



**FAIRFAX COUNTY BOARD OF SUPERVISORS
2021 GENERAL ASSEMBLY
FINAL LEGISLATIVE REPORT
March 8, 2021**

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This report will be available on the Board of Supervisors Webpage at <https://www.fairfaxcounty.gov/boardofsupervisors/> listed under “2021 Board Legislative Reports.”

For a more detailed summary, action, and wording of an individual bill please visit the Virginia Legislative Information System Website at <https://lis.virginia.gov/lis.htm>

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Fairfax County Vision Elements

To protect and enrich the quality of life for the people, neighborhoods, and diverse communities of Fairfax County by:

Maintaining Safe and Caring Communities

Building Livable Spaces

Connecting People and Places

Maintaining Healthy Economies

Practicing Environmental Stewardship

Creating a Culture of Engagement

Exercising Corporate Stewardship

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Final Report to Board of Supervisors 2021 General Assembly

SECTION I BOARD PRIORITIES, INITIATIVES AND BUDGET

OVERVIEW

The 2021 General Assembly (GA) convened on January 13th under a shadow of historic uncertainty. The COVID-19 pandemic had drastically reshaped how the House and Senate operated during the 2020 Special Session I. The House chose to host their special session virtually with members participating electronically, while the Senate opted to meet in person at the Virginia Science Museum, which provided enough space for members to take necessary health precautions and remain socially distanced. Both bodies announced plans to continue with similar arrangements for the 2021 session, but conducting a legislative session during a global pandemic meant that nothing could be taken for granted – all decisions, large and small, had to be reexamined within that new reality.

The Virginia Constitution requires that sessions taking place in even-numbered years last for 60 days, and are commonly referred to as “long” sessions, while sessions taking place in odd-numbered years last for 30 days, with an option to extend to 46 days, and are commonly referred to as “short” sessions. Technically, the extension of a “short” session to 46 days requires a two-thirds vote. In reality, that vote happens so routinely that even legislators with decades of service have rarely, if ever, given it any thought. But that all changed this year.

The COVID-19 pandemic began to hit the United States just as the 2020 session was wrapping up, leading to a very unusual legislative year. The Governor proposed, and the GA accepted, a number of changes to the state budget at the veto session in the spring of 2020. The Governor then called the GA into special session at the end of the summer to address both the global pandemic, including the revenue reforecast that was required because of the pandemic’s impacts on state revenues, and a number of criminal justice reform items, as a summer of unrest led to a reexamination of police practices, equity issues, and national reconciliation. That special session lasted months, and as the 2021 session approached, Republicans in the GA indicated they would withhold their support for an extension because they felt that the GA had remained in special session too long in 2020.

Prior to the session, rumors flew about what options for a workaround were being considered. Working seven days a week for 30 days? Conducting a 30-day session only for legislation with a separate, special session to address budget amendments? Combining a regular 30-day session and