impact Reduction Registry consisting of nonprofit organizations that work to reduce the impact of opioids in the Commonwealth. The bill allows any person to possess and administer naloxone or other opioid antagonist used for overdose reversal other than naloxone in an injectable formulation with a hypodermic needle or syringe in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, provided that certain other conditions enumerated in current law are met. The bill removes training requirements related to the possession and administration of naloxone and directs the Department of Health, the Department of Behavioral Health and Developmental Services, and the Department of Corrections to collaborate to develop and implement a plan for the distribution of naloxone throughout the Commonwealth. The bill also directs the Department of Corrections to amend its regulations to require that training in the administration of naloxone be provided to every inmate prior to release. (23105909D-S1)

SB 923 (Favola) (Passed Senate) establishes the Kinship as Foster Care Prevention Program (the Program) to promote and support placements of children with relatives by local boards of social services (local boards) in order to avoid foster care. The bill provides that a child is eligible to participate in the Program if the local board determines that (i) the child is at imminent risk of being removed from his home and a preliminary protective order is insufficient to address the child's immediate safety concerns and (ii) the child's parent or guardian consents to the placement of the child with a relative pursuant to an agreement with the local board developed in accordance with the provisions of the bill. (23103800D)

HB 1906 (Hope) (HAPP) allows the Department for Aging and Rehabilitative Services to provide auxiliary grants to eligible recipients residing in independent community living, as defined in the bill, under conditions set forth in the bill. The bill directs the Department of Medical Assistance Services to, if deemed necessary, amend the state plan for medical assistance services and any waivers thereof to implement the provisions of the bill and limits to no more than 200 the number of auxiliary grant recipients in independent community living. The bill has a delayed effective date of January 1, 2024, and directs the Commissioner for Aging and Rehabilitative Services to adopt emergency regulations to implement its provisions. (23105420D-H1)

SB 1232 (Dunnavant) (Passed Senate) clarifies that the deaths of individuals who are or who were, immediately prior to admission to another hospital, receiving services in a state hospital or training center operated by the Department of Behavioral Health and Developmental Services must be investigated by the Office of the Chief Medical Examiner, whether the death of such individual was expected or unexpected. The bill also requires that any report concerning the death of an individual who is receiving services or who, immediately prior to admission to another hospital, received services in a state hospital or training center operated by the Department of Behavioral Health and Developmental Services be delivered to the Commissioner of Behavioral Health and Developmental Services and to the State Inspector General. Current law only requires the delivery of autopsy reports. (23104712D-S1)

HB 1754 (Head) (House Floor)/**SB 1119** (Stuart) (Report from SEH) allows patients who have an established relationship with a practitioner who is a member of a health maintenance organization or multispecialty group to receive services from a practitioner who is a member of the same multispecialty group via telemedicine without undergoing another in-person exam within the specified time period and increases the specified time period from one year to three years. The bill increases from one year to three years the period during which psychologists and clinical social workers who are licensed outside the Commonwealth and who meet certain criteria may provide behavioral health services via telemedicine to a patient located in the Commonwealth. (23105193D-H1, 23105518D-S1)

HB 1711 (Bell) (House Floor) prohibits denial of parental access to the medical records of such parent's minor child, unless federal law requires the minor child's consent. (23103794D)

SB 1146 (Boysko) (Passed Senate) limits, in the context of early childhood care and education entities, the requirement for the implementation of policies for the possession and administration of epinephrine to child day centers. Under current law, such requirement applies to all early childhood care and education entities, which include child day centers, family day homes, and family day systems serving children younger than the age of five. The bill also requires the Board of Education to amend its regulations to require each family day home provider or at least one other caregiver employed by such provider in the family day home to be trained in the administration of epinephrine and to notify the parents of each child who receives care in such family day home whether the provider stores an appropriate weight-based dosage of epinephrine in the residence or home in which the family day home operates. (23101188D)

SB 1546 (Ebbin) (Reported from SEH) exempts from the Department of Agriculture and Consumer Services inspection and permit requirements to operate a food establishment any establishment or operation that has a restaurant license from the State Department of Health that supplies food to any school or day care center that has a restaurant license from the State Department of Health. (23105992D-S1)

Elections

SB 1180 (Ebbin) (SPE) provides that (i) the acceptance of technical assistance, research, or subject matter expertise regarding election law, policies, and administration by any state or local elections officials and (ii) the acceptance or use of money or grants given by a private individual or nongovernmental entity when such money or grant is received and disbursed by the treasurer for the locality or provided through the regular process for appropriating public funds are not prohibited under the general prohibition on the solicitation or acceptance by such officials of money, grants, property, or services given by a private individual or nongovernmental entity for the purpose of funding voting-related programs. (23104147D)

HB 2454 (Campbell) (HPE) requires the Department of Elections to conduct and complete voter list maintenance monthly using change of address information supplied by the United States Postal Service, except that such list maintenance will not be conducted during the 90 days prior to a federal primary or general election. Following any federal general election, the Department

shall, within 30 days of such election, conduct and complete the list maintenance for the period beginning 90 days prior to the federal primary election through the date of the federal general election. The bill requires the Department to transmit the change of address information to the general registrars monthly and to include with such information the date on which it was received by the Department. (23104541D)

HB 1680 (Ransone) (HPE) requires any registration application used to register persons after the close of registration records, up to and including the day of an election, to require the applicant to affirm, subject to felony penalties for making false statements, that he is not intentionally voting more than once in the same election, whether in the same or a different jurisdiction, and that he is not intentionally registering to vote at more than one residence at the same time, both of which constitute the crime of election fraud and are punishable as a Class 6 felony. (23103314D)

Courts

HB 2015 (Adams, L.) (HCT) provides that any person who, with the intent of interfering with, obstructing, or impeding the administration of justice, or with the intent of influencing or intimidating in the discharge of his duty any judge, juror, witness, court officer, or court employee, pickets or parades in or near a residence occupied or used by such person is guilty of a Class 1 misdemeanor. The bill also provides that the provisions regarding the issuance and service of summons in place of a warrant do not apply to such violations. (23103542D)

SB 987 (Mason) (SFIN) requires the court to set up a schedule for periodic review hearings in the order of appointment of a guardian or conservator, unless the court makes a determination that such hearings are unnecessary or impracticable. The bill further provides that any periodic review hearing shall include the following assessments by the court: (i) the likelihood that the respondent's condition will improve or the respondent will regain capacity, (ii) whether concerns or questions were raised about the suitability of the person appointed as a guardian or conservator at the time of the initial appointment, and (iii) whether the appointment of a guardian or conservator or the appointment of the specifically appointed guardian or conservator was contested by the respondent or another party. (23102563D)

SB 1291 (Deeds) (SJUD) provides that it is a Class 1 misdemeanor for any person to knowingly report, or cause another to report in reliance on intentionally false information provided by such person, a false emergency communication to any emergency personnel that results in an emergency response. The bill also provides that it is a Class 6 felony if such false emergency communication results in an emergency response during which and as a result of such emergency response any person suffers a serious bodily injury and a Class 5 felony if any person is killed. The bill authorizes any locality to provide by ordinance that a person convicted of such false emergency communication shall be liable for the reasonable expense in responding to such false emergency communication. The bill also requires the Secretary of Education, together with the Secretary of Public Safety and Homeland Security, to convene a work group for the purpose of establishing best practices, policies, and procedures for school personnel in the event of false information resulting in an emergency response at or near a school. (23103560D)

SB 1402 (Surovell) (SJUD) repeals the statute providing for the limitation on the dissemination of criminal history record information related to the possession of marijuana and the statute related to automatic sealing for mistaken identity or unauthorized use of identifying information. The bill also repeals the provisions related to the automatic and petition-based expungement of former marijuana offenses and instead provides for the sealing of such offenses. The bill also removes the provisions related to the automatic sealing of underage possession of alcohol offenses and instead provides for petition-based sealing of such offenses.

The bill creates an electronic, name-based criminal history record search to be used when an expungement or sealing petition is filed and requires the court to maintain a copy of a sealing order and send an electronic notification, rather than an order as current law requires, to the Department of State Police after an offense is sealed. The bill also allows courts and attorneys for the Commonwealth to access sealed records in instances where the court or parties failed to strictly comply with sealing procedures or an order for sealing was entered contrary to law and clarifies that a petition for sealing can only include offenses that arose out of the same transaction or occurrence. The bill makes additional changes to the processes for expungement and sealing, including updates to the process of forwarding a petitioner's criminal history record to the court and maintaining expungement pleadings under seal. The bill provides a petition process by which the person who was charged with an offense that was ordered to be expunged may request access to such expunged court or police record.

The repeal of the statute related to the limitation on the dissemination of criminal history record information related to the possession of marijuana and various other provisions of the bill have a delayed effective date of the earlier of (i) the date on which the processes to seal criminal history record information and court records pursuant to Chapters 524 and 542 of the Acts of Assembly of 2021, Special Session I, become effective or (ii) July 1, 2025. This bill is a recommendation of the Virginia State Crime Commission. (23102885D)

Transportation

SB 1137 (McPike) (SFIN) creates the Fredericksburg Area Transportation Authority, comprising the counties and cities located in Planning District 16. The Authority will administer transportation funding generated through the imposition of (i) an additional transportation improvement grantor's fee at a rate of \$0.06 per \$100 of the consideration for the conveyance and (ii) a local transportation transient occupancy tax at a rate of one percent of the amount of the charge for the occupancy of any room or space occupied in any county or city in Planning District 16. The bill also increases the annual distribution of recordation tax revenues to cities and counties from \$20 million to \$55 million and dedicates \$15 million of such annual distribution to the Fredericksburg Area Transportation Fund, created by the bill. (23104217D)

HB 1858 (Webert) (HTRAN) directs the Commissioner of Highways to evaluate whether it is in the public interest for any roadway operated pursuant to the Virginia Highway Corporation Act of 1988 (HCA) to operate instead under the authority and requirements provided by the Public-Private Transportation Act of 1995 (PPTA). The bill authorizes the Commissioner, if he determines it is in the public interest for any such roadway to operate under the PPTA and if the

Secretary of Transportation and the Transportation Public-Private Partnership Steering Committee concur, to negotiate and execute a new comprehensive agreement with the operator of such roadway to operate under the authority and requirements provided by the PPTA. The bill has an expiration date of January 1, 2025. (2310415D)

HB 1637 (Webert) (HCE)/**SB 1370** (Vogel) (SFIN) adds one project to the existing pilot program for underground transmission lines. The bill requires the State Corporation Commission to approve one additional application filed between January 1, 2023, and October 1, 2023, as a qualifying project to be constructed in whole or in part underground, as a part of the pilot program. The bill requires that the added qualifying project be a newly proposed 230-kilovolt line underground line and that (i) an engineering analysis demonstrates that it is technically feasible to place the proposed line, in whole or in part, underground; (ii) the governing body of each locality in which a portion of the proposed line will be placed underground indicates, by resolution, general community support for the project and that the governing body supports the transmission line to be placed underground; (iii) a project has been filed with the Commission or is pending issuance of a certificate of public convenience and necessity by October 1, 2023; (iv) the estimated additional cost of placing the proposed line, in whole or in part, underground does not exceed \$40 million or, if greater than \$40 million, the cost does not exceed 2.5 times the cost of placing the same line overhead, assuming accepted industry standards for undergrounding to ensure safety and reliability; if the public utility, the affected localities, and the Commission agree, a proposed underground line whose cost exceeds 2.5 times the cost of placing the line overhead may also be accepted into the pilot program; (v) the public utility requests that the project be considered as a qualifying project under the pilot program; and (vi) the primary need of the project is for purposes of grid reliability or grid resiliency or to support economic development priorities of the Commonwealth, including the economic development priorities and the comprehensive plan of the governing body of the locality in which at least a portion of line will be placed, and not to address aging assets that would have otherwise been replaced in due course. (23100154D, 23101426D)

HB 1437 (Wiley) (HTRAN)/**SB 1165** (Lewis) (HTRAN) provides that the authority of the Commonwealth Transportation Board to make regulations for the use of systems of state highways includes authorizing the use of such highways for public safety purposes and the use of devices on such highways for public safety purposes whether related or unrelated to transportation safety. The bill requires any regulation authorizing the use in the system of state highways of a device for public safety purposes that records and stores videos or images to require that all data collected by such device be purged and not retained later than 30 days after collection unless such data is being used in an active law-enforcement investigation. (23102005D, 23102332D)

HB 2330 (McQuinn) (HCT) makes it a Class 1 misdemeanor for a person to commit a battery against another knowing or having reason to know that such individual is an operator of a vehicle operated by a public transportation service who is engaged in the performance of his duties. The bill requires the sentence of such person, upon conviction, to include a term of confinement of 15 days in jail, two days of which is a mandatory minimum. (23103484D)

Firearms

SB 1181 (Ebbin) (SFIN) creates a Class 1 misdemeanor, which is punishable as a Class 4 felony for a second or subsequent offense, for any person to knowingly sell, offer to sell, transfer, or purchase an unfinished frame or receiver, as defined in the bill, unless the party selling, offering to sell, transferring, or purchasing the unfinished frame or receiver is a federal firearms importer, manufacturer, or dealer or the unfinished frame or receiver is required by federal law to be, and has been, imprinted with a serial number by a federal firearms importer, manufacturer, or dealer. (23104048D)

Education

SB 821 (Surovell) (Reported from SEH) requires each division superintendent to identify, update as necessary, and make available to the Department of Education and to other appropriate individuals a fax number, an email address, and a mailing address at which the division superintendent will receive the reports required to be transmitted pursuant to relevant law from (i) every state official or agency and every sheriff, police officer, or other local law-enforcement officer or conservator of the peace having the power to arrest for a felony upon arresting a person who is known or discovered by the arresting official to be a full-time, part-time, permanent, or temporary teacher or any other employee in any local school division in the Commonwealth for a felony or a Class 1 misdemeanor or an equivalent offense in another state and (ii) the clerk of any circuit court or any district court in the Commonwealth upon the conviction of a Board of Education-licensed school employee for certain enumerated felonies. The bill requires the Department to compile and make publicly available on its website a list of such fax numbers, email addresses, and mailing addresses. The bill also requires all such arresting officials or agencies and all such clerks to transmit the required reports via certified mail, return receipt requested, or to the identified fax numbers and email addresses. The bill finally requires, until July 1, 2027, all such arresting officials or agencies request in writing that the Virginia Employment Commission provide the name of the current employer of each arrested person for purposes of determining whether such notice is required. (23100637D)

SB 1099 (Norment) (SEH) provides that matching grants from the School Resource Officer Incentive Grants Fund may be awarded to local law-enforcement agencies and local school boards for the expenses related to the equipment necessary for uniformed school resource officers, school security officers, and other relevant school safety personnel and the enhancement of the school-law enforcement partnership through training and programming as determined by the Department. (23101308D)

Administration of Government

HB 1487 (March) (HCCT) requires localities to provide a live video broadcast of public meetings of the local governing body and to archive such broadcasts on their websites. (23100033D)

Land Use

SB 1390 (Lewis) (SLG) extends to July 1, 2026, the sunset date for various local land use approvals for solar photovoltaic projects that were valid and outstanding as of July 1, 2023. (23103968D)

Building Code

HB 2312 (Head) (HGL)/**SB 1263** (Hackworth) (SGL) defines stop work orders for the purposes of the Uniform Statewide Building Code. The bill provides that if, during an appeal pursuant to the provisions of the Administrative Process Act of the State Building Code Technical Review Board's decision with respect to the issuance of a stop work order by a local building official, the court finds in favor of the party that was issued the stop work order, such party shall be entitled to recover its actual costs of litigation, including court costs, attorney fees, and witness fees, from the locality responsible for issuing the stop work order. The bill contains technical edits. (23104240D, (23104259D)

SB 1305 (Hanger) (Passed Senate) requires farm buildings and structures where the public is invited to enter and that are used for storage, handling, production, display, sampling, or sale of agricultural, horticultural, floricultural, or silvicultural products produced on the farm and that are exempt from the Uniform Statewide Building Code (the building code) to have (i) portable fire extinguishers, (ii) a simple written plan in case of an emergency, and (iii) a sign posted in a conspicuous place upon entry that states that the building is exempt from the provisions of the building code. The bill also directs the Agritourism Event Structure Technical Advisory Committee to meet at least four times between the 2023 and 2024 Regular Sessions of the General Assembly and provides guidance to the Committee for topics on fire safety and the welfare of the general public to consider. (23105090D-S1)

Public Safety/Criminal Justice

HB 1607 (Tata) (HCCT) permits any locality to adopt an ordinance that establishes a uniform schedule of civil penalties for violations of ordinances. The bill provides that the civil penalty, unless elsewhere authorized, shall not exceed (i) \$500 for the initial summons, (ii) \$1,000 for the second violation, or (iii) \$1,500 for the third or subsequent violation. The bill further provides that a locality that has charged an individual criminally under the ordinance may also issue summonses for civil penalties for continued or additional violations of the ordinance. (23103077D)

HB 2344 (Head) (HHWI)/**SB 1421** (Pillion) (SRSS) removes the requirement that the adult protective services hotline immediately refer certain reports of alleged adult abuse, neglect, or exploitation to the appropriate local law-enforcement agency and removes the duty of local law-enforcement agencies to provide the adult protective services hotline with a preferred point of contact for such referrals. The bill retains the requirement for the local department of social services to immediately refer such reports to the appropriate local law-enforcement agency and

the duty of local law-enforcement agencies to provide local departments of social services with a preferred point of contact for such referrals. (23100952D, 23100951D)

SB 1379 (Deeds) (SRSS) waives sovereign immunity for health care providers employed by localities or by local or regional correctional facilities to provide medical services to prisoners for a claim of wrongful death or injury resulting from a negligent or wrongful act or omission in the provision of such medical services. This bill is in response to *Patterson v. City of Danville*, 875 Va. S.E.2d 65 (2022). (23100123D)

Taxation

HB 1863 (Scott, P.) (HFIN) makes numerous changes to the Commonwealth's tax structure with the intention of eliminating the personal income tax. The bill provides that beginning January 1, 2025, all income tax rates shall be reduced by 1.15 percent each year that a tax reduction condition, defined in the bill, is met. Under the bill, tax rate reductions shall occur each year and shall be cumulative until reaching zero. The tax reduction condition would be met and the tax rate reduction would occur in any fiscal year that the amount of general fund revenues collected plus the amount of additional general fund revenues, defined in the bill, is greater than or equal to the amount of general fund appropriations made for such fiscal year plus the amount of revenue reduction that would result from a 1.15 percent reduction in the individual income tax rate.

Additional general fund revenues are defined in the bill as general fund revenues that would be generated as a result of the tax policy changes resulting from the bill. The bill would increase the sales and use tax rate to 5.3 percent beginning July 1, 2024, and would increase this rate by one percent each year until reaching 9.3 percent beginning July 1, 2028. The bill would increase the tax on cigarettes by three cents per cigarette and would double the statutory tax rate on tobacco products, with the revenues from such taxes to be deposited in the general fund. The motor vehicle sales and use tax rate would be increased by one percent beginning July 1, 2024, and would increase by one percent each year until reaching an additional five percent over current rates beginning July 1, 2028. The motor fuels tax would also be increased by five cents per gallon beginning July 1, 2024, with additional five cents per gallon increases until reaching an additional 25 cents per gallon beginning July 1, 2028. The bill requires all additional revenue generated by such tax increases to be deposited in the general fund.

Finally, the bill directs the Secretary of Finance to convene a workgroup to recommend additional tax policy changes that would be needed to eliminate personal income tax liability. (23100231D)

Zoning

HB 1473 (Fowler) (HCCT) alters the notice requirements related to local government adoption of land use plans and zoning ordinances by no longer requiring the notice to contain a descriptive summary of the proposed action but continues to require the locality to identify in the notice the place or places within the locality where copies of the proposed plans, ordinances, or

amendments may be examined. Furthermore, such notice must include the street address or tax map parcel number of the parcels as well as the approximate acreage subject to the action. With regard to notice of proposed zoning actions, the bill also (i) removes the requirement to state general usage and density of the proposed zoning action and (ii) eliminates the requirement for an extra public hearing when land is zoned to a more intensive use classification than was contained in the previous public notice. (23103081D)

HB 2047 (Carr) (HCCT)/**SB 1141** (McPike) (Passed Senate) authorizes any locality in the Commonwealth to provide for an affordable housing dwelling unit program by amending the zoning ordinance of such locality. Current law restricts such authorization to counties with an urban county executive form of government or county manager plan of government and certain other localities. (23101358D, 23105882D-S1)

Environment

HB 2284 (Wiley) (Reported from HHWI) removes from the membership of the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals a faculty member of a public institution of higher education in the Commonwealth whose principal field of teaching is management or operation of waterworks or wastewater works and adds to the Board's membership a local or regional representative of the Department of Health. (23101257D)

Legislation Provided for Information

General Assembly

SB 1352 (Norment) (SRUL) prohibits any member of the General Assembly or any member of his immediate family from holding a direct or indirect ownership interest in a casino gaming establishment or retail marijuana store or in any entity that sells or distributes on the premises of such establishment or store any goods or services that are incidental or ancillary to the principal business of the establishment or store. Such prohibition shall apply during the legislator's service as a legislator and for the five years immediately following the termination of such service. The bill provides that any person who violates the prohibition is guilty of a Class 6 felony and that any money or thing of value derived by the legislator from such violation is forfeited to the Commonwealth. (23104148D)

SB 1357 (Norment) (SRUL) grants the Capitol Square Preservation Council the authority 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. (23101219D)

Elections

SB 946 (Suetterlein) (SPE) prohibits campaign fundraising on any day the General Assembly is scheduled to meet during a special session. Currently, campaign fundraising is prohibited only during regular sessions of the General Assembly. (23102721D)

SB 1471 (Boysko) (SFIN) prohibits any person from converting contributions to a candidate or his campaign committee for personal use. Current law only prohibits such conversion of contributions with regard to disbursement of surplus funds at the dissolution of a campaign or political committee. The bill provides that a contribution is considered to have been converted to personal use if the contribution, in whole or in part, is used to fulfill any commitment, obligation, or expense that would exist irrespective of the person's seeking, holding, or maintaining public office but allows a contribution to be used for the ordinary and accepted expenses related to campaigning for or holding elective office, including the use of campaign funds to pay for the candidate's child care expenses that are incurred as a direct result of campaign activity. The bill provides that any person subject to the personal use ban may request an advisory opinion from the State Board of Elections on such matters. The bill directs the State Board of Elections to adopt emergency regulations to implement the provisions of the bill and to provide an updated summary of Virginia campaign finance law that reflects the State Board of Elections' and Attorney General's guidance on the provisions of such law that prohibit the personal use of campaign funds and any new regulations promulgated by the State Board of Elections. (23104251D)

SB 1053 (McPike) (Passed Senate) requires all candidates to file their campaign finance reports electronically with the State Board of Elections. The bill provides an exemption for any candidate who is incapable of accessing the technology necessary to make such filings. (23101956D)

SB 1427 (Suetterlein) (SPE) requires in-state political action committees to file a report for any single expenditure of \$1,000 or more made between October 1 and the date of the November general election. Such reports are to be made electronically and must be received by the State Board of Elections by 11:59 p.m. on the following day or, for an expenditure made on a Saturday, by 11:59 p.m. on the following Monday. However, the bill requires that any such expenditure made within the 24 hours prior to the election day be reported and a report thereof received on the day prior to the election (23102732D)

HB 1518 (Adams, D.) (HRUL) requires each member of the General Assembly to annually submit a certification of his legal residence to the clerk of the house in which he serves, signed by the member under penalty of perjury to be true and correct. The bill requires the clerk of each house to verify that the address provided on the certification is within the district that the member was most recently elected to represent. Any member who is found to not be a resident of the district that he was most recently elected to represent shall, in accordance with Article IV, Section 4 of the Constitution of Virginia, vacate his office. (23101939D)

Health and Human Services

SB 1327 (McClellan) (SEH) directs the Department of Medical Assistance Services to establish a program to provide state-funded comprehensive health care coverage for individuals in the Commonwealth who (i) are under 19 years of age, (ii) are not covered under a group health plan or health insurance coverage, and (iii) but for their immigration status would be eligible for medical assistance services through the Commonwealth's program of medical assistance services established pursuant to Title XIX or XXI of the Social Security Act. The bill also requires the Department to ensure that all program information is made available in a manner that is accessible to individuals with limited English proficiency and individuals with disabilities through the provision of language access services, including oral interpretation and written translations, free of charge, and to ensure that information obtained by the program remains confidential and is not disclosed for any purpose not related to the administration of the program. (23102538D)

SB 932 (Hashmi) (SEH) establishes the Virginia Psilocybin Advisory Board to develop a long-term strategic plan for establishing therapeutic access to psilocybin services and monitor and study federal laws, regulations, and policies regarding psilocybin. The bill requires the Board to report annually by December 1 to the Governor and the General Assembly regarding its activities and recommendations. The bill reclassifies psilocybin under the Drug Control Act from a Schedule I to a Schedule III controlled substance. (23101994D)

SB 1234 (Cosgrove) (Passed Senate) requires the Department of Behavioral Health and Developmental Services to establish a pilot program to make electroencephalogram combined transcranial magnetic stimulation available for veterans, first responders, and law-enforcement officers. The bill requires the State Board of Behavioral Health and Developmental Services to establish regulations for the pilot program. (23105211D-S1)

SB 1344 (Barker) (Passed Senate) allows the City of Alexandria to enter into a contract with the Department of Health for the local administration of local health services. (23104580D-S1)

HB 1450 (Orrock) (Reported from HHWI)/**SB 798** (Hashmi) (Passed Senate) replaces various instances of the terms "handicap," "handicapped," and similar variations throughout the Code of Virginia with alternative terms, as appropriate in the statutory context, such as "disability" and "impairment." The bill contains technical amendments. The bill is a recommendation of the Virginia Disability Commission. (HHWI Amendments, 23100009D-E)

HB 2008 (Adams, L.) (House Floor) directs the Department of Health to convene a work group to study and make recommendations for reducing the occurrence and impact of tick-borne diseases in the Commonwealth. The work group shall report its findings and recommendations to the Governor and the General Assembly by November 1, 2023. (23101717D)

Covid-19 Vaccination

HB 2306 (Freitas) (House Floor) exempts a person, including a parent or guardian on behalf of a child, who objects to administration of a vaccine on religious grounds from mandatory immunization requirements issued by the Commissioner of Health during an epidemic. Currently, exemption from mandatory immunization requirements during an epidemic is available only to those persons to whose health the administration of the vaccine would be detrimental, as certified in writing by a licensed physician. (HHWI Amendments)

HB 2096 (Bulova) (HAG) removes the provision in current law that prohibits the movement, transportation, delivery, shipment, or offering for shipment of any noxious weed into or within the Commonwealth without a permit from the Commissioner of Agriculture and Consumer Services and grants the Board of Agriculture and Consumer Services the authority to adopt regulations governing the conditions under which a permit will be required for such actions. The bill also adds requirements related to invasive plant species, including directing the Department of Conservation and Recreation to create an invasive plant species list and update it quadrennially. (23103916D)

Public Safety/Criminal Justice

SB 797 (Favola) (Passed Senate) increases from nine members to 11 members the State Board of Local and Regional Jails by requiring (i) the appointment of both a former sheriff and a former superintendent of a regional jail facility where current law requires appointment of only one former sheriff or one former warden, superintendent, administrator, or operations manager of a state or local correctional facility and (ii) the appointment of an additional member who is employed by a public mental health services agency with training in or clinical, managerial, or other relevant experience working with individuals subject to the criminal justice system who have mental illness. (23100944D)

HB 1380 (Campbell) (HCT) removes the provisions that provide that no law-enforcement officer may lawfully stop a motor vehicle for operating (i) without a light illuminating a license plate, (ii) with defective and unsafe equipment, (iii) without brake lights or a high mount stop light, (iv) without an exhaust system that prevents excessive or unusual levels of noise, (v) with certain sun-shading materials and tinting films, and (vi) with certain objects suspended in the vehicle, and the accompanying the exclusionary provisions. (23104498D-H1)

ABC licenses

SB 1100 (Boysko) (Passed Senate) allows mixed beverage carrier licenses to be granted to financial institutions, subsidiaries of a financial institution, and certain persons under contract with a financial institution or subsidiary that are operating a lounge for air carrier passengers located within an airport in the Commonwealth, which would authorize the licensee to sell and serve mixed beverages in designated areas of such passenger lounge. The bill has an emergency clause. (23100944D)

Transportation

HB 1495 (Austin) (Passed House)/**SB 1216** (Lucas) (Passed Senate) removes the requirement that transportation network companies (TNCs) maintain uninsured and underinsured motorist coverage at a minimum of \$1 million. The bill requires TNCs to maintain the same minimum uninsured and underinsured motorist coverage as is currently required by law for all motorists of \$30,000 for bodily injury per person, \$60,000 for bodily injury per accident, and \$20,000 for property damage. The bill repeals expired provisions related to TNC insurance coverage. (23103953D-H1, 23102185D)

HB 1932 (Runion) (Reported from HTRAN)/**SB 982** (Marsden) (Passed Senate) requires drivers to make a lane change or reduce speed when passing stationary vehicles that have activated the vehicular hazard warning signal flashers, displayed caution signs, or been marked with properly lit flares or torches on certain highways when safe and reasonable to do so, and makes a violation of this requirement a traffic infraction. (23102790D, 23102033D)

HB 1955 (Krizek) (Reported from HTRAN) extends from 10 days to 30 business days the deadline for issuing a summons for an alleged violation of passing a stopped school bus in order for proof that the motor vehicle passed a stopped school bus and that the defendant was the registered owner of the vehicle to give rise to a rebuttable presumption that the owner of the vehicle was the operator during the violation. (23101852D)

HB 2034 (Sewell) (HTRAN) directs the Commonwealth Transportation Board to invite the National Capital Region Transportation Planning Board (NCRTPB) to participate in and present information at the joint transportation meeting held annually concerning projects in Planning District 8. The bill clarifies that the NCRTPB is not required to participate in the meeting. The bill requires the meeting to be made available online in a manner that allows the public to contemporaneously view and hear the meeting. (23103186D)

HB 2104 (Bourne) (Passed House) increases the default boundaries of a school crossing zone from 600 feet to 750 feet from the limits of school. (23104701D-H1)

HB 2254 (Sickles) (Passed House) requires the Department of Motor Vehicles to establish and administer a process whereby a vehicle owner may contest an assessed highway use fee. The bill requires the Department to reimburse the vehicle owner for any contested highway use fee or portion thereof that was incorrectly collected. (23100711D)

HB 2423 (Austin) (House Floor)/**SB 981** (Marsden) (STRAN) authorizes vehicles operated by the Response and Recovery Coordination Branch of the Washington Metropolitan Area Transit Authority's Office of Emergency Preparedness to (i) be equipped with flashing, blinking, or alternating red or red and white combination warning lights and (ii) disregard certain regulations regarding the operation of vehicles without being subject to criminal prosecution while responding to an emergency. The bill adds responding to metropolitan transit-related incidents to the list of circumstances in which such lighted warning lights shall be displayed. (23104732D, 23101698D)

SB 1051 (McPike) (STRAN) allows public utility company service vehicles to be left temporarily on private property without the consent of the property owner while utility service or maintenance is being conducted by an employee of the company on the property. The bill prohibits removal or towing of such vehicle for a period of 72 hours. (23102737D)

SB 1473 (Marsden) (STRAN) authorizes toll facility operators to obtain from the Department of Motor Vehicles the email address or other electronic address of the owner of a vehicle that failed to pay a toll. Existing provisions require an invoice for an unpaid toll to be sent by first-class mail. The bill contains technical amendments. (23104289D)

HB 1712 (Wachsmann) (HTRAN) expands the prohibition on damaging or removing traffic control devices or street signs, punishable as a Class 1 misdemeanor, to include damaging or removing temporary signs approved by the Department of Transportation warning motorists that work is in progress on or adjacent to the highway or that certain vehicles may be entering the highway. (23101688D)

SB 855 (Spruill) (Passed Senate) prohibits the use of headlights on motor vehicles, motorcycles, autocycles, bicycles, electric personal assistive mobility devices, personal delivery devices, electric power-assisted bicycles, mopeds, and motorized skateboards or scooters with aftermarket modifications that make the color of such lights appear blue. (23101439D-E)

SB 1035 (McPike) (STRAN) designates bridges with a general condition rating, defined in the bill, of five or less for at least one major bridge component as eligible for state of good repair funds. Currently, bridges must be structurally deficient to be eligible. The bill authorizes the use of state of good repair funds for the implementation of improvements anticipated to extend the useful life of a bridge by at least 10 years. The bill changes the funding distribution standard from equitable needs-based distribution, with percentage limits for a given district and a process to exceed such limits when necessary, to needs-based distribution of funding among the highway construction districts. The bill has a delayed effective date of June 1, 2024. (23101954D)

SB 1398 (Surovell) (STRAN) requires the Department of Motor Vehicles to collect and disseminate, on an annual basis, statewide and locality-level data related to driving under the influence of alcohol, drugs, or a combination thereof. The bill requires the Department of Motor Vehicles to submit an annual report on the data collected on or before October 1 to the General Assembly, the Governor, and the Virginia State Crime Commission and to make such data available to the public on the website of the Department. The bill provides that the Department of Motor Vehicles shall not be required to submit the first annual report prior to October 1, 2024, and that the first annual report shall include data from calendar year 2019 through calendar year 2023. This bill is a recommendation of the Virginia State Crime Commission. (23104303D)

Courts

SB 1303 (Boysko) (SJUD) provides that a defendant with a disorder or disability, as defined in the bill, may file a petition that requests the sealing of the criminal history record information and court records of a Class 4 felony conviction or deferred and dismissed disposition. Under

current law, Class 4 felony convictions or deferred and dismissed dispositions are ineligible to be sealed. The bill also provides that when a conviction or deferral and dismissal has been sealed, the defendant of such sealed record is a defendant with a disorder or disability, and the Governor granted the defendant a simple pardon for the commission of the crime or offense that was sealed, such conviction or deferral and dismissal shall be considered to be otherwise dismissed for purposes of expungement. (23104302D)

SB 1413 (Norment) (SJUD) provides that where a civil claim is filed arising out of or relating to charges where a petition for the expungement of police and court records for such charges is pending or where the records have been expunged, any party to the civil claim may file a motion in the court in which the civil claim is pending, or in the court where the petition for the expungement was or is pending, for the release of the expunged records for use in the civil litigation, and, upon motion and for good cause shown, such police and court records shall be ordered to be released and the relevant penalties relating to disclosure of such expunged records shall not apply. (23100363D)

HB 1897 (Bell) (HCT) provides that if a petitioner files a written motion requesting a hearing to extend a permanent protective order, the court may extend the protective order until the extension hearing or for an additional period not to exceed six months if the respondent fails to appear at the extension hearing because the respondent was not personally served with such motion. The bill also provides that the respondent may file a written motion for a continuance of the extension hearing, and the court may, for good cause shown, continue the extension hearing and such protective order shall remain in effect until the extension hearing.

The bill also provides that when a temporary protective order has been issued, the court may continue the full hearing of the protective order upon the motion of the petitioner and for good cause shown. Under current law, only the respondent may file a motion to continue the hearing. Additionally, the bill provides that in cases of family abuse where the court orders a permanent protective order, the court may also award other monetary relief or financial support to the petitioner for the protection of the petitioner and any other family or household member of the petitioner. (23103914D)

Education

HB 2225 (Batten) (Passed House, SEH) requires each school board to provide teachers, parents, principals, and other school leaders with their students' results on any Standards of Learning assessment or Virginia Alternate Assessment Program assessment as soon as practicable after the assessment is administered. (23101177D)

HB 2426 (Freitas) (House Floor) prohibits any school board, public elementary or secondary school, including any joint or regional school, or employee or agent of such school board or school, including any division superintendent or school principal, from withholding from any pupil or the pupil's parent any information that is transmitted solely to such school board, school, employee, or agent and that (i) relates to any recognition, award, or postsecondary scholarship eligibility earned by the student, including any such recognition, award, or eligibility earned as

the result of the student's achievement on the Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT) examination, or (ii) may affect the student's admission to an institution of higher education. The bill requires all such information to be transmitted to the pupil and the pupil's parent as soon as practicable after receipt of the information. (23104593D-E)

HB 1629 (Coyner) (Passed House, SEH) requires the Board of Education, on or before July 1, 2024, to create and maintain the Virginia Parent Data Portal that, among other things, (i) displays individualized student assessment data on all state-supported assessments, as that term is defined in the bill, (a) in a format that shows both current and cumulative data over time and (b) within 45 days of a state-supported assessment window closing for each state-supported assessment; (ii) provides a description of the purpose of each state-supported assessment, an explanation of how to interpret student data on each state-supported assessment, and a comparison of a student's performance on each state-supported assessment with the performance of the student's school, the student's school division, and the Commonwealth; (iii) is viewable from a mobile device in addition to a desktop computer; and (iv) restricts user access to students and their parents. The bill requires the Board and the Department of Education to provide certain guidance and technical assistance to local school divisions on professional development for principals and teachers in parent engagement on and interpretation of student assessment data available through the Portal and requires each school board to annually provide high-quality professional development to principals and teachers on such topics. (23104641D-H1)

SB 1253 (Dunnavant) (Passed Senate) requires each school board to provide teachers, parents, principals, and other school leaders with their students' results on any Standards of Learning assessment or Virginia Alternate Assessment Program assessment as soon as practicable after the assessment is administered. (23101178D)

SB 1329 (McClellan) (SFIN) requires the Board of Education, on or before July 1, 2024, to create and maintain the Virginia Parent Data Portal that, among other things, (i) displays individualized student assessment data on all state-supported assessments, as that term is defined in the bill, (a) in a format that shows both current and cumulative data over time and (b) within 45 days of a state-supported assessment window closing for each state-supported assessment; (ii) provides a description of the purpose of each state-supported assessment, an explanation of how to interpret student data on each state-supported assessment, and a comparison of a student's performance on each state-supported assessment with the performance of the student's school, the student's school division, and the Commonwealth; (iii) is viewable from a mobile device in addition to a desktop computer; and (iv) restricts user access to students and their parents. The bill requires the Board and the Department of Education to provide certain guidance and technical assistance to local school divisions on professional development for principals and teachers in parent engagement on and interpretation of student assessment data available through the Portal and requires each school board to annually provide high-quality professional development to principals and teachers on such topics. (23104710D-S1)

Study

SJ 246 (Boysko) (Senate Floor) requests the Department of Education to study options for and the feasibility of expanding the criteria for granting a waiver of teacher licensure requirements for certain hard-to-fill educator positions, such as advanced or specialized science, technology, engineering, and mathematics (STEM) and computer science classes. In conducting its study, the Department shall (i) review the current law on granting a waiver of teacher licensure requirements; (ii) consider options for expanding the criteria for granting a waiver of teacher licensure requirements, with a focus on removing barriers to employing individuals to teach hard-to-fill elective and non-core courses, such as advanced or specialized STEM and computer science classes; and (iii) make recommendations on policies for granting a waiver of teacher licensure requirements, including amendments to the current law or pertinent regulations. (23103183D)

Environment

SB 1333 (Hashmi) (Senate Floor) creates a program within the Department of Energy's Division of Renewable Energy and Energy Efficiency to be known as the Commonwealth Solar and Economic Development Program. The Division shall be in charge of initiating and implementing any of certain enumerated solar or economic development projects within any eligible census tract specified in the bill. The bill also requires the Division to apply for funding from certain funding sources as each relates to any initiated project. (23104715D-ES1)

SB 1332 (McClellan) (Passed Senate) requires the Department of Conservation and Recreation, the Department of Environmental Quality, the Department of Historic Resources, and the Virginia Marine Resources Commission to establish policies and procedures for consulting with federally recognized Tribal Nations in the Commonwealth when evaluating certain permits and reviews relating to environmental, cultural, or historic resources that potentially impact those federally recognized Tribal Nations in the Commonwealth. The bill directs the Secretary of the Commonwealth to designate an Ombudsman for Tribal Consultation to facilitate communication and consultation with federally recognized Tribal Nations in the Commonwealth. The bill codifies Executive Order 82 (2021). (23104150D-E)

SB 1187 (Lewis) (Passed Senate) requires localities to consider strategies to address resilience in their comprehensive plans. (23102509D)

Administration of Government

SB 1455 (Norment) (Passed Senate) enables the chief law-enforcement officer of a locality to enact a curfew under certain circumstances during a civil disturbance. The bill requires that such action specify the hours of the curfew and the geographic area to which the curfew applies and provide for various specified exceptions. The action authorizing the curfew shall provide for reasonable efforts to inform the public in advance of the curfew, which shall be valid for no more than 24 hours. The bill provides that such curfew shall not be extended or renewed unless by

Board of Supervisors

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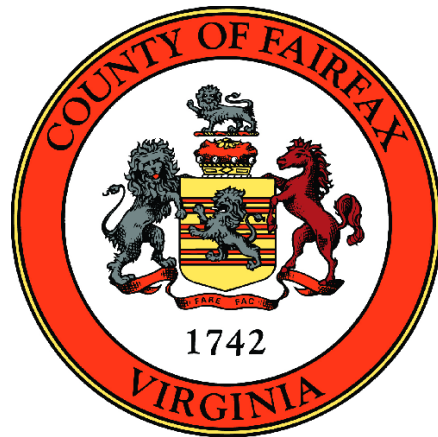
recorded vote of the local governing body or by judicial order. The bill provides that any violation is a Class 1 misdemeanor. (23102509D)

Attachments: Supplementary documents

cc: Christina Jackson, Chief Financial Officer
Thomas Arnold, Deputy County Executive
Rachel Flynn, Deputy County Executive
Christopher A. Leonard, Deputy County Executive
Ellicia Seard-McCormick, Deputy County Executive
Elizabeth D. Teare, County Attorney
Jill G. Cooper, Clerk to the Board
Richmond Team
Tom Biesiadny, Director, Department of Transportation

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VA - HB1371 Education Savings Account Program established; Education Improvement Scholarships Tax Credits.County Position: **Oppose**

Last Action: Assigned Education sub: Early Childhood/Innovation (January 24, 2023)

Primary Patron: Delegate Phillip A. Scott (R)

Summary:

Education Savings Account Program established; Education Improvement Scholarships Tax Credits. Establishes the Education Savings Account Program, to be administered by the Department of Education, whereby the parent of any individual who is a resident of the Commonwealth and who is eligible to enroll in a public elementary or secondary school may apply for an Education Savings Account for his child into which the Department of Education deposits certain state and local funds and from which the parent makes certain enumerated qualifying expenses to educate his child in a setting and a manner other than full-time education in a public school. The bill requires the Program to be fully implemented prior to the beginning of the 2023– 2024 school year.

The bill also increases the value of the Education Improvement Scholarships income tax credit for a donation to a scholarship foundation from 65 percent to 100 percent of the donation. The bill removes the aggregate limit on tax credits per year, which under current law is \$25 million, and removes individual minimum and maximum required donation amounts.

The bill raises the threshold for students to qualify for scholarships from 300 percent of the current poverty guidelines to 1,000 percent of free or reduced-price lunch standards or, for eligible students with a disability, from 400 percent of the current poverty guidelines to 1,200 percent of such standards. The bill grants scholarship foundations the discretion to determine what expenses may be funded by tax-credit-subsidized scholarships. Under current law, such expenses are limited by statute. The bill expands eligibility for scholarships to any student who is a resident of the Commonwealth and eligible to enroll in a public elementary or secondary school in the Commonwealth. Current law restricts eligibility to certain categories of students.

The bill removes the requirement that scholarship-funded schools report test results of scholarship-funded students. The provisions of the bill pertaining to the Education Improvement Scholarships income tax credits apply starting with taxable year 2023.

VA - HB1378 State Air Pollution Control Board; motor vehicle emissions standards.County Position: **Oppose**

Last Action: Referred to Committee on Agriculture, Conservation and Natural Resources (January 26, 2023)

Primary Patron: Delegate Tony O. Wilt (R)

Summary:

State Air Pollution Control Board; motor vehicle emissions standards. Repeals the requirement that the State Air Pollution Control Board implement a low-emissions and zero-emissions vehicle program for motor vehicles with a model year of 2025 and later. The bill prohibits the Board from adopting or enforcing any model year standards related to control of emissions from new motor vehicles or new motor vehicle engines, including low-emission vehicle and zero-emission vehicle standards pursuant to the federal Clean Air Act and prohibits the Commonwealth from requiring any new motor vehicle or new motor vehicle engine to be certified as compliant with model year standards related to the control of emissions adopted by California for which a waiver has been granted pursuant to the federal Clean Air Act.

VA - HB1427 Firearms, etc.; control of possession by locality.

County Position: Oppose, Board has historically opposed, see also SB 1236 (Obenshain).

Last Action: VOTE: Passage (52-Y 47-N) (February 2, 2023)

Primary Patron: Delegate Dave A. LaRock (R)

Summary:

Control of firearms by localities. Removes a locality's authority to prohibit the possession or carrying of firearms, ammunition, or components or any combination thereof in (i) any public park owned or operated by the locality; (ii) any recreation or community center facility operated by the locality; or (iii) any public street, road, alley, or sidewalk or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit.

VA - HB1428 Firearms; carrying in public areas prohibited in certain localities.

County Position: Oppose

Last Action: Referred to Committee on Public Safety (December 15, 2022)

Primary Patron: Delegate Dave A. LaRock (R)

Summary:

Carrying loaded firearms in public areas prohibited; certain localities; repeal. Repeals the prohibition on carrying certain loaded shotguns and semi-automatic center-fire rifles and pistols in certain localities in the Commonwealth.

VA - HB1429 Public defender; supplementing compensation.

County Position: Oppose, Board has historically opposed, Funding court personnel is a critical state responsibility.

Last Action: Subcommittee recommends laying on the table (5-Y 2-N) (January 25, 2023)

Primary Patron: Delegate Timothy V. Anderson (R)

Summary:

Supplementing compensation of public defender. Requires the governing body of any county or city that elects to supplement the compensation of the attorney for the Commonwealth, or any of his deputies or employees, above the salary set by the Compensation Board to proportionally supplement the compensation of the public defender, or any of his deputies or employees, commensurate with the compensation of the attorney for the Commonwealth, or any of his deputies or employees, and to pay for such additional compensation from the funds of the county or city.

VA - HB1442 Transient occupancy tax; administration.

County Position: Monitor

Last Action: Referred to Committee on Finance and Appropriations (January 25, 2023)

Primary Patron: Delegate Joseph P. McNamara (R)

Summary:

Transient occupancy tax; administration. Requires the Department of Taxation to annually publish on its website the current transient occupancy tax rates imposed in each locality. The bill also (i) requires the tax-assessing officer of a locality to administer and enforce the assessment and collection of transient occupancy taxes from accommodations intermediaries, and (ii) specifies certain return filing requirements for accommodations intermediaries.

VA - HB1444 Elections; voter identification containing a photograph required, availability of absentee voting.

County Position: **Oppose**

Last Action: VOTE: Passage (52-Y 48-N) (February 2, 2023)

Primary Patron: Delegate R. Lee Ware (R)

Summary:

Elections; voter identification containing a photograph required; availability of absentee voting in person; processing of returned absentee ballots; permanent absentee voter list repealed. Requires presentation of a form of identification containing a photograph in order to vote. A voter who does not show an accepted form of identification is entitled to cast a provisional ballot. The bill limits the period that absentee voting in person is available to the seven days prior to an election and allows localities to offer extended hours for absentee voting in person. Additionally, the bill repeals the provision that allows an absentee ballot that is returned after the close of polls to be counted if it is postmarked by election day and arrives by the Friday after the election. The bill makes changes to the processing of returned absentee ballots and repeals the permanent absentee voter list.

VA - HB1462 Firearms, certain; criminal history record info. check required for transfer, photo identification.

County Position: **Oppose**

Last Action: VOTE: Passage (52-Y 48-N) (February 2, 2023)

Primary Patron: Delegate Bill D. Wiley (R)

Summary:

Criminal history record information check required for the transfer of certain firearms; photo identification. Removes the provision that prevents a firearms dealer from selling or otherwise transferring a firearm to a prospective purchaser until 30 days after the date of issue of the prospective purchaser's original or duplicate photo identification.

VA - HB1467 Elections; voter identification containing photograph required, availability of absentee voting.

County Position: **Oppose**

Last Action: Subcommittee recommends laying on the table (10-Y 0-N) (January 24, 2023)

Primary Patron: Delegate Scott A. Wyatt (R)

Summary:

Elections; voter identification containing photograph required; who may register up to and including the day of the election; availability of absentee voting in person; return of absentee ballots. Requires presentation of a form of identification containing a photograph in order to vote and provides that a voter who does not have one of the required forms of identification is entitled to cast a provisional ballot. The bill repeals a provision that would permit any person who is qualified to register to vote to do so in person up to and including the day of the election and limits the persons who are entitled to register to vote after the close of registration records to members of a uniformed service on active duty, persons who are residing temporarily outside of the United States, and their spouses and dependents. The bill limits the period during which absentee voting in person is available from 45 days preceding the date of the election to the Wednesday, Thursday, Friday, and Saturday immediately preceding the date of the election. The bill requires that absentee ballots returned by mail be returned to the office of the general registrar by the close of polls on election day and be postmarked on or before the Saturday preceding the date of the election. The bill eliminates the use of drop-off locations for the return of absentee ballots. The bill requires absentee ballot applications to contain the last four digits of the applicant's social

security number and provides that the failure of an absentee ballot to include a witness signature is a material omission, rendering the ballot void.

[VA - HB1470](#) Real property; tax exemption for certain disabled veterans and surviving spouses.

County Position: **Amend**, amend to address implementation issues, Board has historically recommended amendment.

Last Action: Referred to Committee on Finance and Appropriations (February 1, 2023)

Primary Patron: Delegate Vivian E. Watts (D)

Summary:

Real property tax; exemption for disabled veterans and surviving spouses. Provides that a person who is eligible for the real property tax exemption for certain disabled veterans and surviving spouses is entitled to a refund, retroactive to his date of eligibility, of taxes paid during the period of exemption, excluding interest or penalties. Under the bill, the refund is exempt from the statute of limitations for applications for correction of an assessment.

[VA - HB1484](#) Sales Tax; exemption for food purchased for human consumption, essential personal hygiene products.

County Position: **Oppose**, Board has historically opposed.

Last Action: Referred to Committee on Appropriations (January 25, 2023)

Primary Patron: Delegate Joseph P. McNamara (R)

Summary:

Sales tax; exemption for food purchased for human consumption and essential personal hygiene products. Provides an exemption from local sales and use tax beginning July 1, 2023, for food purchased for human consumption and essential personal hygiene products. The bill also provides an allocation of state revenues to fund the distribution to localities for funding that would have been distributed to them absent the exemption created by the bill. Under current law, such products are exempt from state sales and use tax but are subject to the standard local rate of one percent.

[VA - HB1485](#) Chesapeake Bay Watershed Implementation Plan; effective date.

County Position: ~~Oppose~~, Monitor, bill has been amended to reflect an agreement reached by the stakeholders.

Last Action: Referred to Committee on Agriculture, Conservation and Natural Resources (January 25, 2023)

Primary Patron: Delegate Michael J. Webert (R)

Summary:

Chesapeake Bay Watershed Implementation Plan; effective date. Changes the contingency for the effective date of the Chesapeake Bay Watershed Implementation Plan provisions to (i) allow consideration of a combination of point or nonpoint source pollution reduction efforts other than agricultural best management conservation practices when determining whether the Commonwealth's commitments in the Chesapeake Bay Total Maximum Daily Load Phase III Watershed Implementation Plan have been satisfied and (ii) bar such provisions from becoming effective unless the Commonwealth funds the Virginia Natural Resources Commitment Fund each year of the current or existing biennial period.

VA - HB1496 Commonwealth Mass Transit Fund; 3.5 percent of Fund may be allocated to NVTC.

County Position: **Support** provisions related to VRE and remove cap on state aid for WMATA.

Last Action: Referred to Committee on Finance and Appropriations (February 1, 2023)

Primary Patron: Delegate Terry L. Austin (R)

Summary:

Commonwealth Mass Transit Fund. Allocates 2.5 percent of the Commonwealth Mass Transit Fund (the Fund) to the Commuter Rail Operating and Capital Fund (CROC) for operating purposes. The bill creates a subfund called the Subfund within CROC for such funds. The bill decreases from 27 percent to 24.5 percent the allocation from the Fund to support the operating costs of transit providers and excludes the Virginia Railway Express from receiving such allocations. The bill requires the actual distribution of the 2.5 percent of the Fund to CROC to be based on service delivery factors established by the Commonwealth Transportation Board and reverts remaining funds to existing allocation for supporting the operating costs of transit providers.

VA - HB1501 Law-enforcement civilian oversight bodies; requirements of members.

County Position: **Monitor**

Last Action: Referred to Committee on the Judiciary (January 27, 2023)

Primary Patron: Delegate Chris S. Runion (R)

Summary:

Law-enforcement civilian oversight bodies; requirements. Requires every member appointed to a locality's law-enforcement civilian oversight body to observe within 90 days of the member's appointment a law-enforcement officer employed with such locality's law-enforcement agency while such law-enforcement officer is engaged in his official duties and that such observation total no fewer than 24 hours, a portion of which includes a ride-along with a law-enforcement officer. The bill also provides that any disciplinary determination recommended by a law-enforcement civilian oversight body shall be advisory and that if any law-enforcement agency declines to implement such recommendation, such agency shall create and make available to the public within 30 days from the date such recommendation is reported to such agency a written public record of its rationale for declining to implement such recommendation. Finally, the bill requires each law-enforcement civilian oversight body to include at least one retired law-enforcement officer as a voting member; under current law, a retired law-enforcement officer may serve on such body as an advisory, nonvoting ex officio member.

VA - HB1508 Virginia Education Success Account Program; established, report.

County Position: **Oppose**

Last Action: Referred to Committee on Education (February 3, 2023)

Primary Patron: Delegate Glenn R. Davis (R)

Summary:

Virginia Education Success Account Program; establishment. Permits the parents of qualified students, defined in the bill, to apply for a one-year, renewable Virginia Education Success Account that consists of an amount that is equivalent to a certain percentage of all applicable annual Standards of Quality per pupil state funds appropriated for public school purposes and apportioned to the school division in which the qualified student resides, including the per pupil share of state sales tax funding in basic aid and any state per pupil share of special education funding for which the qualified student is eligible. The bill permits the parent of the qualified student to use the moneys in such account for certain qualified expenses of the qualified student, including tuition, deposits, fees, and required textbooks at a private elementary school or secondary school that is located in the Commonwealth. The bill also contains provisions relating to program and account administration by the Department of the Treasury and a third-party financial institution that serves as program administrator pursuant to a contract with the Department of the Treasury.

VA - HB1516 Towing and recovery operators; vehicle storage.

County Position: Support

Last Action: Referred to Committee on Transportation (January 26, 2023)

Primary Patron: Delegate Dawn M. Adams (D)

Summary:

Towing and recovery operators; vehicle storage. Prohibits towing and recovery operators from refusing, at their place of business, to allow the owner of a vehicle to access and recover any personal items not attached to the vehicle without retrieving the vehicle and without paying any fee. The bill requires the governing body of each county, city, and town to set reasonable limits on storage fees charged by towing and recovery operators after the first 24 hours, taking into consideration the average daily public parking rate in the locality. The bill requires periodic review and timely adjustment of such limitations.

VA - HB1534 Loan repayment programs; creates program for mental health professionals.

County Position: Support

Last Action: Subcommittee recommends laying on the table (5-Y 3-N) (January 31, 2023)

Primary Patron: Delegate Nadarius E. Clark (D)

Summary:

Loan repayment programs; mental health professionals. Creates a loan repayment program for persons who have worked as mental health professionals in the Commonwealth for at least five years.

VA - HB1559 Ordinances, local; vehicle exhaust, operation on property near residential district.

County Position: Support

Last Action: Subcommittee recommends laying on the table (4-Y 3-N) (January 25, 2023)

Primary Patron: Delegate Vivian E. Watts (D)

Summary:

Local ordinances; vehicle exhaust; operation on property near residential district. Allows local governing bodies to regulate, by ordinance, noise from vehicles not conforming to exhaust system requirements that are operated on highways or on public or private property in or within 500 feet of any residential district. Current law only allows such regulation by ordinance from such vehicles that are operated on a highway.

VA - HB1561 Arrest/prosecution of individual experiencing mental health emerg.; assault against law enforcement.

County Position: Monitor, see also HB 2106 (Bourne)

Last Action: Referred to Committee for Courts of Justice (January 6, 2023)

Primary Patron: Delegate Vivian E. Watts (D)

Summary:

Assault or assault and battery against a law-enforcement officer; arrest and prosecution of individual experiencing a mental health emergency. Provides that no individual shall be subject to arrest or prosecution for an assault or assault and battery against a law-enforcement officer if at the time of the assault or assault and battery (i) the individual (a) is experiencing a mental health emergency or (b) meets the criteria for issuance of an emergency custody order pursuant to § 37.2-808 and (ii) the law-enforcement officer subject to the assault or assault and battery was responding to a call for service requesting assistance for such individual. The bill provides that no law-enforcement officer acting in good faith shall be found liable for false arrest if it is later determined that the person arrested was immune from prosecution.

VA - HB1587 Commissioner of Highways; entering into certain agreements, civil penalties, agents.

County Position: **Initiate**

Last Action: Referred to Committee on Transportation (January 31, 2023)

Primary Patron: Delegate Richard C. "Rip" Sullivan, Jr. (D)

Summary:

Commissioner of Highways; entering into certain agreements; civil penalties; agents. Adds contractors to the list of entities that the Commissioner of Highways, in agreement with Fairfax County, may authorize to act as agents for the enforcement of provisions related to signs or advertising within the limits of highways and the collection of associated civil penalties for violations of such provisions. The bill also requires such contractors to comply with applicable law and makes them subject to a right to reclaim a lawfully placed sign by the sign owner if such sign was confiscated in violation of the granted authority.

VA - HB1589 Pedestrian control signals; applicability to persons riding bicycles and other devices.

County Position: **Support** with amendment, amend to address implementation issues.

Last Action: Subcommittee recommends laying on the table (4-Y 3-N) (January 25, 2023)

Primary Patron: Delegate Richard C. "Rip" Sullivan, Jr. (D)

Summary:

Pedestrian control signals; applicability to persons riding bicycles and other devices. Allows persons riding bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, mopeds, or motorized skateboards or scooters to follow the pedestrian Walk signal at an intersection when traveling in the direction of the signal, provided they yield to pedestrians in the crosswalk traveling in the same direction. The bill provides that a person riding a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, moped, or motorized skateboard or scooter may not start to cross a highway in the direction of a Don't Walk signal, but such person who has partially completed his crossing on the Walk signal shall proceed to a sidewalk or safety island and remain there while the Don't Walk signal is showing.

VA - HB1591 Data Governance and Analytics, Office of; extends the sunset provision.

County Position: **Support**

Last Action: VOTE: Block Vote Passage (99-Y 0-N) (February 3, 2023)

Primary Patron: Delegate Glenn R. Davis (R)

Summary:

Office of Data Governance and Analytics; Chief Data Officer. Repeals the sunset provision enacted in 2021 that created the Office of Data Governance and Analytics and the position of Chief Data Officer within the Office of the Secretary of Administration, making both permanent. The provision is currently scheduled to expire on July 1, 2023.

VA - HB1609 Transit Ridership Incentive Program; on-demand microtransit operations.

County Position: **Support**

Last Action: Subcommittee recommends striking from docket (7-Y 0-N) (January 24, 2023)

Primary Patron: Delegate Anne Ferrell Tata (R)

Summary:

Transit Ridership Incentive Program; on-demand microtransit operations. Includes the development and implementation of on-demand microtransit operations, defined in the bill, to incentivize and promote transit ridership, as part of the goal of the Transit Ridership Incentive Program. The bill provides that an approved initiative or service is eligible to continue

receiving funding for the duration of the Program on an annual basis, for up to 80 percent of costs, from funds that are available to the urbanized area in which the initiative or service is located.

[VA - HB1632](#) Virginia Erosion and Stormwater Management Act; regulations, effective date.

County Position: **Monitor**

Last Action: Subcommittee recommends laying on the table (9-Y 0-N) (January 30, 2023)

Primary Patron: Delegate David L. Bulova (D)

Summary:

Virginia Erosion and Stormwater Management Act; regulations; effective date. Directs the State Water Control Board to adopt regulations to implement before July 1, 2024, the requirements of amendments to the Virginia Erosion and Stormwater Management Act enacted by the 2016 Session and amended by the 2017 Session and delays from July 1, 2018, to July 1, 2024, the effective date of the amendments made by the 2016 Session and regulations required to be adopted pursuant thereto.

[VA - HB1649](#) Towing trespassing vehicles; limitations on fees.

County Position: Issue should be studied as part of proposed workgroup on towing.

Last Action: Read first time (February 5, 2023)

Primary Patron: Delegate Scott A. Wyatt (R)

Summary:

Towing trespassing vehicles; limitations on fees. Prohibits localities from setting limits on towing fees and other associated fees for trespassing passenger cars and vehicles that are lower than the respective statewide maximum charges authorized for such fees in localities without a local ordinance setting towing fees; removes current specified limits for Planning Districts 8 and 16 that would fall below those limits; and requires an ordinance adopted by a locality that sets such limits to provide that no more than two additional fees can be charged for towing any vehicle between 7:00 p.m. and 8:00 a.m. or on any Saturday, Sunday, or holiday. The bill changes current statewide trespass towing fee limits on hookup and initial towing fees of passenger cars from \$150 to \$180 and additional fees for towing between 7:00 p.m. and 8:00 a.m. or on any Saturday, Sunday, or holiday from \$30 to \$35.

[VA - HB1665](#) Local land use; extension of approvals, sunset provision.

County Position: **Oppose**, County has the tools to address this issue locally, see also SB 1205 (Lewis)

Last Action: VOTE: Passage (76-Y 24-N) (February 2, 2023)

Primary Patron: Delegate Daniel W. Marshall, III (R)

Summary:

Local land use approvals; extension of approvals to address the COVID-19 pandemic. Extends from July 1, 2023, to July 1, 2025, the sunset date for various local land use approvals that were valid and outstanding as of July 1, 2020. The bill also provides that its provisions shall not be construed to extend previous extensions related to the housing crisis and that any extension of approvals outstanding as of July 1, 2020, shall apply to any such approvals granted subsequent to July 1, 2020, that expire prior to July 1, 2025. This provision is declarative of existing law.

VA - HB1671 Residential land development and construction; fee transparency, annual report.

County Position: **Monitor**

Last Action: Referred to Committee on Local Government (January 27, 2023)

Primary Patron: Delegate Scott A. Wyatt (R)

Summary:

Residential land development and construction fee transparency; annual report. Requires localities with a population greater than 3,500 to submit an annual report no later than March 1 to the Department of Housing and Community Development containing the total fee revenue collected by the locality over the preceding calendar year in connection with the processing, reviewing, and permitting of applications for residential land development and construction activities. The bill requires the report to be submitted by the locality in accordance with any guidelines and forms developed by the Department and the Commission on Local Government. The Department shall make the reports available on its website.

VA - HB1685 Business local; taxes, penalties.

County Position: ~~Oppose~~, **Monitor**, bill has been amended to remove provisions reducing the penalty on unpaid taxes.

Last Action: Referred to Committee on Finance and Appropriations (February 1, 2023)

Primary Patron: Delegate Karen S. Greenhalgh (R)

Summary:

Local business taxes; penalties. Requires license application forms to include the due date for the application, and the amount of the penalty charged for late application filing, the underpayment of estimated tax, and the late payment of tax. The bill requires the assessing official, upon assessing any such penalty or any interest, to notify the affected taxpayer of the amount of such penalty, any interest assessed, and the total amount of tax owed. The bill is a recommendation of the Small Business Commission.

VA - HB1693 Absentee voting; return of absentee ballots, drop-off locations.

County Position: **Oppose**, Board has historically opposed.

Last Action: Referred to Committee on Privileges and Elections (January 27, 2023)

Primary Patron: Delegate John J. McGuire, III (R)

Summary:

Absentee voting; return of absentee ballots; drop-off locations. Repeals the provisions of the Code providing for the establishment of drop-off locations for the return of absentee ballots.

VA - HB1723 Passing stopped school buses; purpose of stop, prima facie evidence.

County Position: **Support**

Last Action: Referred to Committee on Transportation (February 2, 2023)

Primary Patron: Delegate Shelly A. Simonds (D)

Summary:

Passing stopped school buses; purpose of stop; prima facie evidence. Makes evidence that a bus was stopped with at least one warning device activated prima facie evidence that the bus was stopped for the purpose of taking on or discharging children, the elderly, or mentally or physically handicapped persons.

VA - HB1749 Real property taxes; rate of increase procedure.County Position: **Oppose**

Last Action: Assigned Finance sub: Subcommittee #2 (January 19, 2023)

Primary Patron: Delegate Wendell S. Walker (R)

Summary:

Real property taxes; rate of increase procedure. Provides that a governing body of a locality may increase the real property tax rate (i) by an amount lower than three percent through a public hearing and a majority vote of the governing body; (ii) by an amount of three percent or more, but lower than five percent through a public hearing and a two-thirds majority vote of the governing body; and (iii) by an amount of five percent or more through holding a referendum. The bill provides that the governing body of a locality may not hold a public hearing for a proposed rate increase on the same day as the annual budget hearing. Under current law, the governing body of a locality is required to limit the real property tax rate to a rate that would collect no more than 101 percent of the amount of real property taxes collected for the previous year; increases above this rate may only be imposed if the locality holds a public hearing.

VA - HB1805 Virginia Resources Authority; community development and housing projects.County Position: **Support**, see also SB 1401 (Lewis)

Last Action: Read first time (February 5, 2023)

Primary Patron: Delegate Robert S. Bloxom, Jr. (R)

Summary:

Virginia Resources Authority; purpose; community development and housing projects. Adds community development projects related to the production and preservation of housing, including housing for persons and families of low and moderate income, to those projects that the Virginia Resources Authority may finance. The bill directs the Department of Housing and Community Development to assist the Authority with determining which local governments are to receive grants from the Authority for such projects.

VA - HB1812 Foreign interference in elections; registration, absentee voting, and conduct of elections.County Position: **Oppose**

Last Action: Referred to Committee on Privileges and Elections (January 10, 2023)

Primary Patron: Delegate Marie E. March (R)

Summary:

Elections; foreign interference in elections; registration, absentee voting, and conduct of election; penalty. Requires the Attorney General to provide assessments and reports on foreign interference, defined in the bill, in elections in the Commonwealth to the Governor and the General Assembly and to levy or recommend appropriate sanctions against any such foreign governments found to be interfering in elections in the Commonwealth. The bill also repeals the provision that allows persons 16 years of age or older to preregister to vote, removes the ability to register to vote using the websites of the Department of Elections or the Department of Motor Vehicles, and moves the deadline for registering to vote from 21 days prior to an election to 30 days prior to an election. In addition, the bill directs the Department of Elections to conduct list maintenance activities during the 30 days prior to any election in which a candidate for federal office is not on the ballot, including the removal of duplicate registrations, requires voters to provide an excuse in order to vote absentee, removes the option to vote absentee in person, reinstates provisions requiring the presentation of a valid form of photo identification in order to vote, and directs general registrars to provide a paper copy of the pollbook at each polling place during all elections. Finally, the bill eliminates curbside voting and same-day voter registration, prohibits the use of any voting system that can be connected to the Internet and directs the State Board of Elections to decertify any such voting system, and increases from a Class 6 felony to a Class 4 felony the penalty for voter registration fraud.

VA - HB1847 Elections; registration, absentee, and conduct of election.County Position: **Oppose**

Last Action: Assigned P & E sub: Subcommittee #1 (January 12, 2023)

Primary Patron: Delegate Dave A. LaRock (R)

Summary:

Elections; registration, absentee, and conduct of election. Restores the local option to hold May elections; repeals laws permitting registration on election day and requiring preregistration of certain persons under 18 years of age; eliminates the permanent absentee voter list; removes provisions allowing general registrars to contract with a third party for the printing, assembly, and mailing of absentee ballot packets; requires an excuse to vote absentee; reduces absentee voting in person to the 10 days prior to the date of an election; requires that mailed absentee ballots be returned by the United States Postal Service; repeals provisions allowing for absentee ballot drop boxes; requires absentee ballots to be received by the general registrar by the close of polls on election day in order to be counted; requires presentation of a form of identification containing a photograph in order to vote; repeals the provisions of law permitting a voter who does not have one of the required forms of identification to vote after signing a statement that he is the named registered voter he claims to be; and requires that provisional ballot envelopes have written on them certain required information in order to be considered, including the signature of the officer of election administering the provisional ballot and his indication of whether photo identification was shown, and if so, the type. The bill also amends provisions regarding risk-limiting audits to allow for (i) risk-limiting audits of the part of a district that covers multiple localities that lies in a single locality and (ii) the use of the batch comparison method when conducting a risk-limiting audit.

VA - HB1874 Supplemental Nutrition Assistance Program; applying to participate or renewal.County Position: **Support**

Last Action: Passed by for the day (February 3, 2023)

Primary Patron: Delegate Dan I. Helmer (D)

Summary:

Supplemental Nutrition Assistance Program; Special Supplemental Nutrition Program for Women, Infants, and Children; applications. Prohibits the Board of Social Services from requiring persons applying to participate or renewing their participation in the Supplemental Nutrition Assistance Program to appear in person. The bill also codifies the Department of Health's authority to implement a Special Supplemental Nutrition Program for Women, Infants, and Children (WIC program), which is currently authorized by regulation, and prohibits the Department of Health from requiring persons applying to participate or renewing their participation in the WIC program to appear in person.

VA - HB1877 Absentee voting; limits availability of absentee voting in person.County Position: **Oppose**, Board has historically opposed.

Last Action: Referred to Committee on Privileges and Elections (January 27, 2023)

Primary Patron: Delegate Phillip A. Scott (R)

Summary:

Absentee voting; availability of absentee voting in person; hours of operation. Limits absentee voting in person to the two weeks immediately preceding an election. During these two weeks, the bill requires that absentee voting in person be available Monday through Saturday, from 7:00 a.m. to 7:00 p.m. each day.

VA - HB1896 Banks; payment of franchise tax.

County Position: **Monitor**, see also SB 1182 (Ruff)

Last Action: Read first time (February 3, 2023)

Primary Patron: Delegate Kathy J. Byron (R)

Summary:

Bank franchise tax. Establishes a process, as of January 1, 2024, whereby banks having \$40 billion or greater in Virginia deposits based on the June 30 FDIC deposit market share report of the preceding tax year may elect to pay the bank franchise tax to the Department of Taxation and are bound by such election for 10 years absent permission from the Tax Commissioner. The bill directs the Department of Taxation, as of January 1, 2025, to apportion 80 percent of the bank franchise tax revenue from banks making such an election to localities through the newly created Local Bank Franchise Tax Fund.

VA - HB1910 Absentee voting; unsolicited absentee ballot applications, required information, penalty.

County Position: **Monitor**

Last Action: Referred to Committee on Privileges and Elections (February 1, 2023)

Primary Patron: Delegate Amanda E. Batten (R)

Summary:

Absentee voting; unsolicited absentee ballot applications; required information; penalty. Requires any individual or organization sending an application for an absentee ballot to a registered voter that was not solicited or requested by the registered voter to include with the application instructions on completing the application and submitting it to the appropriate general registrar. The bill requires a statement that the application is not being sent by any state or local government official or agency to be printed on the envelope containing the application or on the first page of any enclosed materials. The bill specifies that individuals and organizations are required to use the information provided in the list of registered voters acquired by such individual or organization from the Department of Elections pursuant to relevant law and that a violation of this requirement is a Class 4 misdemeanor. The bill also requires the Department of Elections to ensure, when providing such list to such individual or organization for purposes of sending unsolicited applications, that no voter is included on such list if such voter has applied for an absentee ballot on or before the date such list is requested. Finally, the bill provides that no application for an absentee ballot sent to a registered voter that was not solicited or requested by the registered voter may be pre-populated with information that the applicant is required to provide.

VA - HB1939 Primary and secondary state highway systems; reducing speed limits on highways part of system.

County Position: **Initiate**

Last Action: Subcommittee recommends laying on the table (5-Y 3-N) (January 24, 2023)

Primary Patron: Delegate Kenneth R. Plum (D)

Summary:

Powers of local authorities; reducing speed limits; highways in the primary and secondary state highway systems. Authorizes the governing body of any locality to reduce to less than 25 miles per hour, but not less than 15 miles per hour, the speed limit of highways that are part of the primary and secondary state highway systems located in a business district or residence district within the locality's boundaries, provided that the reduced speed limit is indicated by lawfully placed signs. Current law only authorizes the governing body of a locality that maintains its own roads to make such a reduction on highways in a business district or residence district within the locality's boundaries.

VA - HB1947 Absentee voting; annual absentee voter list.

County Position: Oppose, Board has historically opposed.

Last Action: VOTE: Passage (52-Y 48-N) (February 2, 2023)

Primary Patron: Delegate Robert S. Bloxom, Jr. (R)

Summary:

Absentee voting; annual absentee voter list. Eliminates the permanent absentee voter list and provides for an annual absentee voter list by which any eligible voter who annually files an application and is enrolled on the list receives an absentee ballot for any election in which he is eligible to vote in the ensuing calendar year. The application for the annual absentee voter list requires, at a minimum, the voter to provide his printed name, his date of birth, and the last four digits of his social security number.

VA - HB1948 Absentee voting; removes witness requirement, required information on return ballot envelope.

County Position: Support elimination of the witness requirement, but oppose requiring the voter's social security number and date of birth.

Last Action: VOTE: Block Vote Passage (100-Y 0-N) (February 2, 2023)

Primary Patron: Delegate Robert S. Bloxom, Jr. (R)

Summary:

Elections; absentee voting; witness requirement; required information on return ballot envelope. Removes the witness requirement for absentee ballots and replaces it with the requirement that the voter provide the last four digits of his social security number and his date of birth.

VA - HB1963 Individuals with developmental disabilities; financial flexibility, report.

County Position: Support, see also SB 945 (Suetterlein)

Last Action: Read first time (February 3, 2023)

Primary Patron: Delegate Chris S. Runion (R)

Summary:

Department of Medical Assistance Services; services for individuals with developmental disabilities; financial flexibility; report. Directs the Department of Medical Assistance Services to take steps to amend the Family and Individual Supports, Community Living, and Building Independence waivers to provide greater financial flexibility to individuals with developmental disabilities who are receiving waiver services. The bill requires the Department to report on its progress to the Governor and the General Assembly by December 1, 2023.

VA - HB1976 Involuntary admission; temporary detention, release of detained individual.

County Position: Support, amend to provide clarity on CSB's role.

Last Action: Read first time (February 5, 2023)

Primary Patron: Delegate Robert B. Bell (R)

Summary:

Involuntary admission; temporary detention; release of detained individual. Permits the director of a facility where a person is awaiting transport to the facility of temporary detention pursuant to a temporary detention order to release the person prior to a commitment hearing if the person no longer meets the commitment criteria.

VA - HB2018 Children's Services Act; information sharing, confidentiality exception.

County Position: Support

Last Action: Read first time (February 5, 2023)

Primary Patron: Delegate Les R. Adams (R)

Summary:

Children's Services Act; information sharing; confidentiality exception. Allows family assessment and planning teams (FAPT) and community policy and management teams (CPMT) to share information with local law enforcement or threat assessment teams established by local school boards if a FAPT or CPMT obtains information from which the team determines that a child poses a threat of violence or physical harm to himself or others. Under current law, all information about specific children and families obtained by FAPT and CPMT members must be kept confidential.

VA - HB2041 Parks, local; walking trails, liability for property owners.

County Position: Support, see also SB 807 (Favola)

Last Action: VOTE: Block Vote Passage (100-Y 0-N) (February 2, 2023)

Primary Patron: Delegate Irene Shin (D)

Summary:

Local parks; walking trails; liability; property owners. Authorizes a locality or park authority to establish, conduct, and regulate a system of walking trails and releases from certain civil liability the owner of any property leased, licensed, or provided by easement for such use in the absence of gross negligence or willful misconduct.

VA - HB2049 Polling place; assistance for certain voters, definition of disability.

County Position: Support

Last Action: Subcommittee failed to recommend reporting (4-Y 6-N) (January 31, 2023)

Primary Patron: Delegate Elizabeth B. Bennett-Parker (D)

Summary:

Assistance for certain voters outside of the polling place; definition of disability. Defines the entitlement of voters with disabilities to vote outside the polls as those whose disability prevents them from entering the polling place. Expands the definition of disability for purposes of providing assistance outside of a polling place to voters with disabilities to include any permanent or temporary disability. Under current law, the disability is limited to a permanent or temporary physical disability.

VA - HB2050 Virginia Freedom of Information Act; electronic meetings, local and regional public bodies.

County Position: Support

Last Action: Subcommittee recommends laying on the table (4-Y 3-N) (January 24, 2023)

Primary Patron: Delegate Elizabeth B. Bennett-Parker (D)

Summary:

Virginia Freedom of Information Act; electronic meetings; local and regional public bodies. Allows, with certain exceptions, local and regional public bodies to convene as many all-virtual public meetings as each such public body deems acceptable in its individual remote participation meeting policy, to be adopted at least once annually by recorded vote at a public meeting. Current law limits all-virtual public meetings to no more than two times per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater, and prohibits any such meeting from being held consecutively with another all-virtual public meeting.

VA - HB2095 Plans and programs; drought evaluation and response plans, Potomac River.

County Position: **Support**, see also SB 1149 (Marsden)

Last Action: Referred to Committee on Agriculture, Conservation and Natural Resources (January 25, 2023)

Primary Patron: Delegate David L. Bulova (D)

Summary:

Plans and programs; drought evaluation and response plans; Potomac River. Requires the State Water Control Board to recognize service areas for water utilities in the Commonwealth that use the Potomac River as a water supply source as a distinct drought evaluation region. The bill requires the Board to incorporate certain provisions from the Metropolitan Washington Water Supply and Drought Awareness Response Plan: Potomac River System into the existing drought evaluation plans that are applicable to the Potomac River drought evaluation region.

VA - HB2100 Accessory dwelling units; establishes authority & requirements for localities in development & use.

County Position: **Oppose**

Last Action: Subcommittee recommends laying on the table (5-Y 4-N) (February 2, 2023)

Primary Patron: Delegate Sally L. Hudson (D)

Summary:

Accessory dwelling units. Establishes authority and requirements for localities in the development and use of accessory dwelling units (ADUs). An ADU is defined in the bill as an independent dwelling unit on a single-family dwelling (SFD) lot with its own living, bathroom, and kitchen space. An ADU may be within or attached to an SFD or in a detached structure on a lot containing an SFD. An ADU may include, but is not limited to, basements, attics, flats, guest houses, cottages, and converted structures such as garages and sheds. The bill specifies that an ADU is not permitted in cases where it would violate historic preservation rules, deed restrictions, or property owners' association rules.

VA - HB2106 Arrest/prosecution of individual experiencing mental health emerg.; assault against law enforcement.

County Position: **Monitor**, see also HB 1561 (Watts)

Last Action: Referred to Committee for Courts of Justice (January 10, 2023)

Primary Patron: Delegate Jeffrey M. Bourne (D)

Summary:

Assault or assault and battery against a law-enforcement officer; arrest and prosecution of individual experiencing a mental health emergency. Provides that no individual shall be subject to arrest or prosecution for an assault or assault and battery against a law-enforcement officer if at the time of the assault or assault and battery (i) the individual (a) is experiencing a mental health emergency or (b) meets the criteria for issuance of an emergency custody order pursuant to § 37.2-808 and (ii) the law-enforcement officer subject to the assault or assault and battery was responding to a call for service requesting assistance for such individual. The bill provides that no law-enforcement officer acting in good faith shall be found liable for false arrest if it is later determined that the person arrested was immune from prosecution.

VA - HB2176 Income tax, state; distribution of revenues to localities, funds for local school construction.

County Position: **Support**

Last Action: Subcommittee recommends laying on the table (5-Y 3-N) (January 27, 2023)

Primary Patron: Delegate Mark D. Sickles (D)

Summary:

Individual income tax; distribution of revenues; local school construction. Requires distribution of five percent of the individual income tax revenues collected from residents of a locality to be distributed to that locality. The bill requires such funds to be used for school construction or renovation purposes and to be repaid to the state if used for any other purpose. The bill provides that a locality shall be required to maintain its level of expenditure for public school purposes as a condition of receiving the income tax revenues; however, a locality may reduce its level of expenditure to account for a loss of revenues resulting from a reduction in machinery and tools taxes.

VA - HB2195 Workforce development; consolidation of policies and programs, etc.

County Position: **Monitor**, see also SB 1470 (Ruff)

Last Action: Read first time (February 3, 2023)

Primary Patron: Delegate Kathy J. Byron (R)

Summary:

Department of Workforce Development and Advancement created; consolidation of the Commonwealth's workforce development policies and programs; report. Creates the Department of Workforce Development and Advancement (the Department) to serve as administrator and fiscal agent for the Commonwealth's workforce development programs. The bill consolidates statewide workforce program evaluation and data sharing under the Department and provides protections against improper disclosure of data. The bill provides for the Virginia Board of Workforce Development to conduct an independent evaluation of the operations and program objectives of the Department on a biennial basis with the first report due on December 1, 2025. The bill also (i) transfers administration of apprenticeship programs from the Department of Labor and Industry to the Department, (ii) changes the name of the Office of Education and Labor Market Analysis to the Office of Education and Workforce Research and moves the Office from the Virginia Economic Development Partnership Authority to the Department, and (iii) shifts the administration and implementation of adult education programs from the Board of Education and local school boards to the State Board for Community Colleges and comprehensive community colleges. The bill directs the Secretary of Labor to conduct a comprehensive review of the Commonwealth's workforce development programs and make recommendations to address a wide range of subjects relating to improving the effectiveness and efficiency of such programs. This bill is a recommendation of the Small Business Commission.

VA - HB2207 Information Technology Access Act; numerous organizational changes to Act.

County Position: **Support** with state funding for implementation.

Last Action: Read first time (February 3, 2023)

Primary Patron: Delegate Kathy K.L. Tran (D)

Summary:

Information Technology Access Act. Makes numerous organizational changes to the Information Technology Access Act. The bill defines "information and communications technology" that is used to promote digital accessibility, also defined in the bill, for all persons with disabilities. The bill requires the head of each covered entity, defined in the bill, to designate an employee to serve as such covered entity's digital accessibility coordinator and to be responsible for developing and implementing such covered entity's digital accessibility policy and report. The bill has a delayed effective date of January 1, 2024.

VA - HB2208 Hate crimes and discrimination; anti-Semitism, penalties.County Position: **Support**

Last Action: Read first time (February 5, 2023)

Primary Patron: Delegate Terry G. Kilgore (R)

Summary:

Hate crimes and discrimination; anti-Semitism; penalties. Provides that it is the policy of the Commonwealth to safeguard all individuals within the Commonwealth from unlawful discrimination in employment and in places of public accommodation because of anti-Semitism. The bill also adds victims who are intentionally selected because of anti-Semitism to the categories of victims whose intentional selection for a hate crime involving assault, assault and battery, or trespass for the purpose of damaging another's property results in a higher criminal penalty for the offense and adds anti-Semitism to the categories of hate crimes that are to be reported to the central repository of information regarding hate crimes maintained by the Virginia State Police. The bill provides that a person who is subjected to acts of intimidation or harassment, violence directed against his person, or vandalism to his real or personal property, where such acts are motivated by anti-Semitism, may bring a civil action to recover his damages. The bill also provides that no provider or user of an interactive computer service on the Internet shall be liable for any action voluntarily taken by it in good faith to restrict access to material that the provider or user considers to be intended to incite hatred on the basis of anti-Semitism.

VA - HB2209 High polycyclic aromatic hydrocarbon; prohibits pavement sealants that contain, civil penalty.County Position: **Support**

Last Action: Read first time (February 3, 2023)

Primary Patron: Delegate Kathy K.L. Tran (D)

Summary:

Pavement sealants containing a high polycyclic aromatic hydrocarbon; prohibition; civil penalty. Permits a locality to prohibit the sale and distribution of any pavement sealant that contains polycyclic aromatic hydrocarbon concentrations greater than one percent by weight on or after July 1, 2023, except that a retailer may continue to sell any existing inventory that remains in stock on that date. The bill allows a local governing body to prohibit the use of such sealants beginning July 1, 2024, and subject any person who violates either prohibition to a civil penalty of \$250, to be paid into the Virginia Environmental Emergency Response Fund.

VA - HB2231 Social Work, Board of; expands powers and duties.County Position: **Support**

Last Action: Referred to Committee on Rehabilitation and Social Services (January 24, 2023)

Primary Patron: Delegate Mark D. Sickles (D)

Summary:

Board of Social Work; powers and duties. Expands the powers and duties of the Board of Social Work to requires the Board to maintain a list of the names and contact information of persons approved by the Board to supervise candidates for licensure as a clinical social worker and allows supervisees pursuing licensure as a clinical social worker to change or add a supervisor from the Board's list of currently approved supervisors without prior approval from the Board.

VA - HB2234 Voter registration; registering in person up to and including the day of the election.

County Position: Oppose, Board has historically opposed.

Last Action: VOTE: Passage (52-Y 48-N) (February 2, 2023)

Primary Patron: Delegate H. Otto Wachsmann, Jr. (R)

Summary:

Voter registration; registering in person up to and including the day of the election; limited to certain persons. Provides that only members of a uniformed service, as defined in relevant law, persons who are residing temporarily outside of the United States, and spouses or dependents of such members or persons are entitled to register to vote after the close of registration records in person up to and including the day of the election. Under current law, any person who is qualified to register to vote is entitled to register to vote after the close of registration records up to and including the day of the election.

VA - HB2248 Substance use disorder; providers of treatment, use of methadone or opioid replacements.

County Position: Oppose

Last Action: Subcommittee recommends laying on the table (4-Y 0-N) (January 26, 2023)

Primary Patron: Delegate A.C. Cordoza (R)

Summary:

Providers of treatment for substance use disorder; use of methadone or opioid replacements; biometric certification. Requires providers of treatment for substance use disorder who administer methadone or opioid replacements as treatments to utilize biometric certification to verify the identity of the clinician and patient. Biometric certification includes iris scans of patients and either iris scans or two-finger fingerprint scans of clinicians. The bill requires the Board of Pharmacy to establish a statewide data repository for the storage of records of every transaction involving the administration of methadone or opioid replacements to a patient, with such records being held for no fewer than 10 years.

VA - HB2266 Absentee ballot; SB to adopt policy regarding counting, etc., in a central absentee voter precinct.

County Position: ~~Amend, amend to extend the deadline for counting absentee ballots by precinct to the Friday after the election.~~ Monitor, bill has been amended to reflect concerns with deadline.

Last Action: Read first time (February 5, 2023)

Primary Patron: Delegate Margaret B. Ransone (R)

Summary:

State Board of Elections; adopt policy regarding counting and reporting of absentee ballots in a central absentee voter precinct. Directs the State Board of Elections to adopt a policy regarding the counting and reporting of absentee ballots in a central absentee voter precinct in order to ensure that the results of absentee ballots cast early in person are reported separately from mailed absentee ballots and the results of all absentee ballots cast by voters are reported by precinct in accordance with law. Such policy is required to also ensure that all such results are posted on the State Board of Elections website no later than noon on the day after the election. The bill requires such policy to be adopted no later than September 1, 2023, and the Chairmen of the House and Senate Committees on Privileges and Elections to be notified of such policy within seven days of its adoption.

VA - HB2271 Short-term rental property; locality's ability to restrict property managed by a Virginia realtor.

County Position: **Oppose**, see also SB 1391 (Lewis)

Last Action: Subcommittee recommends laying on the table (9-Y 0-N) (February 2, 2023)

Primary Patron: Delegate Daniel W. Marshall, III (R)

Summary:

Short-term rental property; locality's ability to restrict property managed by a Virginia realtor. Provides that a locality may not restrict by ordinance any short-term rental property managed by a Virginia realtor, defined in the bill. The bill provides that a locality may not enforce an ordinance against such property where the ordinance (i) prohibits short-term rentals; (ii) limits occupancy in a short-term rental property to less than what is allowed under the building code or local zoning regulations; (iii) limits the number of days in a calendar year for which a short-term rental property can be rented; (iv) requires an owner to occupy the short-term rental property as his primary residence for any number of days in a calendar year; (v) requires any type of remote monitoring device to be installed on the short-term rental property, including decibel, audio, or video; (vi) requires exterior or interior inspections of the short-term rental property pertaining to any items defined under the building code more frequently than every five years, unless a complaint has been filed with the locality or building authority; (vii) requires repairs, renovations, or updates to the structure of the short-term rental property that are greater than those required under the applicable building code; or (viii) requires an owner to add additional or otherwise alter existing parking spaces for the short-term rental property. The provisions of the bill shall apply to any short-term rental property managed by a realtor and operating as such on or after January 1, 2023.

VA - HB2282 Forest crops; exemptions from Virginia Stormwater Management Program, etc., for harvesting.

County Position: **Oppose**

Last Action: Read first time (February 3, 2023)

Primary Patron: Delegate James E. Edmunds, II (R)

Summary:

Virginia Stormwater Management Program; Virginia Erosion and Sediment Control Program; exemptions for the harvesting of forest crops. Clarifies that the exemptions for the harvesting of forest crops from the provisions of the Virginia Stormwater Management Program and the Erosion and Sediment Control Program apply only to land-disturbing activity that is (i) the minimum land disturbance necessary, including clearing, grading, excavating, or removal of stumps, for the harvesting of timber, the construction of roads and trails for forest management purposes, or the preparation of the property for reforestation or (ii) for a conversion to bona fide agricultural or improved pasture use.

VA - HB2316 Sales and use tax, local; additional tax authorized in all counties & cities to support schools.

County Position: **Support**

Last Action: Subcommittee recommends laying on the table (5-Y 3-N) (January 27, 2023)

Primary Patron: Delegate Jeffrey M. Bourne (D)

Summary:

Additional local sales and use tax to support schools; referendum. Authorizes all counties and cities to impose an additional local sales and use tax at a rate not to exceed one percent with the revenue used only for capital projects for the construction or renovation of schools if such levy is approved in a voter referendum. Under current law, only Charlotte, Gloucester, Halifax, Henry, Mecklenburg, Northampton, Patrick, and Pittsylvania Counties and the City of Danville are authorized to impose such a tax. This bill is a recommendation of the Commission on School Construction and Modernization.

VA - HB2338 Transit Ridership Incentive Program; use of funds, improving accessibility.

County Position: **Support**

Last Action: VOTE: Passage (64-Y 35-N) (February 3, 2023)

Primary Patron: Delegate Delores L. McQuinn (D)

Summary:

Transit Ridership Incentive Program; funds; improving accessibility; transition to zero-emissions. Directs the Commonwealth Transportation Board to use up to 30 percent of available funds in the Transit Ridership Incentive Program to support local, regional, and state entities in improving the accessibility of transit bus passenger facilities and transitioning public transit bus fleets and infrastructure to zero-emission bus fleets and infrastructure. The bill directs the Board to develop guidelines for applications for grants to any local, regional, or state public entity that supports a transit system.

VA - HB2340 Motor vehicle license plates and registration; increases taxes and penalties.

County Position: **Support**

Last Action: Referred to Committee on Transportation (February 2, 2023)

Primary Patron: Delegate David L. Bulova (D)

Summary:

Motor vehicle license plates and registration; taxes and penalties. Increases from \$100 to \$150 the maximum license tax that a locality is authorized to impose annually on motor vehicles not displaying current license plates. The bill increases from up to \$250 to up to \$350 the penalty on motor vehicles that have not been registered within the first 30 days of an individual's residency in the Commonwealth.

VA - HB2361 Real property; tax exemption for certain disabled veterans and surviving spouses.

County Position: **Amend**, amend to address implementation issues, Board has historically recommended amendment.

Last Action: Assigned Finance sub: Subcommittee #3 (January 26, 2023)

Primary Patron: Delegate Bill D. Wiley (R)

Summary:

Real property tax; exemption for disabled veterans and surviving spouses. Provides that a person who is eligible for the real property tax exemption for certain disabled veterans and surviving spouses is entitled to a refund, retroactive to his date of eligibility, of taxes paid during the period of exemption, excluding interest or penalties. Under the bill, the refund is exempt from the statute of limitations for applications for correction of an assessment.

VA - HB2390 Virginia Erosion and Stormwater Management Act; regulations; effective date.

County Position: **Monitor**, see also SB 1168 (Desteph)

Last Action: Read first time (February 3, 2023)

Primary Patron: Delegate Chris S. Runion (R)

Summary:

Virginia Erosion and Stormwater Management Act; regulations; effective date. Directs the State Water Control Board to adopt regulations to implement before July 1, 2024, the requirements of amendments to the Virginia Erosion and Stormwater Management Act enacted by the 2016 Session and amended by the 2017 Session and delays from July 1, 2018, to July 1, 2024, the effective date of the amendments made by the 2016 Session and regulations required to be adopted pursuant thereto. The bill also directs such adopted regulations to include the reduction of regulations through consolidation of duplicative requirements.

VA - HB2410 Involuntary temporary detention; termination of a period of detention.

County Position: **Support**

Last Action: VOTE: Block Vote Passage (100-Y 0-N) (February 2, 2023)

Primary Patron: Delegate Vivian E. Watts (D)

Summary:

Duration of involuntary temporary detention. Includes the termination of a period of involuntary temporary detention on any day or part of a day on which the clerk's office is lawfully closed as a reason to extend the duration of the period of involuntary temporary detention for adults and juveniles. Current law allows the period to extend past 72 hours for an adult only if the detention would terminate on a Saturday, Sunday, legal holiday, or day on which the court is closed and allows the period to extend past 96 hours for a juvenile only if the detention terminates on a Saturday, Sunday, or legal holiday.

VA - HB2424 Interpreters for persons who are deaf or hard of hearing; court my appoint certified interpreter.

County Position: **Support**, see also SB 814 (Surovell)

Last Action: VOTE: Passage (100-Y 0-N) (February 2, 2023)

Primary Patron: Delegate Holly M. Seibold (D)

Summary:

Interpreters for persons who are deaf or hard of hearing. Provides that if the Department for the Deaf and Hard-of-Hearing cannot procure a qualified interpreter to assist a party or witness in a civil proceeding who is speech-impaired or who is deaf or hard of hearing, then the court may appoint a readily available interpreter with full certification from the Registry of Interpreters for the Deaf, Inc., or an equivalent national certification.

VA - HB2437 Court-appointed guardians; training, powers & duties, annual report to local dept. of social serv.

County Position: **Support**

Last Action: Tabled in Appropriations (11-Y 10-N) (February 3, 2023)

Primary Patron: Delegate Danica A. Roem (D)

Summary:

Department for Aging and Rehabilitative Services; training; powers and duties of guardian; annual reports by guardians; information required. Directs the Department for Aging and Rehabilitative Services to develop and provide training for court-appointed guardians by July 1, 2024. The bill requires an appointed guardian and any staff employed by such guardian to perform guardianship duties to complete the initial training developed by the Department within four months of the date of the initial court order of appointment and guardians and such staff appointed prior to July 1, 2024, to complete such training by January 1, 2026. The bill further requires a guardian to include in his annual report to the local department of social services a statement as to whether such training has been completed.

VA - HB2449 Concealed handgun permits; Virginia Criminal Information Network, disclosure of information.

County Position: **Oppose**

Last Action: VOTE: Passage (52-Y 48-N) (February 2, 2023)

Primary Patron: Delegate Jason S. Ballard (R)

Summary:

Concealed handgun permits; Virginia Criminal Information Network; disclosure of information. Limits the exception to the requirement that the State Police withhold from public disclosure concealed handgun permittee information submitted to the State Police for purposes of entry into the Virginia Criminal Information Network provided under current law for any law-enforcement agency, officer, or authorized agent thereof acting in the performance of official law-enforcement duties or an entity that has a valid contract with any local, state, or federal law-enforcement agency for the purpose of performing official duties of the law-enforcement agency to apply only when such permittee information is related to a criminal investigation or prosecution.

VA - HB2493 Plastic bag tax; fee usage.

County Position: **Support**

Last Action: Subcommittee recommends laying on the table (5-Y 1-N) (January 30, 2023)

Primary Patron: Delegate Kaye Kory (D)

Summary:

Plastic bag tax; fee usage. Allows the revenue from the disposable plastic bag tax to be used for illegal roadside sign cleanup and litter pickup.

VA - HB2494 Counties, cities, or towns, certain; powers & duties, report.

County Position: **Monitor**

Last Action: Read first time (February 5, 2023)

Primary Patron: Delegate R. Lee Ware (R)

Summary:

Powers of cities and towns; certain localities; report to the Department of Housing and Community Development. Requires any locality with a population greater than 3,500 to submit a report to the Department of Housing and Community Development. Such report shall summarize any information collected or changes made regarding such locality's policies, ordinances, or processes affecting the development and construction of housing. The bill requires such localities to submit the report annually by September 1 in accordance with any forms developed by the Department of Housing and Community Development.

VA - HJ497 Constitutional amdmt.; prop. tax exemption for surviving spouses of certain members of armed forces.

County Position: **Amend**, amend to support as state tax credit, Board has historically recommended amendment.

Last Action: Referred to Committee on Privileges and Elections (January 10, 2023)

Primary Patron: Delegate David A. Reid (D)

Summary:

Constitutional amendment (first reference); real property tax exemption; surviving spouses of certain members of the armed forces. Provides that the General Assembly may by general law exempt from taxation the real property of a surviving spouse of a member of the armed forces of the United States who died in the attack on the Pentagon on

September 11, 2001. Under a current constitutional provision, only the surviving spouse of a member of the armed forces who was killed in action is eligible for the real property tax exemption.

VA - HJ498 Constitutional amendment; exemption of property owned and occupied by persons of low income, etc.

County Position: Monitor, see also SJ 247 (Hashmi)

Last Action: Referred to Committee on Privileges and Elections (January 10, 2023)

Primary Patron: Delegate Betsy B. Carr (D)

Summary:

Constitutional amendment (first reference); tax and finance; exempt property; affordable housing tax exemption. Amends the Constitution of Virginia by providing that the General Assembly may by general law authorize the governing body of any county, city, town, or regional government to provide for the exemption from local real property taxation, or a portion thereof, within such restrictions and upon such conditions as may be prescribed, of real estate owned and occupied by persons of low income or low financial worth.

VA - HJ516 Recurrent Flooding, Joint Subcommittee on; continued membership increase.

County Position: Support

Last Action: Tabled in Rules (10-Y 5-N) (January 31, 2023)

Primary Patron: Delegate Elizabeth B. Bennett-Parker (D)

Summary:

Study; Joint Subcommittee on Recurrent Flooding; membership increase. Increases the total membership of the Joint Subcommittee on Recurrent Flooding from 11 to 17 by increasing the number of nonlegislative members from three to seven. The additional nonlegislative members include representatives from the environmental, development, and business communities, a certified floodplain manager, and three local elected officials representing three of Virginia's flood-prone communities.

VA - HJ520 Constitutional amendment; qualifications of voters and the right to vote (first reference).

County Position: Support, see also SJ 223 (Locke)

Last Action: Referred to Committee on Privileges and Elections (January 10, 2023)

Primary Patron: Delegate Charniele L. Herring (D)

Summary:

Constitutional amendment (first reference); qualifications of voters; right to vote; persons not entitled to vote. Provides that every person who meets the qualifications of voters set forth in the Constitution of Virginia shall have the fundamental right to vote in the Commonwealth and that such right shall not be abridged by law, except for persons who have been convicted of a felony and persons who have been adjudicated to lack the capacity to understand the act of voting. A person who has been convicted of a felony shall not be entitled to vote during any period of incarceration for such felony conviction, but upon release from incarceration for that felony conviction and without further action required of him, such person shall be invested with all political rights, including the right to vote. Currently, in order to be qualified to vote a person convicted of a felony must have his civil rights restored by the Governor or other appropriate authority. The amendment also provides that a person adjudicated by a court of competent jurisdiction as lacking the capacity to understand the act of voting shall not be entitled to vote during this period of incapacity until his capacity has been reestablished as prescribed by law. Currently, the Constitution of Virginia provides that a person who has been adjudicated to be mentally incompetent is not qualified to vote until his competency is reestablished.

VA - HJ533 Const. amendment; prop. tax exemption for surviving spouses of soldiers who died in line of duty.

County Position: **Amend**, amend to provide localities with local option, flexible authority for enacting and implementing property tax exemption, see also SJ 231 (McPike).

Last Action: Referred to Committee on Privileges and Elections (January 11, 2023)

Primary Patron: Delegate Kathy K.L. Tran (D)

Summary:

Constitutional amendment (first reference); real property tax exemption; surviving spouses of soldiers who died in the line of duty. Expands the current tax exemption for real property available to the surviving spouses of soldiers killed in action to the surviving spouses of soldiers who died in the line of duty with a Line of Duty determination from the U.S. Department of Defense.

VA - SB807 Parks, local; walking trails, liability for property owners.

County Position: **Support**, see also HB 2041 (Shin)

Last Action: Read third time and passed Senate (37-Y 3-N) (January 19, 2023)

Primary Patron: Senator Barbara A. Favola (D)

Summary:

Local parks; walking trails; liability; property owners. Authorizes a locality or park authority to establish, conduct, and regulate a system of walking trails and releases from certain civil liability the owner of any property leased, licensed, or provided by easement for such use in the absence of gross negligence or willful misconduct.

VA - SB814 Interpreters; persons who are deaf or hard of hearing.

County Position: **Support**, see also HB 2424 (Seibold)

Last Action: Read third time and passed Senate (40-Y 0-N) (January 19, 2023)

Primary Patron: Senator Scott A. Surovell (D)

Summary:

Interpreters for persons who are deaf or hard of hearing. Allows a court to appoint a certified interpreter for a person who is deaf or hard of hearing if the Department for the Deaf and Hard-of-Hearing cannot readily procure such interpreter.

VA - SB831 Individuals with developmental disabilities; DMAS to amend certain waivers providing services, etc.

County Position: **Support**

Last Action: Constitutional reading dispensed (38-Y 0-N) (February 3, 2023)

Primary Patron: Senator Barbara A. Favola (D)

Summary:

Department of Medical Assistance Services; certain waivers for individuals with developmental disabilities; medically needy spend down provision. Directs the Department of Medical Assistance Services (the Department) to take steps to amend the Family and Individual Supports, Community Living, and Building Independence waivers to implement a medically needy spend down provision that allows otherwise eligible individuals to spend income in excess of the income limit for waiver services on medical expenses in order to meet the waiver income limit. The bill requires the Department to report on its activities and progress to the Governor and the General Assembly by December 1, 2023.

VA - SB847 Pedestrian control signals; applicability to persons riding bicycles and other devices.

County Position: ~~Support with amendment, amend to address implementation issues,~~ Support, bill has been amended to address implementation issues.

Last Action: Constitutional reading dispensed (38-Y 0-N) (February 3, 2023)

Primary Patron: Senator Barbara A. Favola (D)

Summary:

Pedestrian control signals; applicability to persons riding bicycles and other devices. Allows persons riding a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, moped, or motorized skateboard or scooter to follow the pedestrian control signal at an intersection when traveling in the direction of the signal, provided they yield to pedestrians in the crosswalk traveling in the same direction. The bill specifies that such persons shall not start to cross the highway in the direction of such signal while the signal is solid, that pedestrians shall not start to cross the highway when such signal is solid or flashing, and that any person who has partially crossed the highway shall proceed to a sidewalk or safety island when the solid Don't Walk signal begins.

VA - SB900 Voter identification; identification containing a photograph required.

County Position: Oppose, Board has historically opposed.

Last Action: Referred to Committee on Privileges and Elections (January 5, 2023)

Primary Patron: Senator Ryan T. McDougle (R)

Summary:

Voter identification; identification containing a photograph required. Requires presentation of a form of identification containing a photograph in order to vote. The bill repeals the provisions of law permitting a voter who does not have one of the required forms of identification to vote after signing a statement, subject to felony penalties for false statements, that he is the named registered voter he claims to be. Instead, the bill provides that such voter is entitled to cast a provisional ballot.

VA - SB901 Firearm in unattended motor vehicle; civil penalty.

County Position: Support, Board has historically supported.

Last Action: Read third time and passed Senate (24-Y 16-N) (February 1, 2023)

Primary Patron: Senator David W. Marsden (D)

Summary:

Firearm in unattended motor vehicle; civil penalty. Provides that no person shall leave, place, or store a handgun in an unattended motor vehicle, as defined in the bill, unless the vehicle is locked and the handgun is secured in a locked container or locked compartment of the vehicle. The bill provides that any person violating such prohibition is subject to a civil penalty of no more than \$500 and such unattended motor vehicle may be subject to removal for safekeeping.

VA - SB922 Income tax, state; manufactured home park sale.

County Position: Support

Last Action: Referred to Committee on Finance and Appropriations (January 6, 2023)

Primary Patron: Senator Ghazala F. Hashmi (D)

Summary:

Income tax subtraction; manufactured home park sale. Exempts income earned from the sale of a manufactured home park, as defined in relevant law, to either (i) an entity that is owned by at least 25 percent of the residents of such manufactured home park or (ii) an organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code,

provided that such sale terms require the guaranteed maintenance of the property as a manufactured home park for a period of at least 30 years following the sale.

[VA - SB945](#) Individuals with developmental disabilities; financial flexibility, report.

County Position: **Support**, see also HB 1963 (Runion)

Last Action: Passed Senate (40-Y 0-N) (February 2, 2023)

Primary Patron: Senator David R. Suetterlein (R)

Summary:

Department of Medical Assistance Services; services for individuals with developmental disabilities; financial flexibility; report. Directs the Department of Medical Assistance Services to take steps to amend the Family and Individual Supports, Community Living, and Building Independence waivers to provide greater financial flexibility to individuals with developmental disabilities who are receiving waiver services. The bill requires the Department to report on its progress to the Governor and the General Assembly by December 1, 2023.

[VA - SB999](#) Waterworks and wastewater works operators; license reciprocity.

County Position: **Support**

Last Action: Read third time and passed Senate (39-Y 0-N) (January 30, 2023)

Primary Patron: Senator T. Montgomery "Monty" Mason (D)

Summary:

Waterworks and wastewater works operators; license reciprocity. Requires the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals, (Board) upon application by an individual, to recognize licenses or certificates issued by another state as fulfillment of qualifications for licensure in the Commonwealth if certain conditions are met. The bill requires the Board to adopt regulations establishing the procedure by which the Department shall grant licenses within 30 days of the date of application to applicants meeting the requirements for recognition of licenses or certificates issued by another state.

[VA - SB1025](#) Witnesses; exclusion, governmental agencies and other entities.

County Position: **Support**

Last Action: Constitutional reading dispensed (38-Y 0-N) (February 3, 2023)

Primary Patron: Senator Richard H. Stuart (R)

Summary:

Exclusion of witnesses; governmental agencies and other entities. Adds an officer or agent of a partnership, governmental agency, or other entity to the list of persons who are exempt from the rule allowing the exclusion of witnesses during a proceeding in a civil case.

[VA - SB1067](#) Substantial risk orders; substantial risk factors and considerations.

County Position: **Support**

Last Action: Read third time and passed Senate (23-Y 16-N) (January 30, 2023)

Primary Patron: Senator Scott A. Surovell (D)

Summary:

Substantial risk orders; substantial risk factors and considerations. Provides various factors that a judge or magistrate shall consider for the purpose of determining probable cause prior to issuing an emergency substantial risk order or a

substantial risk order. The bill provides that such factors shall include whether the person who is subject to the order (i) committed any acts of violence or criminal offenses resulting in injury to himself or another person within the six months prior to the filing of the petition; (ii) made any threats or used any physical force against another person that resulted in injury within the six months prior to the filing of the petition; (iii) violated any provision of a protective order issued or was arrested for stalking within the six months prior to the filing of the petition; (iv) was convicted of any offense that would prohibit such person from possessing a firearm; (v) engaged in any conduct within the year prior to the filing of the petition that demonstrated a pattern of violent acts or threats to another person, including any acts or threats made against family members, neighbors, co-workers, or toward schools or students or government buildings or employees; (vi) committed any acts of violence or criminal offenses against an animal within the six months prior to the filing of the petition; (vii) made any attempt or threat of suicide or any act, attempted act, or threat of self-harm that caused or may have caused serious bodily injury; or (viii) evidence of recent acquisition of a firearm or ammunition by the respondent. The bill also outlines various other factors that a judge or magistrate may, but is not required to, consider for the purpose of issuing an emergency substantial risk order or a substantial risk order.

[VA - SB1069](#) Pedestrians; drivers stopping at certain signs.

County Position: **Initiate**

Last Action: Constitutional reading dispensed (38-Y 0-N) (February 3, 2023)

Primary Patron: Senator Richard L. Saslaw (D)

Summary:

Drivers stopping for pedestrians; certain signs; stops. Requires the driver of a vehicle on a highway approaching a pedestrian who is crossing such highway to stop for such pedestrian. Currently, a driver is required to yield the right-of-way to such pedestrian by stopping and remaining stopped. The bill also provides that localities that are already authorized to install signs directing motor vehicles to yield the right-of-way to pedestrians crossing or attempting to cross a highway may also install signs directing motor vehicles to stop for such pedestrians.

[VA - SB1079](#) Commonwealth Mass Transit Fund; allocation to commuter rail systems,

County Position: **Support** provisions related to VRE and remove cap on state aid for WMATA

Last Action: Read third time and passed Senate (39-Y 0-N) (January 30, 2023)

Primary Patron: Senator John A. Cosgrove, Jr. (R)

Summary:

Commonwealth Mass Transit Fund. Allocates 3.5 percent of the Commonwealth Mass Transit Fund (the Fund) to commuter rail systems jointly operated by transportation districts and excludes such commuter rail systems from receiving allocations pursuant to other distributions of the Fund. The bill requires such commuter rail systems to submit reports to the Commonwealth Transportation Board. The bill limits allocations by the Northern Virginia Transportation Commission (NVTC) for distribution to the Washington Metropolitan Area Transit Authority (WMATA) to 50 percent of the total operating and capital assistance required to be provided by NVTC or other Virginia entities in the approved WMATA budget and establishes reporting requirements for NVTC. The bill codifies requirements for WMATA to adopt and submit certain planning documents first required pursuant to the eighth enactment of Chapter 854 and the eighth enactment of Chapter 856 of the Acts of Assembly of 2018 and repeals the original requirements.

VA - SB1085 Motor vehicle exhaust systems; aftermarket amplifying devices, inspections.

County Position: Support

Last Action: Engrossed by Senate - committee substitute SB1085S1 (February 3, 2023)

Primary Patron: Senator Adam P. Ebbin (D)

Summary:

Motor vehicle exhaust systems; aftermarket amplifying devices; inspections. Prohibits the sale and use of devices designed to create or amplify noise emitted from a motor vehicle, moped, or motorized skateboard or scooter to a level higher than that of the originally manufactured vehicle and requires motor vehicle inspection regulations to include compliance with such requirements. The bill creates a noise limit of 85 decibels as measured from a distance of 50 feet that a motor vehicle, moped, or motorized skateboard or scooter may emit.

VA - SB1091 Local Stormwater Management Fund; condominiums.

County Position: Support

Last Action: Passed Senate (40-Y 0-N) (February 1, 2023)

Primary Patron: Senator Adam P. Ebbin (D)

Summary:

Local Stormwater Management Fund; condominiums. Expands the allowable uses of grants from a local Stormwater Management Fund, established under current law to grant funds to private property owners and common interest communities for certain stormwater management and erosion control projects, to include joint flooding mitigation projects of condominium owners.

VA - SB1129 Chesapeake Bay Watershed Implementation Plan; changes contingency for effective date.County Position: ~~Oppose~~, Monitor, bill has been amended to reflect an agreement reached by the stakeholders.

Last Action: Passed by for the day (February 3, 2023)

Primary Patron: Senator Emmett W. Hanger, Jr. (R)

Summary:

Chesapeake Bay Watershed Implementation Plan; effective date. Changes the contingency for the effective date of the Chesapeake Bay Watershed Implementation Plan to (i) allow consideration of a combination of point or nonpoint source pollution reduction efforts other than agricultural best management conservation practices when determining whether the Commonwealth's commitments in the Chesapeake Bay Total Maximum Daily Load Phase III Watershed Implementation Plan have been satisfied and (ii) bar such provisions from becoming effective unless the Commonwealth has fully funded the Virginia Natural Resources Commitment Fund until June 30, 2030. The bill also advances from July 1, 2026, to July 1, 2030, the contingency effective date of the Chesapeake Bay Watershed Implementation Plan. The bill requires the Department of Conservation and Recreation to submit an annual report analyzing the use of funds from the Virginia Agricultural Best Management Practices Cost-Share Program to demonstrate whether farmers or landowners are participating in the Program at levels to maximize nutrient load reductions. The bill directs each soil and water conservation district to report to the Department any recommendations for improving the disbursement of funds from the Virginia Natural Resources Commitment Fund and program efficiencies that would expedite the disbursal of such funds. Finally, the bill prohibits any regulatory action to be imposed on agricultural practices before the effective date of the Chesapeake Bay Watershed Implementation Plan.

VA - SB1139 Firearms; storage in residence where minor present, penalty.County Position: **Support**

Last Action: Read third time and passed Senate (22-Y 16-N) (January 31, 2023)

Primary Patron: Senator Jennifer B. Boysko (D)

Summary:

Storage of firearms in a residence where a minor is present; penalty. Requires any person who possesses a firearm in a residence where such person knows that a minor under 18 years of age or a person who is prohibited by law from possessing a firearm resides shall store such firearm and the ammunition for such firearm in a locked container, compartment, or cabinet that is inaccessible to such minor or prohibited person. The bill provides that a violation is a Class 4 misdemeanor. The bill exempts any person in lawful possession of a firearm who carries such firearm on or about his person, the storage of antique firearms, and the lawful authorization of a minor to access a firearm. The bill also requires firearm dealers to post a notice stating such firearm storage requirements and the penalty for not properly storing such firearms.

VA - SB1140 DARS; training, powers, and duties of guardian.County Position: **Support**

Last Action: Passed Senate (40-Y 0-N) (February 2, 2023)

Primary Patron: Senator Jeremy S. McPike (D)

Summary:

Department for Aging and Rehabilitative Services; training; powers and duties of guardian; annual reports by guardians; information required. Directs the Department for Aging and Rehabilitative Services to develop and provide training for court-appointed guardians by July 1, 2024. The bill requires an appointed guardian and any staff employed by such guardian to perform guardianship duties to complete the initial training developed by the Department within four months of the date of the initial court order of appointment and guardians and such staff appointed prior to July 1, 2024, to complete such training by January 1, 2026. The bill further requires a guardian to include in his annual report to the local department of social services a statement as to whether such training has been completed.

VA - SB1149 Plans and programs; drought evaluation and response plans, Potomac River.County Position: **Support**, see also HB 2095 (Bulova)

Last Action: Read third time and passed Senate (39-Y 0-N) (January 30, 2023)

Primary Patron: Senator David W. Marsden (D)

Summary:

Plans and programs; drought evaluation and response plans; Potomac River. Requires the State Water Control Board to recognize service areas for water utilities in the Commonwealth that use the Potomac River as a water supply source as a distinct drought evaluation region. The bill requires the Board to incorporate certain provisions from the Metropolitan Washington Water Supply and Drought Awareness Response Plan: Potomac River System into the existing drought evaluation plans that are applicable to the Potomac River drought evaluation region.

VA - SB1167 Firearm industry members; standards of responsible conduct, civil liability.

County Position: Support

Last Action: Read third time and passed Senate (21-Y 19-N) (January 26, 2023)

Primary Patron: Senator J. Chapman Petersen (D)

Summary:

Firearm industry members; standards of responsible conduct; civil liability. Creates standards of responsible conduct for firearm industry members, as that term is defined in the bill. The bill requires any firearm industry member that sells, manufactures, distributes, markets, or intends to sell, manufacture, distribute, or market firearm industry products, as that term is defined in the bill, within the Commonwealth, or that sells, manufactures, distributes, markets, or intends to sell, manufacture, distribute, or market firearm industry products to be used or possessed within the Commonwealth to comply with such standards of responsible conduct. Such standards include establishing and implementing reasonable controls regarding the manufacture, distribution, importation, marketing, and wholesale or retail sale of firearm industry products and taking reasonable precautions to ensure that such firearm industry products are not sold or distributed to a distributor or retailer that fails to establish and implement such reasonable controls. The bill also creates a civil cause of action for any person who suffers harm as a result of a firearm industry member's violation of the provisions of the bill.

VA - SB1168 Virginia Erosion and Stormwater Management Act; regulations; effective date.

County Position: Monitor, see also HB 2390 (Runion)

Last Action: Passed Senate (38-Y 0-N) (February 3, 2023)

Primary Patron: Senator Bill DeSteph (R)

Summary:

Virginia Erosion and Stormwater Management Act; regulations; effective date. Directs the State Water Control Board to adopt regulations to implement before July 1, 2024, the requirements of amendments to the Virginia Erosion and Stormwater Management Act enacted by the 2016 Session and amended by the 2017 Session and delays from July 1, 2018, to July 1, 2024, the effective date of the amendments made by the 2016 Session and regulations required to be adopted pursuant thereto. The bill also directs such adopted regulations to include the reduction of regulations through consolidation of duplicative requirements.

VA - SB1182 Bank franchise tax; electronic access to banks for real estate assessment records, etc.

County Position: Monitor, see also HB 1896 (Byron)

Last Action: Passed Senate (40-Y 0-N) (February 2, 2023)

Primary Patron: Senator Frank M. Ruff, Jr. (R)

Summary:

Bank franchise tax. Establishes a process, as of January 1, 2024, whereby banks having \$40 billion or greater in Virginia deposits based on the June 30 FDIC deposit market share report of the preceding tax year may elect to pay the bank franchise tax to the Department of Taxation and are bound by such election for 10 years absent permission from the Tax Commissioner. The bill directs the Department of Taxation, as of January 1, 2025, to apportion 80 percent of the bank franchise tax revenue from banks making such an election to localities through the newly created Local Bank Franchise Tax Fund.

[VA - SB1183](#) Applicant Fingerprint Database; participation in FBI Next Generation Identification Rap Back Serv.

County Position: Support the ongoing state funding, ensuring the safety of vulnerable populations throughout the Commonwealth.

Last Action: Constitutional reading dispensed (38-Y 0-N) (February 3, 2023)

Primary Patron: Senator Bryce E. Reeves (R)

Summary:

Applicant Fingerprint Database; participation in FBI Next Generation Identification Rap Back Service, through Virginia Rap Back Service, for fingerprint-based criminal history record monitoring; penalty. Requires the Department of State Police (the Department) to participate in the Federal Bureau of Investigation's (FBI) Next Generation Identification (NGI) Rap Back Service, through the Virginia Rap Back Service (the Service), for the purpose of allowing those agencies and governmental entities that require a fingerprint-based criminal background check as a condition of (i) providing care to (a) children, (b) the disabled, or (c) the elderly or (ii) (a) licensure, (b) certification, (c) employment, or (d) volunteer service to be advised when an individual subject to such screening is arrested for, or convicted of, a criminal offense. The bill provides that fingerprints submitted to the FBI through the Virginia Rap Back Service may be used for future searches, including latent searches.

The bill requires the Department to ensure that notification is made to the participating entity, defined in the bill, when an FBI Rap Back report is received. Any unauthorized use of the information submitted to the Service is prohibited; any willful violation with the intent to harass or intimidate another is a Class 1 misdemeanor. The bill requires the Department to promulgate regulations governing the Service and the removal and destruction of records on persons who are deceased or are no longer enrolled in the Service. The bill authorizes the Department to charge a reasonable fee per individual enrolled in the Service, paid by any participating entity enrolling the individual in the Service and provides that when more than one participating agency enrolls the same individual in the Service, both entities shall be responsible for paying the full cost for maintenance and notification. The bill requires that any fees collected shall be deposited in a special account to offset costs of subscription fees, maintenance fees, and enhancements related to the Criminal and Rap Back Information Service.

Under current law, the Department maintains an Applicant Fingerprint Database (the Database) that functions similarly to the Service. The bill transitions the Department from using the Database and requires the Service to be operational no later than July 1, 2025, contingent upon appropriation of funds.

[VA - SB1184](#) Hate crimes and discrimination; anti-Semitism, penalties.

County Position: Support

Last Action: Constitutional reading dispensed (38-Y 0-N) (February 3, 2023)

Primary Patron: Senator Bryce E. Reeves (R)

Summary:

Hate crimes and discrimination; anti-Semitism; penalties. Provides that it is the policy of the Commonwealth to safeguard all individuals within the Commonwealth from unlawful discrimination in employment and in places of public accommodation because of anti-Semitism. The bill also adds victims who are intentionally selected because of anti-Semitism to the categories of victims whose intentional selection for a hate crime involving assault, assault and battery, or trespass for the purpose of damaging another's property results in a higher criminal penalty for the offense and adds anti-Semitism to the categories of hate crimes that are to be reported to the central repository of information regarding hate crimes maintained by the Virginia State Police. The bill provides that a person who is subjected to acts of intimidation or harassment, violence directed against his person, or vandalism to his real or personal property, where such acts are motivated by anti-Semitism, may bring a civil action to recover his damages. The bill also provides that no provider or user of an interactive computer service on the Internet shall be liable for any action voluntarily taken by it in good faith to restrict access to material that the provider or user considers to be intended to incite hatred on the basis of anti-Semitism.

VA - SB1205 Local land use approvals; extension of approvals to address the COVID-19 pandemic, sunset provision.

County Position: **Oppose**, County has the tools to address this issue locally, see also HB 1665 (Marshall).

Last Action: Passed Senate (40-Y 0-N) (February 1, 2023)

Primary Patron: Senator Lynwood W. Lewis, Jr. (D)

Summary:

Local land use approvals; extension of approvals to address the COVID-19 pandemic. Extends from July 1, 2023, to July 1, 2025, the sunset date for various local land use approvals that were valid and outstanding as of July 1, 2020. The bill also provides that its provisions shall not be construed to extend previous extensions related to the housing crisis and that any extension of approvals outstanding as of July 1, 2020, shall apply to any such approvals granted subsequent to July 1, 2020, that expire prior to July 1, 2025. This provision is declarative of existing law.

VA - SB1293 Bicycles; exemptions to certain traffic control devices, local ordinances.

County Position: **Monitor**

Last Action: Read third time and passed Senate (24-Y 16-N) (February 1, 2023)

Primary Patron: Senator R. Creigh Deeds (D)

Summary:

Bicycles; exemptions to certain traffic control devices; local ordinances. Authorizes the local governing body of any county, city, or town to by ordinance authorize a bicyclist to treat a stop light as a stop sign and a stop sign as a yield right-of-way sign, provided that certain safety measures are observed.

VA - SB1299 Involuntary admission; temporary detention, release of detained individual.

County Position: **Support**

Last Action: Constitutional reading dispensed (38-Y 0-N) (February 3, 2023)

Primary Patron: Senator R. Creigh Deeds (D)

Summary:

Involuntary admission; temporary detention; release of detained individual. Permits the director of a facility where a person is awaiting transport to the facility of temporary detention pursuant to a temporary detention order to release the person prior to a commitment hearing if the person no longer meets the commitment criteria.

VA - SB1312 Electric vehicle charging stations; requirement for certain developments.

County Position: **Support**

Last Action: Passed Senate (22-Y 18-N) (February 2, 2023)

Primary Patron: Senator Jennifer B. Boysko (D)

Summary:

Requirement for electric vehicle charging stations for certain developments. Provides that any locality may by ordinance require electric vehicle charging stations as part of subdivision or site plan approval for a development containing commercial, industrial, or multifamily residential uses with a density of seven residential dwelling units per acre or greater.

VA - SB1326 Transit Ridership Incentive Program; use of funds, improving accessibility.

County Position: Support

Last Action: Constitutional reading dispensed (38-Y 0-N) (February 3, 2023)

Primary Patron: Senator Jennifer L. McClellan (D)

Summary:

Transit Ridership Incentive Program; funds; improving accessibility; transition to zero-emissions. Directs the Commonwealth Transportation Board to use up to 30 percent of available funds in the Transit Ridership Incentive Program to support local, regional, and state entities in improving the accessibility of transit bus passenger facilities and transitioning public transit bus fleets and infrastructure to zero-emission bus fleets and infrastructure. The bill directs the Board to develop guidelines for applications for grants to any local, regional, or state public entity that supports a transit system.

VA - SB1351 Virginia Freedom of Information Act; electronic meetings, local and regional public bodies.

County Position: Support

Last Action: Read third time and passed Senate (25-Y 14-N) (January 31, 2023)

Primary Patron: Senator David W. Marsden (D)

Summary:

Virginia Freedom of Information Act; electronic meetings; local and regional public bodies. Allows, with certain exceptions, local and regional public bodies to convene as many all-virtual public meetings as each such public body deems acceptable in its individual remote participation meeting policy, to be adopted at least once annually by recorded vote at a public meeting. Current law limits all-virtual public meetings to no more than two times per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater, and prohibits any such meeting from being held consecutively with another all-virtual public meeting.

VA - SB1365 Materials recovery facilities; local regulation.

County Position: Oppose

Last Action: Engrossed by Senate - committee substitute SB1365S1 (February 3, 2023)

Primary Patron: Senator Lynwood W. Lewis, Jr. (D)

Summary:

Local regulation of materials recovery facilities. Provides that a locality may not adopt a local ordinance that would prevent or prohibit the disposal of garbage, trash, or refuse at any materials recovery facility as such term is defined in the bill.

VA - SB1382 Assault firearms and certain ammunition feeding devices; purchase, possession, etc., prohibited.

County Position: Support, Board has historically supported.

Last Action: Read third time and passed Senate (23-Y 16-N) (January 31, 2023)

Primary Patron: Senator R. Creigh Deeds (D)

Summary:

Purchase, possession, sale, transfer, etc., of assault firearms and certain ammunition feeding devices prohibited; penalty. Creates a Class 1 misdemeanor for any person who imports, sells, manufactures, purchases, possesses, transports, or transfers an assault firearm, as that term is defined in the bill, and prohibits a person who has been convicted of such violation from purchasing, possessing, or transporting a firearm for a period of three years from the date of conviction. The bill provides that an assault firearm does not include any firearm that is an antique firearm, has been rendered permanently inoperable, is manually operated by bolt, pump, lever, or slide action, or was manufactured before July 1,

2023. The bill also prohibits the sale of a large capacity ammunition feeding device, as that term is defined in the bill. The bill provides that any person who willfully and intentionally (i) sells an assault firearm to another person or (ii) purchases an assault firearm from another person is guilty of a Class 1 misdemeanor and that any person who imports, sells, barter, or transfers a large capacity ammunition feeding device is guilty of a Class 1 misdemeanor. The bill also makes it a Class 1 misdemeanor for any person younger than 21 years of age to import, sell, manufacture, purchase, possess, transport, or transfer an assault firearm regardless of the date of manufacture of such assault firearm.

VA - SB1401 Virginia Resources Authority; community development and housing projects.

County Position: **Support**, see also HB 1805 (Bloxom)

Last Action: Constitutional reading dispensed (38-Y 0-N) (February 3, 2023)

Primary Patron: Senator Lynwood W. Lewis, Jr. (D)

Summary:

Virginia Resources Authority; purpose; community development and housing projects. Adds community development projects related to the production and preservation of housing, including housing for persons and families of low and moderate income, to those projects that the Virginia Resources Authority may finance. The bill directs the Department of Housing and Community Development to assist the Authority with determining which local governments are to receive grants from the Authority for such projects.

VA - SB1408 Sales and use tax, local; additional tax authorized in all counties & cities to support schools.

County Position: **Support**

Last Action: Read third time and passed Senate (26-Y 10-N) (January 23, 2023)

Primary Patron: Senator Jennifer L. McClellan (D)

Summary:

Additional local sales and use tax to support schools; referendum. Authorizes all counties and cities to impose an additional local sales and use tax at a rate not to exceed one percent with the revenue used only for capital projects for the construction or renovation of schools if such levy is approved in a voter referendum. Under current law, only Charlotte, Gloucester, Halifax, Henry, Mecklenburg, Northampton, Patrick, and Pittsylvania Counties and the City of Danville are authorized to impose such a tax. This bill is a recommendation of the Commission on School Construction and Modernization.

VA - SB1470 Workforce development; consolidation of policies and programs, etc.

County Position: **Monitor**, see also HB 2195 (Byron)

Last Action: Constitutional reading dispensed (38-Y 0-N) (February 3, 2023)

Primary Patron: Senator Frank M. Ruff, Jr. (R)

Summary:

Department of Workforce Development and Advancement created; consolidation of the Commonwealth's workforce development policies and programs; report. Creates the Department of Workforce Development and Advancement (the Department) to serve as administrator and fiscal agent for the Commonwealth's workforce development programs. The bill consolidates statewide workforce program evaluation and data sharing under the Department and provides protections against improper disclosure of data. The bill provides for the Virginia Board of Workforce Development to conduct an independent evaluation of the operations and program objectives of the Department on a biennial basis with the first report due on December 1, 2025. The bill also (i) transfers administration of apprenticeship programs from the Department of Labor and Industry to the Department, (ii) changes the name of the Office of Education and Labor Market Analysis to the Office of Education and Workforce Research and moves the Office from the Virginia Economic

Development Partnership Authority to the Department, and (iii) shifts the administration and implementation of adult education programs from the Board of Education and local school boards to the State Board for Community Colleges and comprehensive community colleges. The bill directs the Secretary of Labor to conduct a comprehensive review of the Commonwealth's workforce development programs and make recommendations to address a wide range of subjects relating to improving the effectiveness and efficiency of such programs. This bill is a recommendation of the Small Business Commission.

[VA - SB1474](#) Mobile food units; Department of Health to amend its regulations.

County Position: **Oppose**

Last Action: Constitutional reading dispensed (38-Y 0-N) (February 3, 2023)

Primary Patron: Senator Mark D. Obenshain (R)

Summary:

Department of Health; mobile food units. Directs the Department of Health to amend its regulations and each local health department and health district to amend its regulations and guidance documents relating to mobile food units to allow up to 20 percent of the sanitation and food preparation activities of a mobile food unit to take place within a 50-foot radius of the mobile food unit.

[VA - SB1495](#) Local enforcement action; willful disregard for applicable law, damages.

County Position: **Oppose**

Last Action: Rereferred to Judiciary (January 30, 2023)

Primary Patron: Senator Scott A. Surovell (D)

Summary:

Local enforcement action; willful disregard for applicable law; damages. Provides that any person aggrieved by an enforcement action by a locality, where the enforcement action was based upon a willful disregard for applicable law, regulation, or ordinance, shall be entitled to an award of compensatory damages and to an order remanding the matter to the locality with a direction to terminate such enforcement and may be entitled to reasonable attorney fees and court costs.

[VA - SB1512](#) Temporary detention; certified evaluators, report.

County Position: **Oppose**

Last Action: Constitutional reading dispensed (38-Y 0-N) (February 3, 2023)

Primary Patron: Senator T. Montgomery "Monty" Mason (D)

Summary:

Temporary detention; certified evaluators; report. Authorizes hospitals with a psychiatric emergency department located in Planning District 21 to employ certain trained individuals to perform evaluations to determine whether a person meets the criteria for temporary detention for behavioral health treatment. The bill requires participating hospitals with psychiatric emergency departments in Planning District 21 to annually report the number of temporary detention order evaluations completed, the number of temporary detention orders petitioned, the number of individuals evaluated for temporary detention who were determined to not meet the criteria for temporary detention, and the number of individuals under a temporary detention order admitted to a state facility to the Chairmen of the Senate Committee on Education and Health, the House Committee on Health, Welfare and Institutions, and the Behavioral Health Commission. The bill has an expiration date of July 1, 2025.

VA - SJ223 Constitutional amendment; qualifications of voters and the right to vote (first reference).

County Position: Support, see also HJ 520 (Herring)

Last Action: Read second time and engrossed (February 3, 2023)

Primary Patron: Senator Mamie E. Locke (D)

Summary:

Constitutional amendment (first reference); qualifications of voters; right to vote; persons not entitled to vote. Provides that every person who meets the qualifications of voters set forth in the Constitution of Virginia shall have the fundamental right to vote in the Commonwealth and that such right shall not be abridged by law, except for persons who have been convicted of a felony and persons who have been adjudicated to lack the capacity to understand the act of voting. A person who has been convicted of a felony shall not be entitled to vote during any period of incarceration for such felony conviction, but upon release from incarceration for that felony conviction and without further action required of him, such person shall be invested with all political rights, including the right to vote. Currently, in order to be qualified to vote a person convicted of a felony must have his civil rights restored by the Governor or other appropriate authority. The amendment also provides that a person adjudicated by a court of competent jurisdiction as lacking the capacity to understand the act of voting shall not be entitled to vote during this period of incapacity until his capacity has been reestablished as prescribed by law. Currently, the Constitution of Virginia provides that a person who has been adjudicated to be mentally incompetent is not qualified to vote until his competency is reestablished.

VA - SJ230 Asian Americans and Pacific Islanders; VSCC to study hate crimes and bias-motivated acts.

County Position: Support

Last Action: Read third time and agreed to by Senate by voice vote (January 25, 2023)

Primary Patron: Senator John J. Bell (D)

Summary:

Study; Virginia State Crime Commission; hate crimes and bias-motivated acts directed toward Asian Americans and Pacific Islanders; report. Directs the Virginia State Crime Commission to study the increase in hate crimes and bias-motivated acts directed toward Asian Americans and Pacific Islanders in the Commonwealth.

VA - SJ231 Const. amendment; prop. tax exemption for surviving spouses of soldiers who died in line of duty.

County Position: Amend, amend to provide localities with local option, flexible authority for enacting and implementing property tax exemption, see also HJ 533 (Tran).

Last Action: Read third time and agreed to by Senate (38-Y 0-N) (February 3, 2023)

Primary Patron: Senator Jeremy S. McPike (D)

Summary:

Constitutional amendment (first reference); real property tax exemption; surviving spouses of soldiers who died in the line of duty. Expands the current tax exemption for real property available to the surviving spouses of soldiers killed in action to the surviving spouses of soldiers who died in the line of duty with a Line of Duty determination from the U.S. Department of Defense.

[VA - SJ247](#) Constitutional amendment; exemption of property owned and occupied by persons of low income, etc.

County Position: Monitor, see also HJ 498 (Carr)

Last Action: Engrossed by Senate - floor substitute SJ247S1 (February 3, 2023)

Primary Patron: Senator Ghazala F. Hashmi (D)

Summary:

Constitutional amendment (first reference); tax and finance; exempt property; affordable housing tax exemption. Amends the Constitution of Virginia by providing that the General Assembly may by general law authorize the governing body of any county, city, town, or regional government to provide for the exemption from local real property taxation, or a portion thereof, within such restrictions and upon such conditions as may be prescribed, of real estate owned and occupied by persons of low income or low financial worth.

Bill No Longer Under Consideration**[VA - SB790](#) Towing enforcement; violations of current law subject to Va. Consumer Protection Act.**

County Position: Support

Last Action: Passed by indefinitely in Transportation (15-Y 0-N) (February 2, 2023)

Primary Patron: Senator Barbara A. Favola (D)

Summary:

Towing enforcement. Provides that violations of current law regarding tow truck drivers and towing and recovery operators are subject to the Virginia Consumer Protection Act. The bill repeals the \$150 civil penalty for certain towing violations in Planning District 8.

[VA - SB792](#) COVID-19 immunization; prohibition on requirement, discrimination prohibited, civil penalty.

County Position: Oppose

Last Action: Passed by indefinitely in Education and Health (8-Y 5-N) (February 2, 2023)

Primary Patron: Senator Amanda F. Chase (R)

Summary:

COVID-19 immunization; prohibition on requirement; discrimination prohibited; civil penalty. Prohibits the State Health Commissioner and the Board of Health, the Board of Behavioral Health and Developmental Services, the Department of Health Professions and any regulatory board therein, and the Department of Social Services from requiring any person, including any child, to undergo vaccination for COVID-19 and prohibits discrimination based on a person's COVID-19 vaccination status (i) with regard to education, employment, or issuance of a driver's license or other state identification or (ii) in numerous other contexts. The bill establishes a civil penalty for violation of this prohibition by an employer.

[VA - SB805](#) Firearms; control by localities of possession or carrying.

County Position: Oppose, Board has historically opposed.

Last Action: Passed by indefinitely in Judiciary (10-Y 5-N) (January 30, 2023)

Primary Patron: Senator Amanda F. Chase (R)

Summary:

Control of firearms by localities. Removes the authority for a locality by ordinance to prohibit the possession or carrying of firearms, ammunition, or components or any combination thereof in (i) any building, or part thereof, owned or used by such locality for governmental purposes; (ii) any public park owned or operated by the locality; (iii) any recreation or community center facility; or (iv) any public street, road, alley, or sidewalk or public right-of-way or any other place of

whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit. The bill provides that any firearm received by the locality pursuant to a buy-back program shall be offered for sale by public auction or sealed bids to a person licensed as a dealer. Current law provides that any such firearm shall be destroyed by the locality unless the person surrendering the firearm requests in writing that the firearm be offered for sale. The bill also limits the authority of localities to bring lawsuits against certain firearms manufacturers and others and further provides that the right to bring any such action is reserved exclusively to the Commonwealth and shall be brought by the Attorney General.

VA - SB833 COVID-19 immunization; prohibition on requirement, discrimination prohibited, civil penalty.

County Position: **Oppose**

Last Action: Passed by indefinitely in Education and Health (8-Y 5-N) (February 2, 2023)

Primary Patron: Senator Amanda F. Chase (R)

Summary:

COVID-19 immunization; prohibition on requirement; discrimination prohibited; civil penalty. Prohibits the State Health Commissioner and the Board of Health, the Board of Behavioral Health and Developmental Services, the Department of Health Professions and any regulatory board therein, and the Department of Social Services from requiring any person, including any child, to undergo vaccination for COVID-19 and prohibits discrimination based on a person's COVID-19 vaccination status (i) with regard to education, employment, or issuance of a driver's license or other state identification or (ii) in numerous other contexts. The bill establishes a civil penalty for violation of this prohibition by an employer.

VA - SB862 Highway use fee and mileage-based user fee program; eliminates the program.

County Position: **Oppose**

Last Action: Stricken at request of Patron in Transportation (15-Y 0-N) (January 26, 2023)

Primary Patron: Senator Stephen D. Newman (R)

Summary:

Highway use fee and mileage-based user fee program; repeal. Eliminates the highway use fee and mileage-based user fee program. The bill directs the Commissioner of the Department of Motor Vehicles to continue to reimburse the cost of the highway use fee to any applicant that paid a highway use fee and is eligible for reimbursement of the original vehicle registration fee pursuant to relevant law. The bill directs the Commissioner to refund the cost of the highway use fee to any owner of a vehicle who prepaid the fee before the effective date of the bill, prorated for the period after which the highway use fee is no longer in effect.

VA - SB884 Elections; registration, absentee voting, and conduct of election.

County Position: **Oppose**

Last Action: Passed by indefinitely in Privileges and Elections (9-Y 5-N) (January 31, 2023)

Primary Patron: Senator Amanda F. Chase (R)

Summary:

Elections; registration, absentee voting, and conduct of election. Repeals provisions of law permitting registration on election day; requires an excuse to vote absentee; removes the option to vote absentee in person; requires absentee ballots to either be accompanied by a copy of an approved form of identification or be notarized; requires absentee ballots returned to drop boxes to be returned by the voter; requires absentee ballots to be received by the general registrar by the close of polls on election day in order to be counted; requires presentation of a form of identification containing a photograph in order to vote; repeals the provisions of law permitting a voter who does not have one of the required forms of identification to vote after signing a statement that he is the named registered voter he claims to be; eliminates the use

of electronic poll books and voting machines while polls are open; and requires that ballots be manually tabulated in order to determine the results of an election.

VA - SB918 Assault firearms and certain ammunition feeding devices; carrying, sale, transfer, etc.

County Position: Support, Board has historically supported.

Last Action: Incorporated by Judiciary (SB1382-Deeds) (14-Y 0-N) (January 23, 2023)

Primary Patron: Senator Joseph D. Morrissey (D)

Summary:

Carrying, sale, transfer, etc., of assault firearms and certain ammunition feeding devices prohibited; penalties. Prohibits the sale of an assault firearm and a large capacity ammunition feeding device, as those terms are defined in the bill. The bill provides that an assault firearm does not include any firearm that is an antique firearm, has been rendered permanently inoperable, is manually operated by bolt, pump, lever, or slide action, or was manufactured before July 1, 2023. The bill provides that any person who willfully and intentionally (i) sells an assault firearm to another person or (ii) purchases an assault firearm from another person is guilty of a Class 1 misdemeanor and that any person who imports, sells, barter, or transfers a large capacity ammunition feeding device is guilty of a Class 1 misdemeanor. The bill also prohibits the carrying of certain shotguns and semi-automatic center-fire rifles and pistols on any public street, road, alley, sidewalk, or public right-of-way or in any public park or any other place of whatever nature that is open to the public. Under current law, the current prohibition on carrying certain shotguns and semi-automatic center-fire rifles and pistols applies to a narrower range of firearms, only in certain localities, and only when such firearms are loaded. The bill prohibits a firearms dealer from selling, renting, trading, or transferring from his inventory any assault firearm to any person.

VA - SB966 Jails, local; compensation for cost of incarceration.

County Position: Support

Last Action: Passed by indefinitely in Finance and Appropriations (16-Y 0-N) (February 1, 2023)

Primary Patron: Senator Mark J. Peake (R)

Summary:

Compensation of local jails for cost of incarceration. Requires the Department of Corrections to compensate local jails for the actual cost, based on the rate calculated in the Compensation Board's annual jail cost report, of incarcerating felons who should otherwise be confined in a state correctional facility. Current law provides for local jails to be compensated at the rate set forth in the general appropriation act.

VA - SB968 Voter identification; identification containing a photograph required.

County Position: Oppose, Board has historically opposed.

Last Action: Incorporated by Privileges and Elections (SB794-McDougle) (15-Y 0-N) (January 17, 2023)

Primary Patron: Senator Mark J. Peake (R)

Summary:

Voter identification; identification containing a photograph required. Requires presentation of a form of identification containing a photograph in order to vote. The bill repeals the provisions of law permitting a voter who does not have one of the required forms of identification to vote after signing a statement, subject to felony penalties for false statements, that he is the named registered voter he claims to be. Instead, the bill provides that such voter is entitled to cast a provisional ballot.

VA - SB977 Transit Ridership Incentive Program; on-demand microtransit operations.

County Position: **Support**

Last Action: Stricken at request of Patron in Transportation (13-Y 0-N) (January 26, 2023)

Primary Patron: Senator T. Montgomery "Monty" Mason (D)

Summary:

Transit Ridership Incentive Program; on-demand microtransit operations. Includes the development and implementation of on-demand microtransit operations, defined in the bill, to incentivize and promote transit ridership, as part of the goal of the Transit Ridership Incentive Program. The bill provides that an approved initiative or service is eligible to continue receiving funding for the duration of the Program on an annual basis, for up to 80 percent of costs, from funds that are available to the urbanized area in which the initiative or service is located.

VA - SB1158 Garbage and refuse pickup and disposal services; regulation, exclusive service areas.

County Position: **Support** concept of additional local authority to manage solid waste collection.

Last Action: Passed by indefinitely in Local Government (10-Y 3-N) (January 23, 2023)

Primary Patron: Senator David W. Marsden (D)

Summary:

Regulation of garbage and refuse pickup and disposal services; exclusive service areas; Planning District 8. Grants localities in Planning District 8 (Northern Virginia) authority to establish exclusive service areas and award such service areas to businesses that as of July 1, 2024, are legally engaged in the pickup and disposal of garbage, trash, or refuse, wherein service will be provided to the residents of the locality. For each such business, the locality may establish a separate service area with a customer base that approximates the number of residential customers served by the business in the locality on July 1, 2023. The ordinance shall establish procedures for removing or adding businesses and adjusting the boundaries of such service areas as needed. Property owners' associations may continue to contract with properly licensed businesses of their choice notwithstanding the establishment of exclusive service areas. The bill contains a reenactment clause.

VA - SB1236 Firearms, etc.; control of possession by locality.

County Position: **Oppose**, Board has historically opposed, see also HB 1427 (LaRock).

Last Action: Passed by indefinitely in Judiciary (9-Y 6-N) (January 23, 2023)

Primary Patron: Senator Mark D. Obenshain (R)

Summary:

Control of firearms by localities. Removes a locality's authority to prohibit the possession or carrying of firearms, ammunition, or components or any combination thereof in (i) any public park owned or operated by the locality; (ii) any recreation or community center facility operated by the locality; or (iii) any public street, road, alley, or sidewalk or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit.

VA - SB1315 Localities, public & private schools, higher educational institution, & employers; face coverings.

County Position: **Oppose**, Board has historically opposed.

Last Action: Passed by indefinitely in Education and Health (15-Y 0-N) (February 2, 2023)

Primary Patron: Senator Amanda F. Chase (R)

Summary:

Localities, public and private schools, institutions of higher education, and employers; face coverings. Prohibits any locality, school board, division superintendent, school principal, private school, institution of higher education, or employer from adopting, implementing, or enforcing any policy, rule, or order related to COVID-19 that requires individuals to wear a face covering.

VA - SB1391 Short-term rental property; locality's ability to restrict property managed by a Virginia realtor.

County Position: **Oppose**, see also HB 2271 (Marshall)

Last Action: Passed by indefinitely in Local Government with letter (13-Y 0-N) (January 30, 2023)

Primary Patron: Senator Lynwood W. Lewis, Jr. (D)

Summary:

Short-term rental property; locality's ability to restrict property managed by a Virginia realtor. Provides that a locality may not restrict by ordinance any short-term rental property managed by a Virginia realtor, defined in the bill. The bill provides that a locality may not enforce an ordinance against such property where the ordinance (i) prohibits short-term rentals; (ii) limits occupancy in a short-term rental property to less than what is allowed under the building code or local zoning regulations; (iii) limits the number of days in a calendar year for which a short-term rental property can be rented; (iv) requires an owner to occupy the short-term rental property as his primary residence for any number of days in a calendar year; (v) requires any type of remote monitoring device to be installed on the short-term rental property, including decibel, audio, or video; (vi) requires exterior or interior inspections of the short-term rental property pertaining to any items defined under the building code more frequently than every five years, unless a complaint has been filed with the locality or building authority; (vii) requires repairs, renovations, or updates to the structure of the short-term rental property that are greater than those required under the applicable building code; or (viii) requires an owner to add additional or otherwise alter existing parking spaces for the short-term rental property. The provisions of the bill shall apply to any short-term rental property managed by a realtor and operating as such on or after January 1, 2023.

VA - SB1463 Public libraries, certain; parental advisory label to be affixed to sexually explicit materials.

County Position: **Oppose**

Last Action: Passed by indefinitely in Education and Health (9-Y 6-N) (February 2, 2023)

Primary Patron: Senator Amanda F. Chase (R)

Summary:

Certain public libraries; books; sexually explicit materials; parental advisory label. Requires each local school board, any local governing body or library board that governs a free public library system or regional library board that governs a regional library system, and the Library Board to require a parental advisory label to be affixed to the front of any book that contains sexually explicit content, as that term is defined elsewhere in law, and that is made available to minors in any public elementary or secondary school library, any public library in the free public library system or regional public library system, or the Library of Virginia, respectively.

VA - SB1485 Natural gas utilities; retail supply choice.

County Position: **Oppose**, Board has historically opposed.

Last Action: Stricken at request of Patron in Commerce and Labor (14-Y 0-N) (January 30, 2023)

Primary Patron: Senator Joseph D. Morrissey (D)

Summary:

Natural gas utilities; retail supply choice. Allows every person access to distribution service or retail natural gas from a natural gas company authorized to provide natural gas service to the area where the service will be received. The bill prohibits a public entity from adopting an ordinance, resolution, or any other requirement that limits or prohibits customers from acquiring natural gas service and supply from both utility and non-utility gas companies. The bill prohibits public entities from denying building permits solely based on a proposed utility provider and directs public entities to ensure that all applicable permits and fees are reasonable, as compared to other utility providers, and do not restrict an applicant's ability to use the services of an authorized utility provider.

VA - SB1488 Firearms; removal from persons posing substantial risk, penalties.

County Position: Oppose, Board has historically opposed.

Last Action: Passed by indefinitely in Judiciary (10-Y 5-N) (January 30, 2023)

Primary Patron: Senator Amanda F. Chase (R)

Summary:

Firearms; removal from persons posing substantial risk; penalties. Repeals the procedure by which any attorney for the Commonwealth or law-enforcement officer may apply to a general district court, circuit court, or juvenile and domestic relations district court judge or magistrate for an emergency substantial risk order to prohibit a person who poses a substantial risk of injury to himself or others from purchasing, possessing, or transporting a firearm. The bill also removes the substantial risk order registry for the entry of orders issued.



Pandemic Impact on Public K–12 Education

In brief

The pandemic was an unprecedented disruption for K–12 students and staff.

As students returned to in-person learning, chronic absenteeism, classroom behavior, and reported mental health issues have worsened.

Multiple indicators of student academic achievement declined during the pandemic; some started to rebound as students returned to in-person learning.

The teacher workforce is smaller, less qualified, and less satisfied with their jobs than prior to the pandemic.

Study resolution: SJ 308 (2021)

Students faced numerous challenges; some left or delayed enrolling in the public K–12 system

- Remote instruction caused numerous challenges for many students
 - Inability to stay focused or pay attention
 - Lack of a responsible adult at home to help
- Some students lacked adequate internet access ($\approx 6\%$); others lacked a dedicated IT device ($\approx 5\%$)
- K–12 enrollment declined slightly ($\approx 3\%$), primarily because of parents homeschooling children, waiting to send children to kindergarten, or switching to private school

Substantial federal and state assistance is already being provided

- Federal government provided \$3.3 billion to Virginia through three separate federal stimulus bills
- Divisions have substantial remaining federal funds to be used through 2024
- Major recent state initiatives include:
 - Attendance support program
 - New and expanded early childhood reading initiatives
 - Funding for school staff raises and bonuses

In this presentation

Student attendance, behavior, & mental health

Student academic performance

Teacher recruitment, retention, & quality

Findings

Chronic absenteeism substantially increased when students returned to in-person instruction, which a state attendance support program will try to address.

Student behavior was a major problem when students returned to in-person learning.

K–12 staff, experts, and students report concerns about student mental health during pandemic.

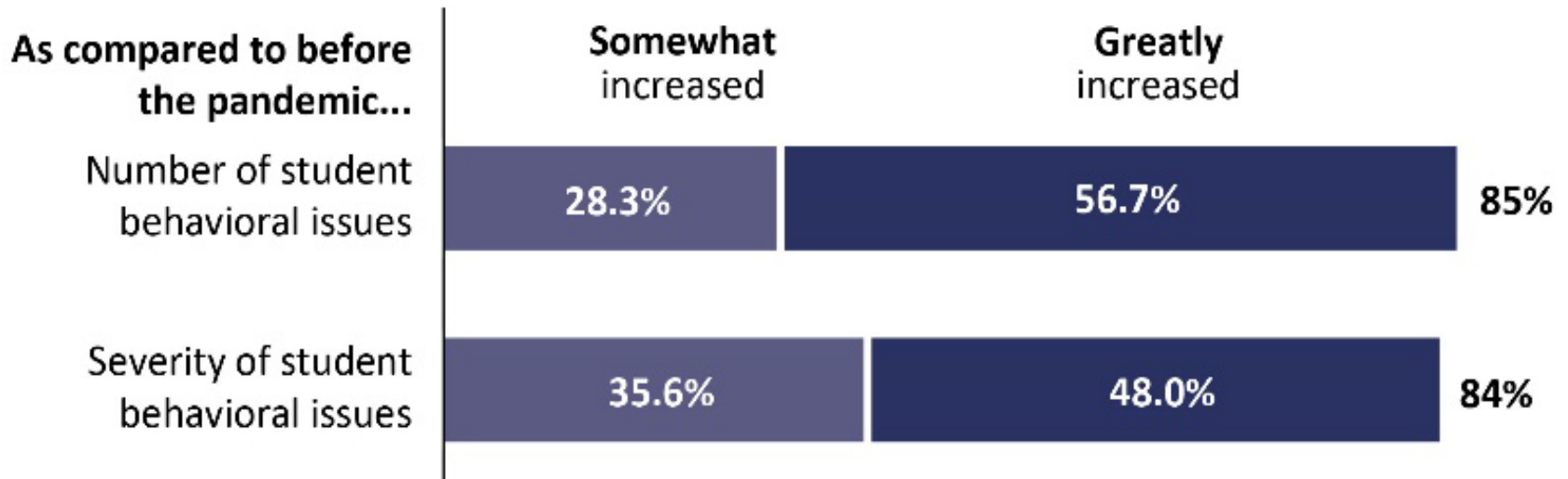
Chronic absenteeism nearly doubled after onset of pandemic

- 19% of students statewide (~245,000) were chronically absent in 2021–22
 - Some, but not all, of increase in absenteeism due to quarantining and illness
 - Poor attendance affects student engagement, ability to learn, progression toward a diploma, and outcomes
- 2022 budget funded \$3.5 million for VDOE to contract with a private vendor to develop an attendance support program in 2023

Chronic absenteeism = student missing 10% or more days in the school year (approximately 18+ of 180 days)

Staff rate student behavior as most serious issue to address and cite increases in behavioral issues

- School staff rated student behavior as the most serious issue when asked to select from a list of 15 potential issues
- School staff reported increases in the number and severity of student behavioral issues



JLARC survey of staff at 47 schools in 12 school divisions, spring 2022.

Existing behavior support program likely has unmet demand after increase in student behavior issues

- State-funded program through VTSS to provide support and training to schools
- VTSS provides staff at participating schools with coaching and training on behavior and classroom management
- Program shows positive impacts on student behavior
- Based on current resource levels, behavior support program can reach only 1/3 of schools statewide; likely has unmet demand

VTSS: Virginia Tiered Systems of Supports

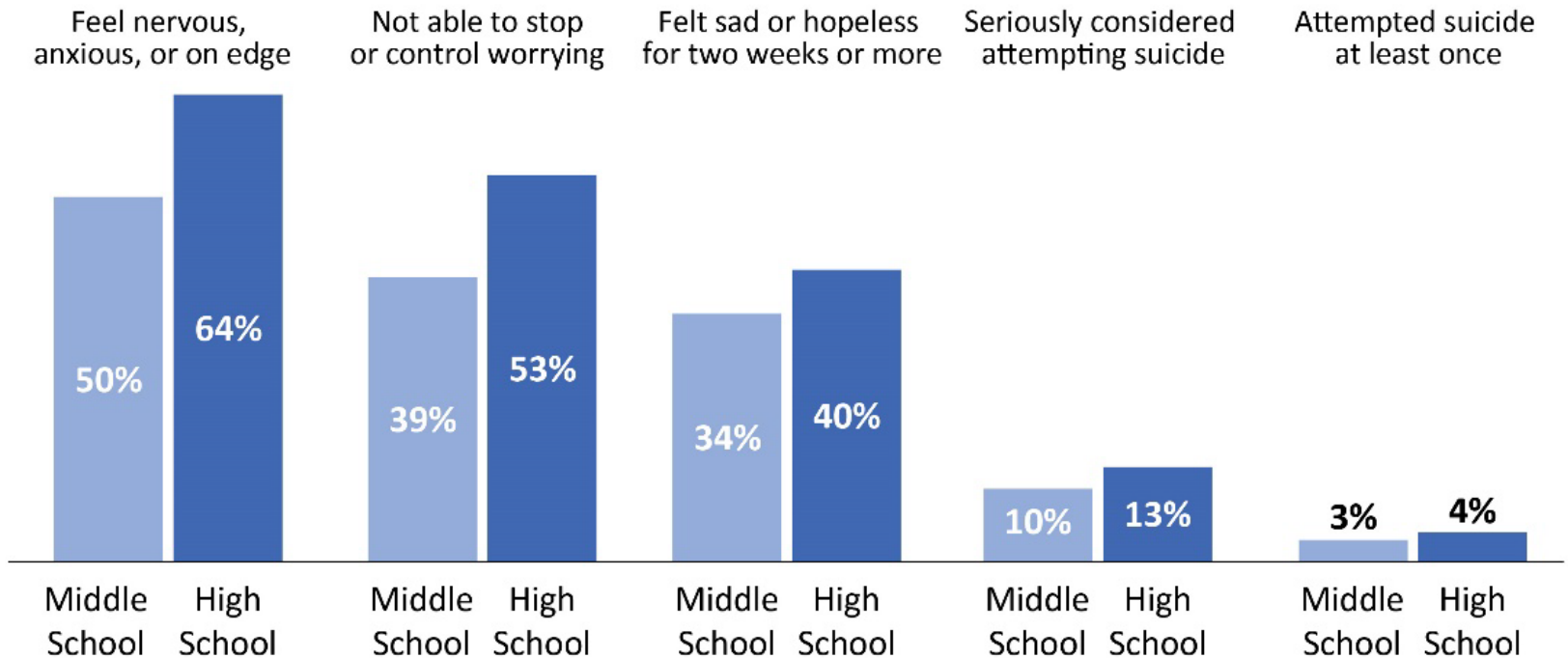
Policy option

The General Assembly could fund Virginia Tiered Systems of Supports to provide training and coaching on behavior and classroom management to staff at additional schools.

School staff and mental health professionals reported concerns about student mental health

- Half of school staff reported student anxiety or mental health were “very serious” issue
- Youth mental health providers and pediatricians shared similar concerns:
 - “Pandemic of anxiety.”
 - “My practice has become a mental health practice.”
- Student mental health issues can negatively affect academic performance and staff working conditions

Students reported high levels of mental health issues during the pandemic



Source: VDOE School Climate Survey results - 2021 survey of middle school students and 2022 survey of high school students

Findings

The role of school counselor is not clearly defined, which can limit direct counseling to students.

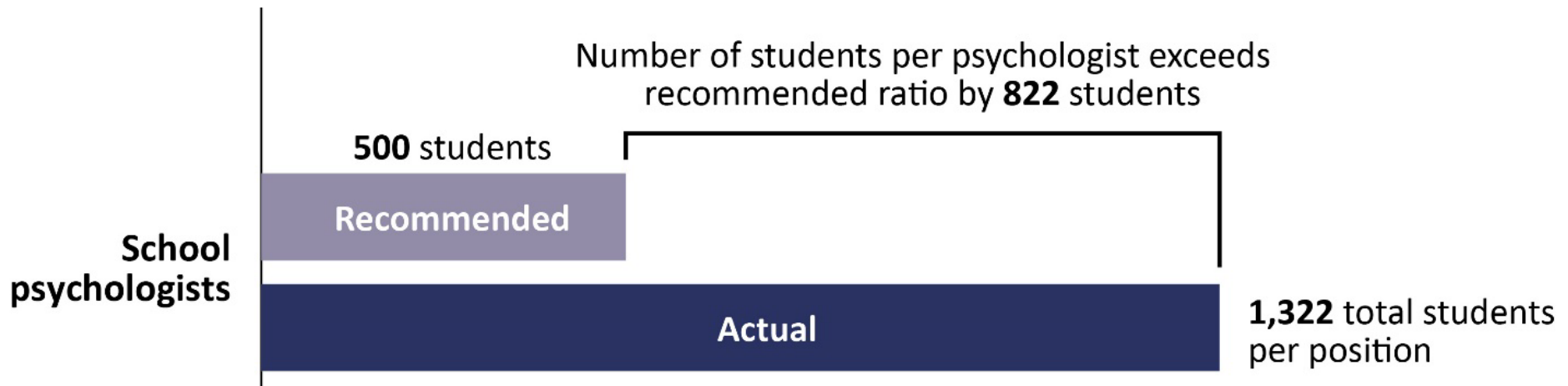
Divisions have particularly high vacancy rates for school psychologists.

Counselors cannot maximize student counseling because of time spent on non-counseling activities

- School counselors comprise the largest portion of school mental health staff
- Code of Virginia requires counselors to spend at least 80% of their time on “direct counseling” but does not define which activities qualify
- Counselors report performing non-counseling activities (e.g., test administration, clerical duties, covering classes)
 - In lieu of providing counseling and support to students
 - Non-counseling activities are considered inappropriate role by American School Counselor Association

Divisions have high vacancy rates for school psychologists and employ fewer than recommended

- Eleven percent of school psychologist positions statewide are vacant, one of the highest rates among all staff
- Virginia employs fewer psychologists than recommended by the National Association of School Psychologists



Source: VDOE Position and Exits Collection, October 2021.

Recommendations

The General Assembly may wish to consider amending the Code of Virginia to:

- more clearly define direct school counseling and to expressly exclude administrative and support activities that are not considered direct counseling.
- allow qualified, licensed psychologists in other fields to be provisionally licensed as a school psychologist.

In this presentation

Student attendance, behavior, & mental health

Student academic performance

Teacher recruitment, retention, & quality

Multiple indicators of academic achievement declined during the pandemic

- Early childhood literacy declined during the pandemic
- Reading and math SOL scores have generally begun to rebound in 2022, but scores remain below pre-pandemic levels
- From 2019 to 2022
 - 4th grade reading and math scores declined more than the national average on nationwide assessment
 - 8th grade reading and math scores follow national trends
- Some pre-existing achievement gaps among Virginia students widened, especially among younger students

Pandemic-related declines in academic performance were not typical, will take time to resolve

- Prior to the pandemic, student achievement was fairly stable with the exception of a declining trend in reading
- Divisions that relied longer on remote instruction generally experienced larger declines but have also rebounded by more
- Experts estimate that it could take three-to-five years for students to return to pre-pandemic achievement levels

See Chapter 4 and Appendix F of written report for detail on student performance prior to and during the pandemic.

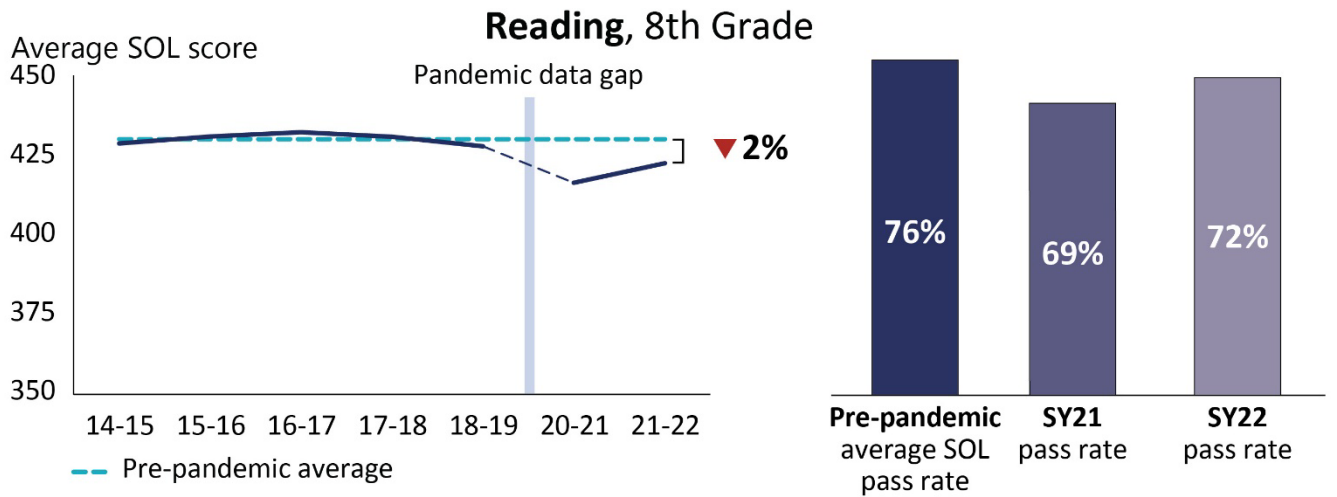
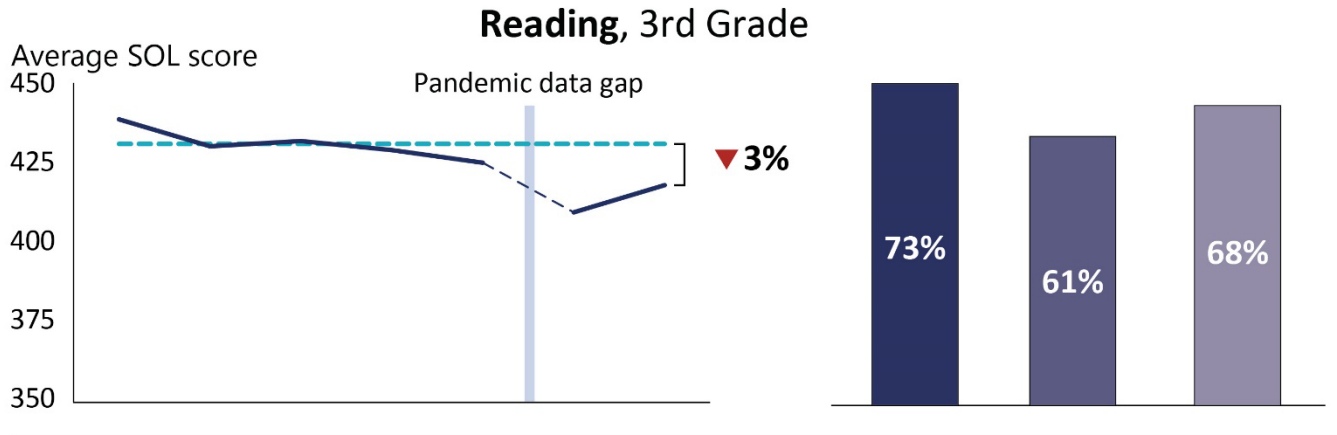
State and school divisions have many efforts underway or plan to address decline

- Divisions report hiring more instructional staff, providing tutoring, and providing additional instructional time (e.g., before or after school and summer school programs)
- State recently funded new early childhood reading programs; VDOE planning to establish learning recovery grants and tutoring programs
- Improvement will take time:
 - Teachers report students can only absorb so much additional instruction at one time
 - Staff burnout and vacancies can limit amount of additional instruction that can be delivered

Finding

Multiple indicators showed a decline in reading and literacy skills during the pandemic.

3rd and 8th grade reading SOL scores are lower than pre-pandemic scores



State-led efforts for improving reading performance are underway

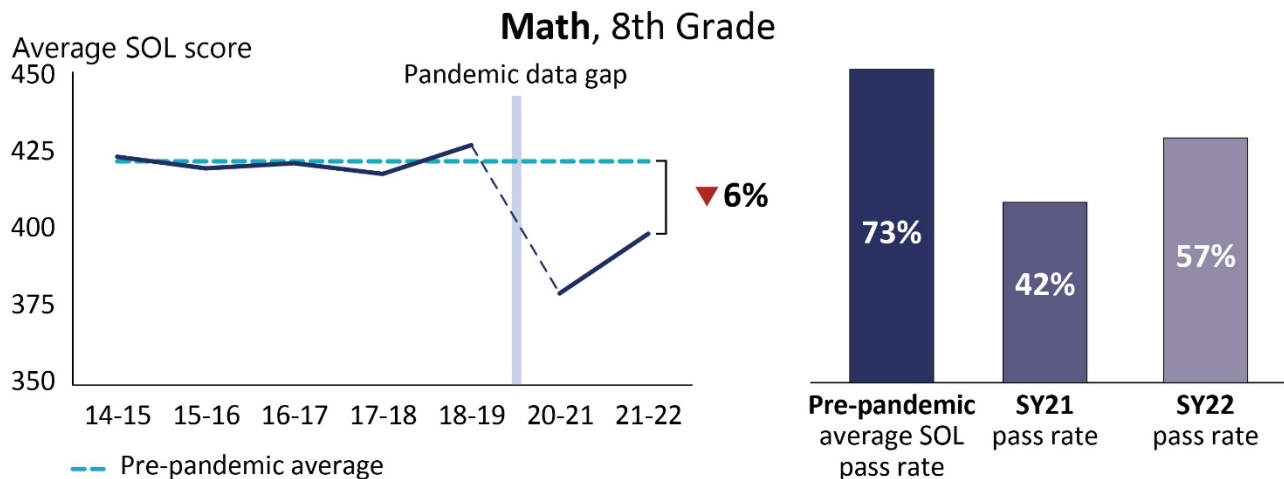
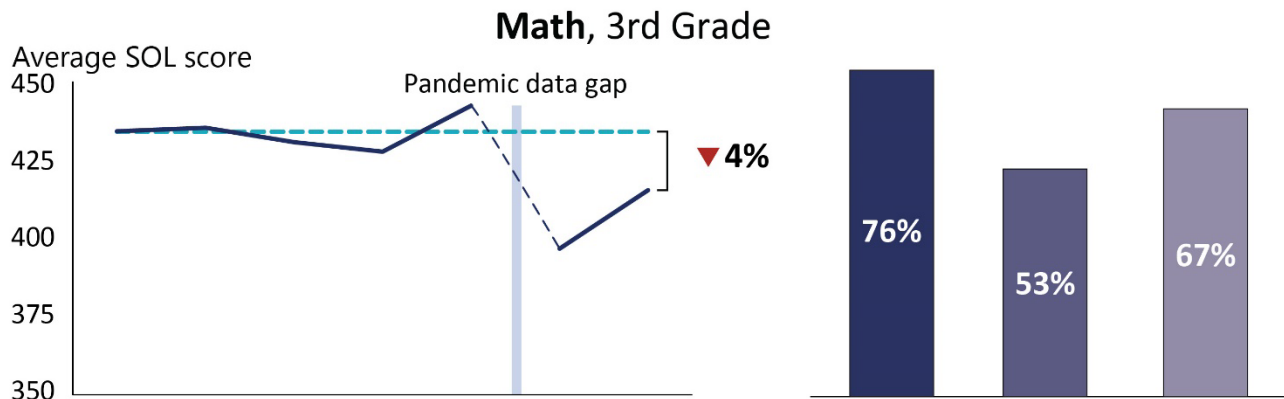
- Early Intervention Reading Initiative funding nearly doubled (\$27M to \$51M) beginning with the current school year
- Virginia Literacy Act was passed: requires evidence-based instruction, more reading specialists, professional development, and individualized student reading plans
- Low-performing schools receiving funds to hire additional reading specialists

Findings

Multiple indicators showed a decline in math skills during the pandemic.

The state lacks a program to specifically address decline in elementary student math.

Math SOL scores declined and then rebounded, but are still below pre-pandemic averages



Math SOL scores declined across most school divisions; some experienced greater declines

- 2022 math scores were lower than the pre-pandemic average in 122 of 132 school divisions
- Some school divisions have low performance that is of greater concern
 - Scores declined 5% or more in 62 divisions
 - More than half of students failed the 3rd grade math SOL in 18 divisions
 - More than half of students failed the 8th grade math SOL in 58 divisions

SOL score achievement gaps widened for Black and Hispanic students in 3rd grade math

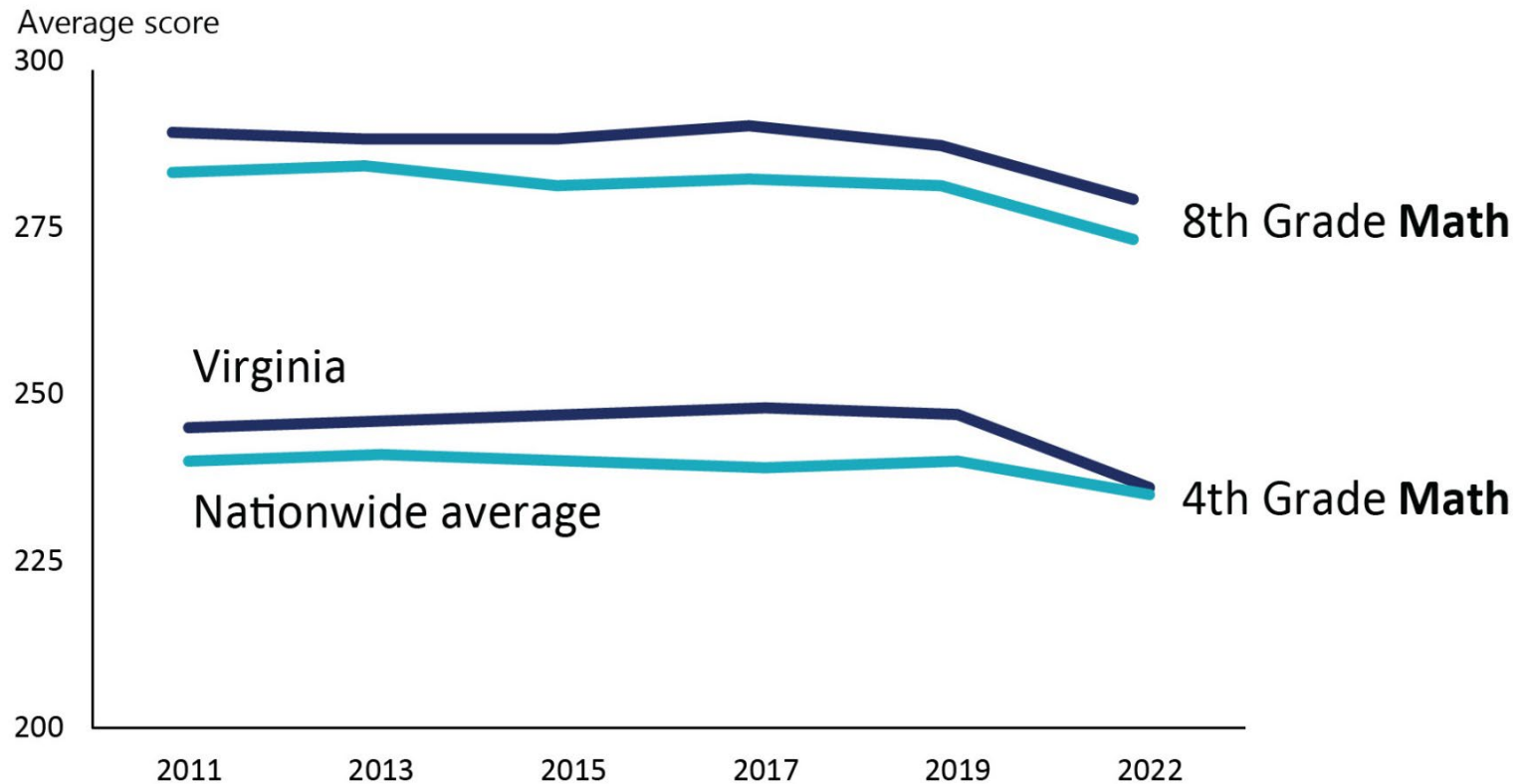
	3 rd Grade Reading	3 rd Grade Math	8 th Grade Reading	8 th Grade Math
Black students vs. white students	≈	↑	≈	≈
Hispanic students vs. white students	≈	↑	≈	≈
Economically disadvantaged students vs. peers	≈	≈	≈	≈
English language learners vs. peers	≈	≈	≈	≈
Students with disabilities vs. peers	↓	↓	↓	↓

- ↑ = achievement gap widened in 2021–22 compared to pre-pandemic
- ↓ = achievement gap narrowed in 2021–22 compared to pre-pandemic
- ≈ = achievement gap stayed about the same in 2021–22 compared to pre-pandemic

SOL achievement gaps widened/narrowed if the relative difference in average SOL scores changed by 2 percentage points or more.

Virginia 4th grade math performance declined more than, and 8th grade math declined similarly to, national average decline

National Assessment of Educational Progress



Math instructional support program could be created to provide targeted, intensive help to students

- Initiative could be designed similarly to states existing ARI and EIRI programs
- New math support program could
 - be targeted to elementary students who fail math SOLs
 - provide 2.5 hours of additional instruction per week
 - use a lower instructor-to-student ratio than general classroom

Number of eligible students	Potential lower-end cost estimate (based on ARI ratio)	Potential high-end cost estimate (based on EIRI ratio)
90,878	\$19M	\$38M

ARI: Algebra Readiness Initiative. EIRI: Early Intervention Reading Initiative.

Recommendation

The General Assembly may wish to consider creating and funding a temporary math instructional improvement program to help elementary school students who fail their math Standards of Learning test.

Finding

Test scores and teachers indicated wider variation in academic skills among students in same grade and classes.

Variation in academic skills and achievement among students increased during the pandemic

- Difference in individual students' SOL scores compared with the average score was greater in 2021–22 than before the pandemic
- 80% of teachers and principals surveyed indicated wider variation in academic skills among students

Variation in skills requires individualized or small group instruction, difficult for a single teacher

- Providing individualized or small group instruction to students with similar skill levels is a best practice that allows tailoring instruction to student needs
- Teachers emphasized the difficulty of individualized or small group instruction without another adult in the classroom
 - “I cannot close the gaps of students working at four different levels in every content area on my own.”
 - “If I’m with that small group, there’s 24 other students that I’m not with. It would help so much to have an instructional assistant in every classroom.”

Instructional assistants could facilitate individualized instruction; address other pandemic-related issues

- Instructional assistants likely more feasible and cost-effective than hiring more teachers
- Can help provide individualized instruction, also address teacher workload and classroom management challenges
- Could be temporary, targeted initiative to support the schools most in need of assistance

Accreditation rating (2022–23)	Number of schools	Fall enrollment among schools	1 assistant per 100 students	1 assistant per 20 students
Schools with performance below <i>five or more</i> accreditation standards	20	13,598	\$3M	\$12M
Schools with performance below <i>three or more</i> accreditation standards	59	36,903	7M	34M

Recommendation

- The General Assembly may wish to consider providing additional, temporary funding for a subset of schools accredited with conditions to hire more instructional assistants to:
 - provide small group and individualized instruction necessitated by bigger variation in academic skills,
 - manage challenging student behaviors within classrooms, and
 - reduce teacher workloads.

In this presentation

Student attendance, behavior, & mental health

Student academic performance

Teacher recruitment, retention, & quality

Teachers cited serious issues contributing to lower job satisfaction

- Teachers cited the following as the most serious issues they face since the onset of the pandemic:
 - more students with behavior and mental health issues
 - low pay
 - lack of respect from parents and the public
 - higher workload because of unfilled vacancies
- Strategies most favored by division leadership and teachers to address concerns are higher-cost, longer-term changes: higher salaries, smaller class sizes, and less standardized testing

JLARC surveys of school division leadership (summer 2022) and school staff (spring 2022).

State and school divisions have efforts underway to address teacher workforce challenges

- Virginia has alternative paths to teaching and licensure
 - Career Switchers
 - Provisional licensure
- 2022 General Assembly funded 5% raises for teachers in FY23 and FY24, one-time \$1,000 bonus, and teacher signing bonuses
- VDOE publicizing the teaching profession and developing a plan to address teacher shortages

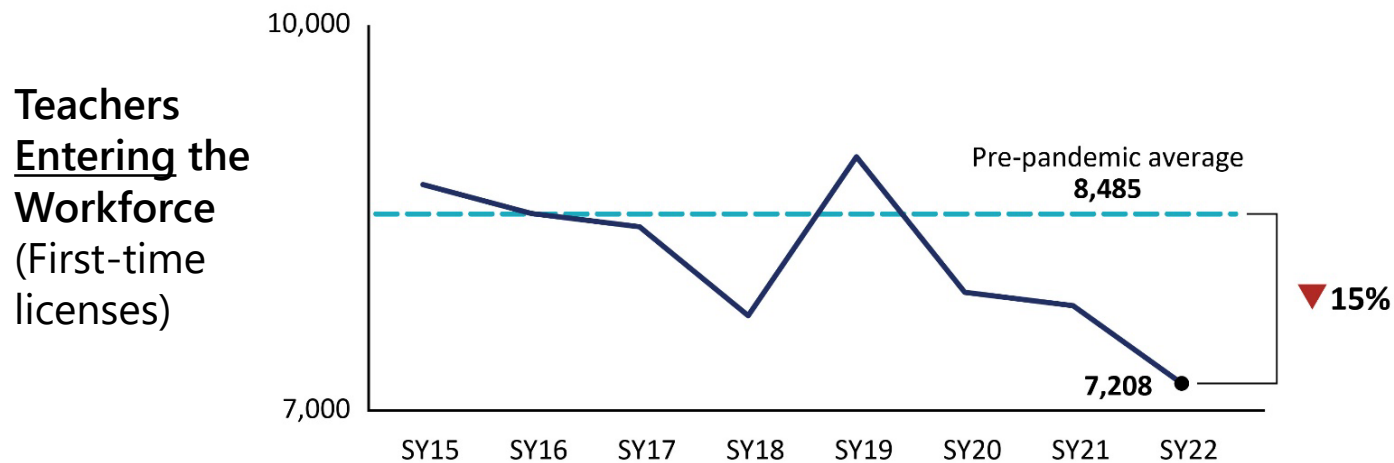
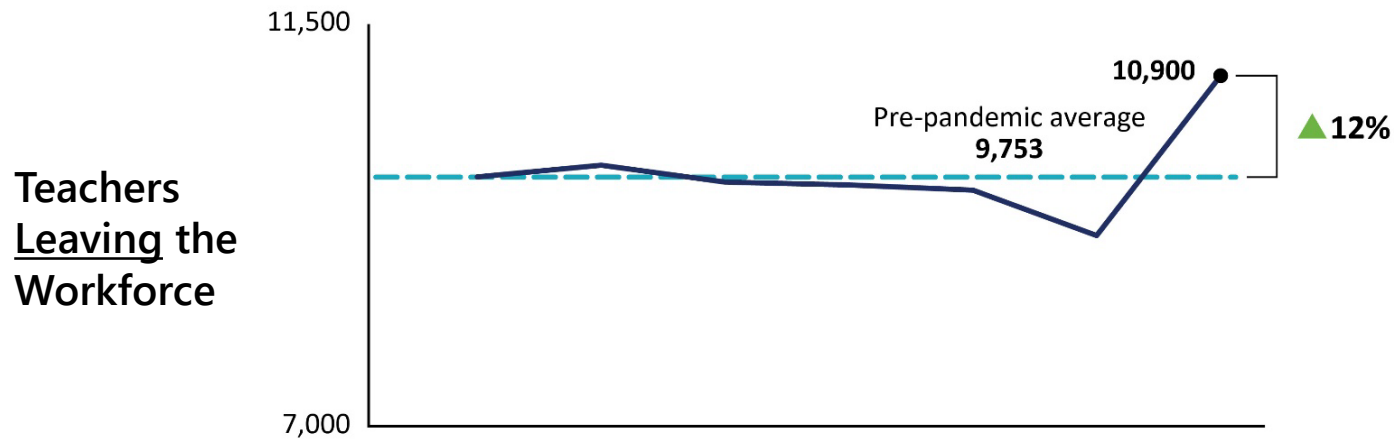
Findings

More teachers have been leaving the workforce and fewer have been entering.

The number of vacant teaching positions has increased.

Virginia has been relying more on teachers who are not fully qualified.

More Virginia teachers have been leaving and fewer have been entering the teacher workforce



Number of teacher vacancies has increased statewide and in most school divisions

- 2,800 teacher vacancies in October 2021 (~3% of workforce); compared to about 800 in a typical year prior to the pandemic
- Preliminary teacher vacancy data (August 2022) indicates further increases
- Majority of divisions (93 of 132) had increase in teacher vacancies compared with before the pandemic
- Ten percent or more of teacher positions were vacant in six divisions

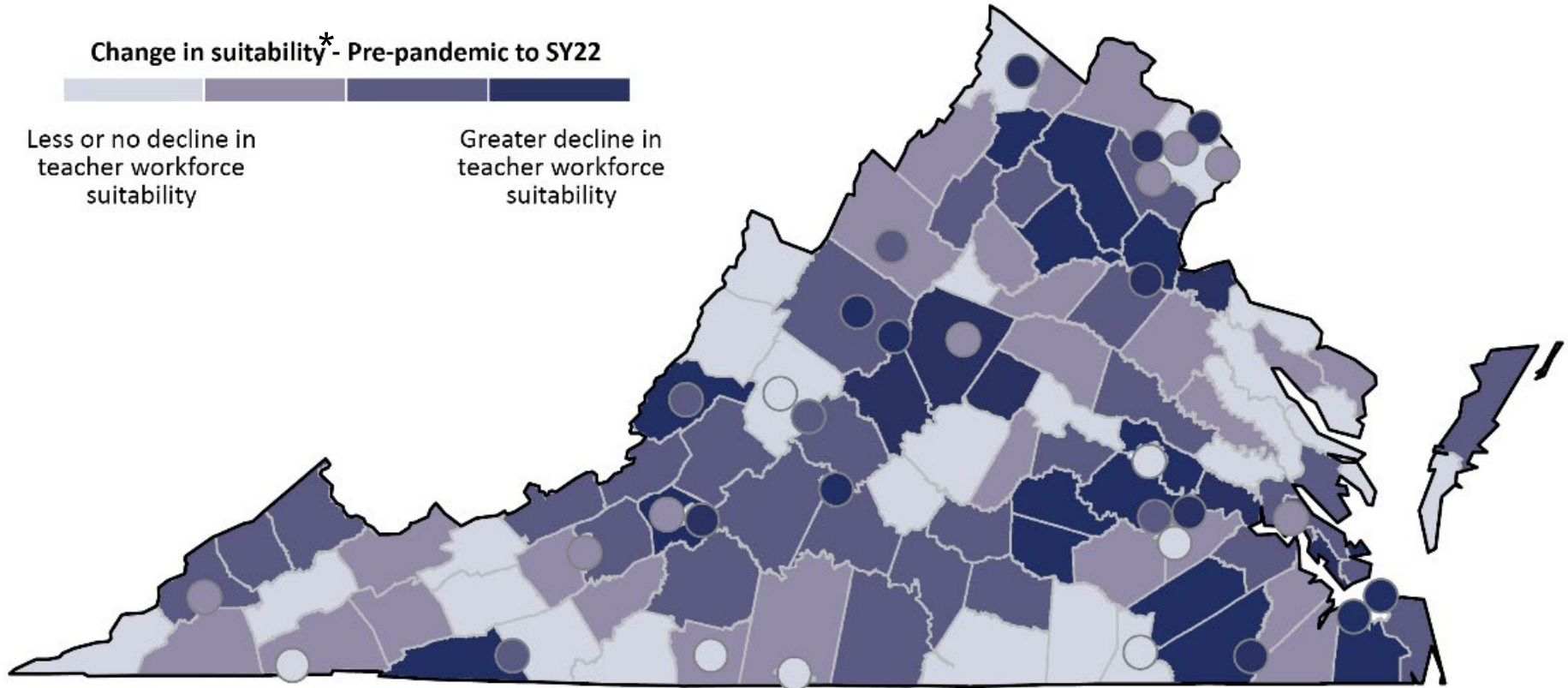
Virginia has been relying more heavily on teachers who are not fully qualified

- Many factors contribute to student performance, but research concludes that teacher quality matters most
- Indicators of teacher quality declined during the pandemic

	Pre-pandemic	2021–22
Provisionally licensed teachers	7.7%	9.5%
“Out-of-field” teachers	2.4%	6.2%

Provisionally licensed teachers include both provisionally licensed teachers and unlicensed teachers. Out-of-field teachers are those teaching subject matter that differs from their area of certification.

Some divisions experienced substantial declines in both number & quality of teachers



*“Suitability” defined as adequate number of fully qualified teachers.

Findings

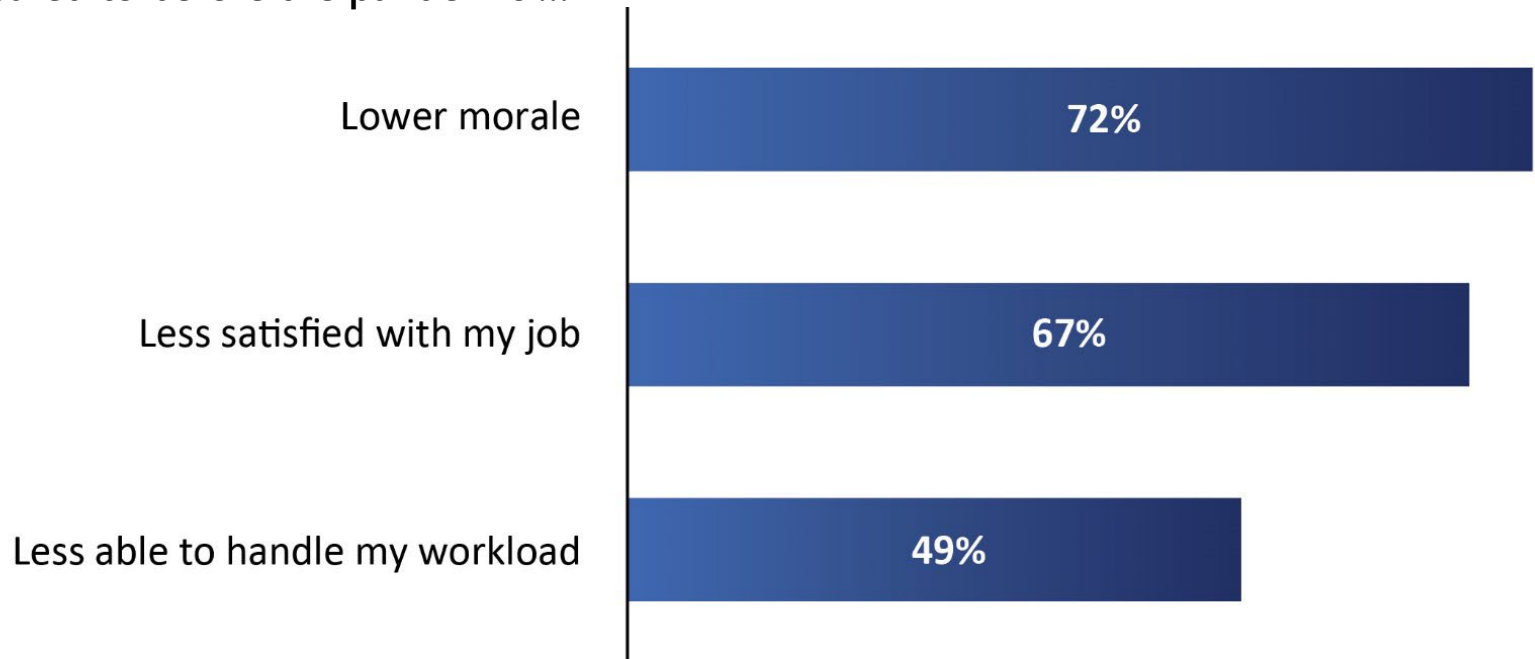
Divisions were pessimistic about their ability to employ a suitable teacher workforce for the 2022–23 school year. Teacher morale and job satisfaction is worse since the pandemic.

Many divisions were not confident they would have suitable teacher staffing this school year

- 52% of divisions were not optimistic about their ability to employ a suitable teacher workforce
- Majority of divisions indicated recruitment and retention were more difficult for 2022–23 than previous two years
- Preliminary 2022–23 teacher vacancy and teacher departure data indicates further increase in number of vacant positions and teachers leaving the workforce
- Teacher quality data is not yet available for 2022–23 but has likely worsened due to higher turnover rates

Many teachers report lower morale and being less satisfied with their job than before the pandemic

Compared to before the pandemic ...



JLARC survey of staff at 47 schools in 12 school divisions, spring 2022.

Teacher incentives—using state and unused federal funding at localities—would likely help

Problem	Potential solution	Target divisions with:	Potential amount to teachers	Potential cost of state share
Current teachers leaving	Teacher retention bonuses	More teacher turnover	\$1,000 to \$5,000	<\$1M to \$11M
Difficulty hiring teachers	Teacher signing bonuses	More teacher vacancies	\$1,000 to \$5,000	<\$1M to \$4M
Not enough licensed teachers	Reimburse costs to become licensed	More provisionally licensed teachers	\$450 to \$1,350	\$50K to \$1.2M

Recommendations

The General Assembly may wish to consider providing the state share of funding* to divisions with increased:

- teacher turnover to be used for teacher retention bonuses.
- teacher vacancies for signing bonuses for new teachers.
- number of provisionally licensed teachers to provide tuition assistance for the cost of becoming fully licensed.

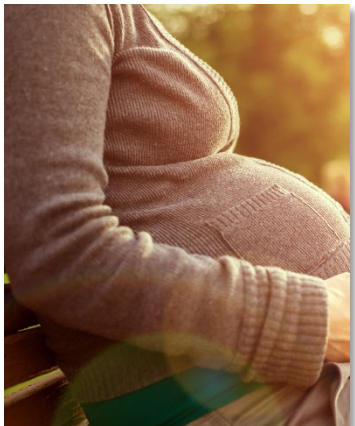
*State share intended to be an incentive for localities to use appropriated—but unspent—pandemic funding in local school divisions.

Conclusion

Justin Brown, Associate Director

Full version of report available online

Pandemic Impact on Public K-12 Education



VIRGINIA'S MEDICAID PROGRAM

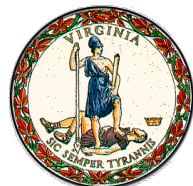
Cheryl Roberts
Director, DMAS
January 2023



AGENDA

- DMAS Overview
- 2023 DMAS Priorities
- Governor's Introduced Budget

DMAS OVERVIEW



Our Mission & Values

To improve the health and well-being of Virginians through access to high-quality health care coverage



Service



Collaboration



Trust



Adaptability



Problem Solving

Medicaid Enrollment – January 2023



Children

860,552



Pregnant Members

33,834



Older Adults

86,729



Individuals with Disabilities

153,143



Adults

863,850



Limited Benefit Individuals

145,017

Supplementary Documents
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Managed Care Delivery System

To-date, two managed care programs focused on the diverse needs of the over 97% of Virginia's full-benefit Medicaid population through six statewide managed care plans:

Medallion 4.0

1,649,122

- Serves infants, children, pregnant women, and adults including most of the Medicaid expansion population.
- Primary, acute, chronic care and pharmacy services for adults and children. Also includes substance use disorder and behavioral health services. Excludes LTSS.
- Implemented statewide August 2018.

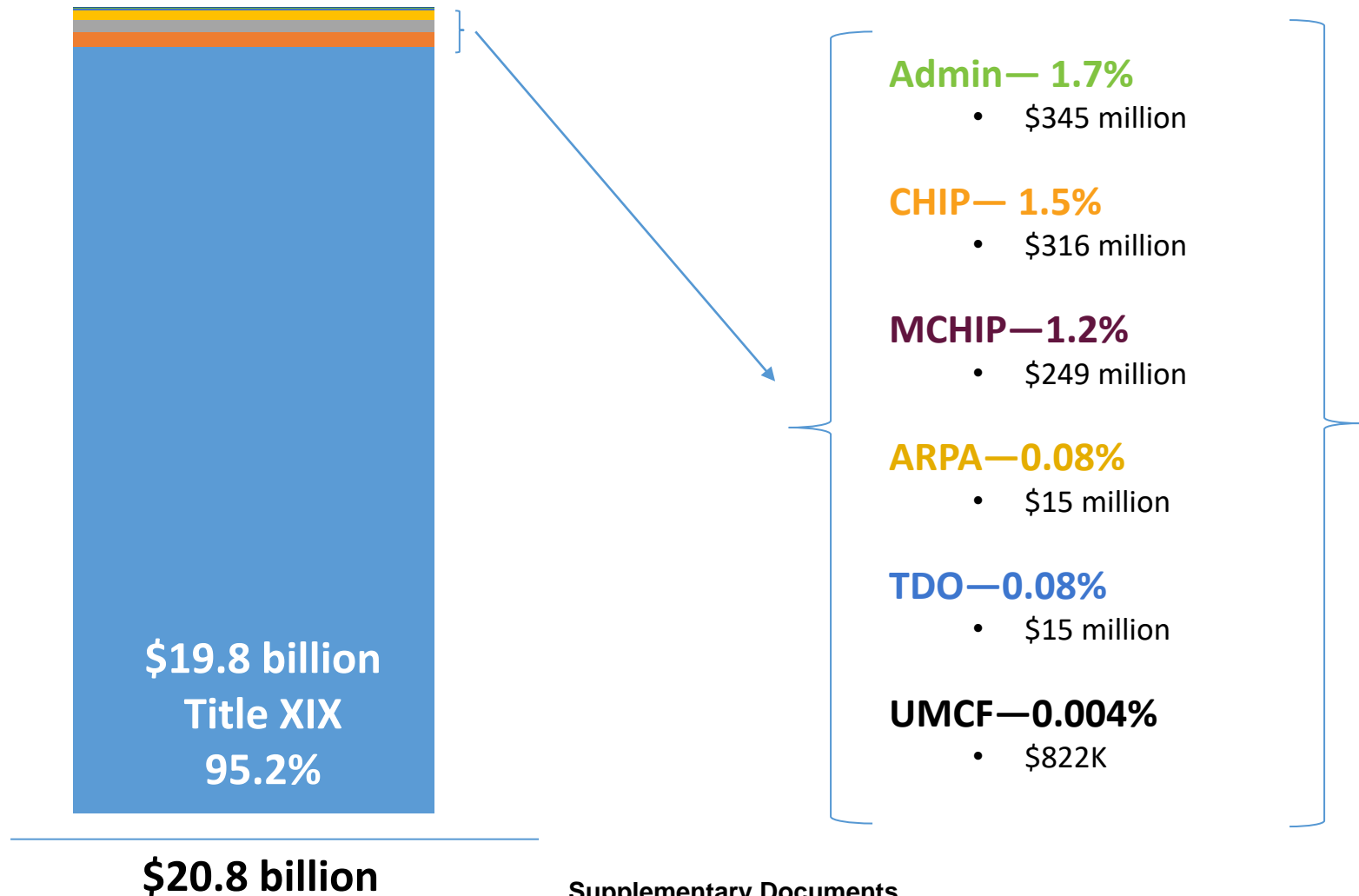
Commonwealth Coordinated Care Plus

304,790

- Serves older adults and individuals with disabilities as well as Medicaid-Medicare eligible.
- Full continuum of services (same as Medallion) and includes long-term services and supports (LTSS) in the community and in nursing facilities and hospice. **ID/DD services are in FFS.
- Implemented statewide January 2018.

DMAS is currently working to consolidate the two programs by 2nd quarter 2023 for improved care and to serve as the foundation for the re-procurement, future growth, and innovations rebranded as Cardinal Care Managed Care.

DMAS FY23 Appropriation



DMAS 2022 Highlights

Innovation

- MES fully operational and certified
- New data dashboards on DMAS website
- Nursing facility quality value-based program

Services

- Crisis services
- Doula benefit and 12-month postpartum coverage
- Telehealth
- Preventive services
- Mobile vision clinics

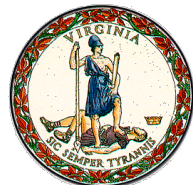
Financing

- Rate increases and supplemental payments
- APA audit
- Procurements
- Work with DBHDS

Program Support and Collaborations

- Preparing for the PHE unwinding
- Safe and Sound taskforce
- Cardinal Care
- DD waiver slots
- Partnership for Petersburg

DMAS 2023 PRIORITIES



DMAS 3 for 2023

- 1. “Unwinding”** Return to Normal Medicaid Processing
- 2. “Right Help, Right Now”** Behavioral Health Transformation
- 3. “Procurement”** Managed Care Delivery System being procured

“Unwinding” – Return to Normal Processing



Effective March 2023, Virginia will be responsible for redetermining Medicaid eligibility for over 2.1 million members.

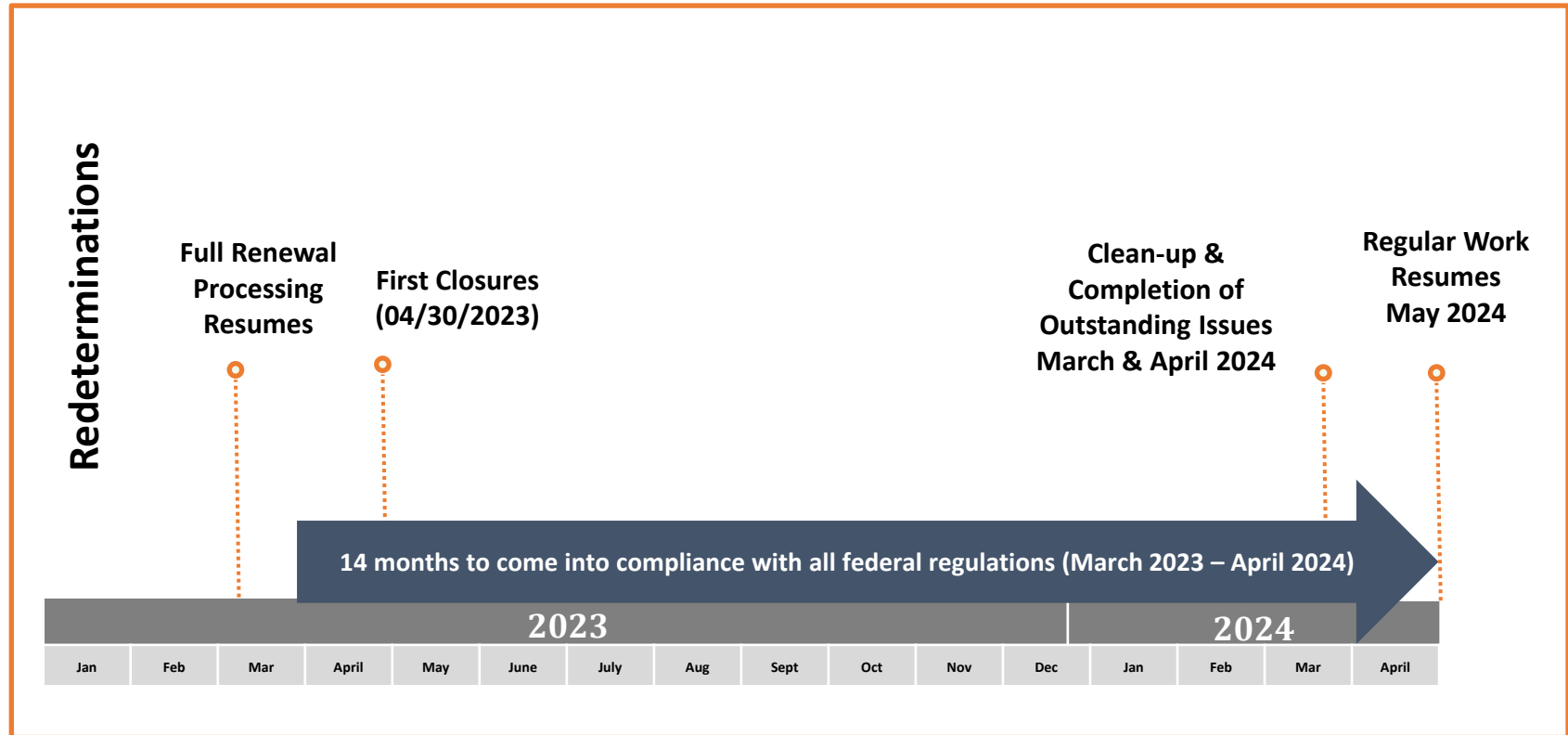


Preparations for this work began in 2020 through a joint HHR effort in close collaboration with the Department of Social Services (DSS).



DMAS expects approximately 14% of members to transition off the Medicaid program due to no longer meeting program requirements.

“Unwinding” – Return to Normal Processing



CMS guidance lays out a timeline of up to 14 months for states to unwind. This includes a 12 month period to initiate all renewals with an additional two months to clean up all work. Return to normal operations includes meeting timeliness standards for applications, changes, & renewals, and taking action to reduce/terminate coverage after a full redetermination.

Actions in Preparation for Unwinding

State & Local DSS

- ✓ Coordination & collaboration
- ✓ Overtime
- ✓ Retraining
- ✓ Recruiting

VaCMS & MES Updates

- ✓ 20 changes implemented
- ✓ 3 changes in progress
- ✓ 30% of redeterminations

Data

- ✓ Working with Contractor and other sources to get up-to-date financial information for prioritization

Cover Virginia

- ✓ Cover VA contract modification to handle calls and non-complex cases

Member Outreach & Engagement

- ✓ Correction of out of state addresses
- ✓ >1 million letters mailed
- ✓ Digital ad campaign

Stakeholder Engagement

- ✓ CMS approved toolkits
- ✓ Trainings
- ✓ Ambassador program
- ✓ March 2023 Summit

MCO Engagement

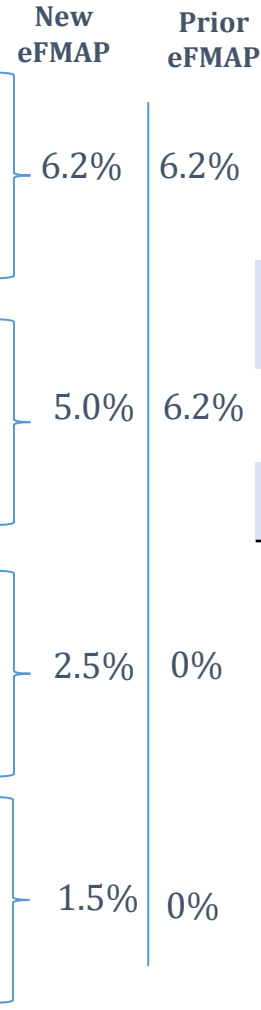
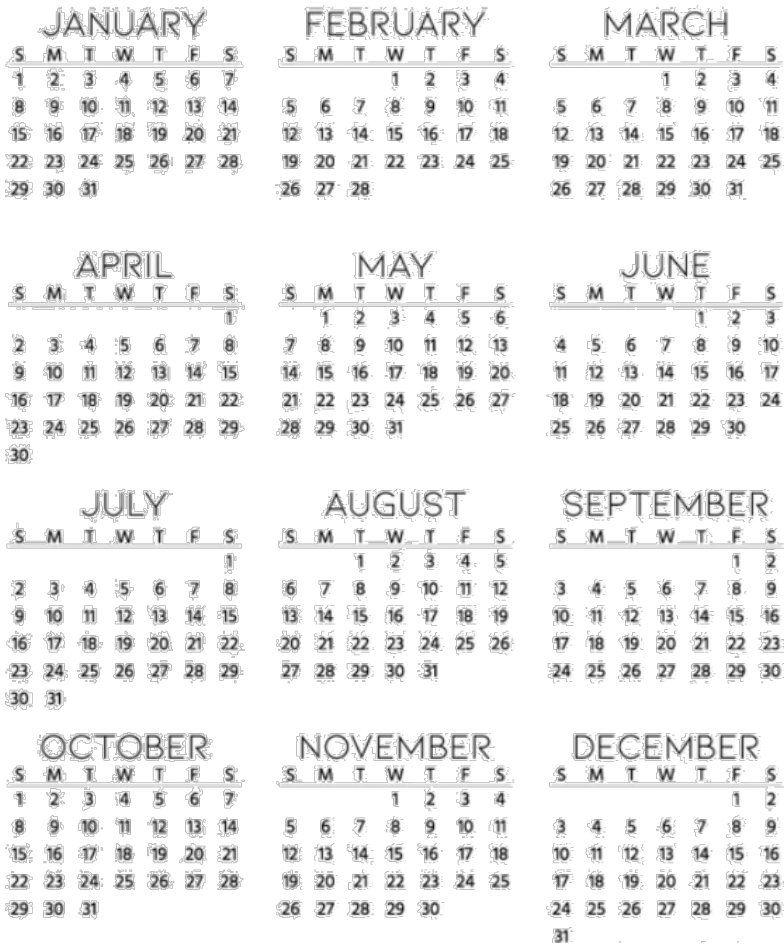
- ✓ Address updates and outreach campaigns
- ✓ Assistance with transitions

SCC/State Based Exchange

- ✓ Coordination/collaboration with State Based Exchange in preparation for Fall 2023 transition

Financial Impact of Unwinding (Redetermination)

2023



General Fund	FY23	FY24	Net
Medicaid	(29,929,433)	127,293,475	97,364,042
CHIP	(878,961)	3,490,994	2,612,033
Total	(\$30,808,394)	\$130,784,469	\$99,976,075

Behavioral Health Transformation

Governor Youngkin launched a multi-year, statewide initiative emphasizing the “Right Help, Right Now” in December 2022.

An aligned approach to BH that provides access to **timely, effective, and community-based care** to reduce the burden of mental health needs, developmental disabilities, and substance use disorders on Virginians and their families

1: We must strive to ensure **same-day care for individuals experiencing behavioral health crises**

2: We must **relieve the law enforcement communities’ burden** while providing care and **reduce the criminalization of behavioral health**

3: We must **develop more capacity** throughout the system, going beyond hospitals, especially to enhance community-based services

4: We must **provide targeted support for substance use disorder (SUD)** and efforts to prevent overdose

5: We must **make the behavioral health workforce a priority**, particularly in underserved communities

6: We must **identify service innovations and best practices** in pre-crisis prevention services, crisis care, post-crisis recovery and support and develop tangible and achievable means to close capacity gaps

Supplementary Documents

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Behavioral Health Transformation

DMAS is:

- **Working** to provide effective and accessible services to both children and adult covered by Medicaid.
- **Seeking** opportunities to use managed care contracts and procurement to identify and implement innovations and best practices including outcomes-based payment and MCO performance incentives.
- **Focusing** on targeted collaboration with sister state agencies, MCOs, and community partners.

Managed Care Procurement

To continue to build on the foundation and strengths of Virginia's Medicaid managed care, and maximize program enhancements for members and providers, DMAS is seeking to procure a managed care delivery system in 2023.



In October 2022 it was announced that DMAS is seeking to use this procurement to drive innovation and strengthen quality and accountability in its managed care program.



Feedback was solicited from a variety of stakeholders including the Medicaid Managed Care Advisory Committee, the Member Advisory Committee, CHIPAC and other provider groups and associations. Stakeholder input is ongoing.



DMAS awarded a contract Boston Consulting Group to assist with the development of the managed care RFP and identifying opportunities for innovation, best practices, and program enhancements.

***The target dates is to release RFP in Spring/Summer 2023
for go-live date of July 2024.***

Supplementary Documents

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Managed Care Procurement

Objective: Build a best-in-class RFP that advances Virginia's Medicaid program goals through a rigorous procurement process

RFP to advance DMAS goals

Build a **best-in-class managed care RFP** that will **drive managed care program goals**, ensure **best value** for the state, and enable DMAS to **increase MCOs accountability** for performance

Foundational focus

Continue to promote transparency, data analytics, compliance monitoring and oversight within the program.

Emerging outcomes & program objectives

Advance the Commonwealth's priorities such as **improving behavioral health and population health outcomes**

Provide member-centered, holistic care that meaningfully engages and addresses unique needs of all members

Enhance **availability and accessibility of care** across all care settings; promote community integration and a **balanced LTSS delivery system**

Strategically leverage **new technologies, payment models, and best practices for accountability and impact**

Supplementary Documents

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Managed Care Procurement

Administrative funding will be needed to support both the procurement and its implementation. This includes:

Managed Care Procurement Cost Estimate			
	<u>GF</u>	<u>Federal</u>	<u>Total</u>
Systems Changes	\$390,000	\$1,170,000	\$1,560,000
Enrollment Broker	\$462,000	\$462,000	\$924,000
Member Communications	\$525,250	\$525,250	\$1,050,500
Rate Development	\$250,000	\$250,000	\$500,000
Readiness Reviews	\$62,500	\$187,500	\$250,000
	\$1,689,750	\$2,594,750	\$4,284,500

Governor's 2022 Budget Overview

Financial/Technical Items



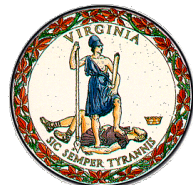
Services and Supports



Rate Increases



GOVERNOR'S INTRODUCED BUDGET



Governor's Introduced Budget

Financial/Technical Items



	FY2023		FY2024	
	GF	NGF	GF	NGF
Fund Medicaid Utilization and Inflation (304)	\$ -279,325,319	\$ 1,483,717,796	\$ 12,266,384	\$ 1,356,069,626
Adjust Virginia Health Care Fund Appropriation (304 C.1)	\$ -50,436,557	\$ 50,436,557	\$ 67,732,794	\$ -67,732,794
Fund Family Access to Medical Insurance Security Program Utilization and Inflation (303)	\$ -13,143,045	\$ 7,098,020	\$ -321,954	\$ 5,279,027
Fund Medical Assistance Services for Low-Income Children Utilization and Inflation (303)	\$ -5,888,208	\$ 16,495,016	\$ -2,820,997	\$ 634,327
Account for Extension of Federal Public Health Emergency (308 V.1)	\$ -157,800,861	\$ 153,859,144	\$ 53,439,303	\$ 1,113,615,681

Supplementary Documents
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Governor's Introduced Budget

Services and Supports



	FY2023		FY2024	
	GF	NGF	GF	NGF
Fund an Additional 500 Developmental Disability (DD) Waiver Slots (Item 304 I)	\$ -	\$ -	\$ 15,155,118	\$ 15,822,689
Reprocure Medicaid Managed Care Program (304 TTTT)	\$ 1,689,750	\$ 2,594,750	\$ -	\$ -
Workgroup to Examine Inclusion of Residential Treatment Services in Managed Care (Item 308 EE)	\$ -	\$ -	\$ -	\$ -
Implement Telehealth Service Delivery Options for Developmental Disability (DD) waivers (304 VVVV)	\$ -	\$ -	\$ -	\$ -
Improve Access to Peer Recovery Support Services (304 WWWW)	\$ -	\$ -	\$ -	\$ -

Supplementary Documents

Governor's Introduced Budget

Services and Supports



	FY2023		FY2024	
	GF	NGF	GF	NGF
Account For the Medicaid Portion of State Facility Salary Actions (304 A)	\$ -	\$ -	\$ 268,792	\$ 280,632
Add 20 Psychiatric Residencies Through Graduate Medical Education (304 GG.1)	\$ -	\$ -	\$ 1,000,000	\$ 1,000,000
Transfer Resources to Fund Developmental Disability Waiver Responsibilities (308 HH)	\$ -	\$ -	\$ 85,000	\$ 85,000

Supplementary Documents
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Governor's Introduced Budget

Rate Increases



	FY2023		FY2024	
	GF	NGF	GF	NGF
Increase Rates for Consumer Directed Personal Care, Respite, and Companion Services (304 XXX)	-	-	\$ 41,616,322	\$ 47,194,131
Increase Rates for Early Intervention Services (304 TTTT)	-	-	\$ 1,117,018	\$ 1,187,947

Three Takeaways

- In 2022: DMAS met financial and programmatic goals.
- 2023: 3 major projects
 - Unwinding
 - Behavioral health transformation
 - Managed care procurement
- Asking for support of the Governor's Introduced budget items to continue to move forward.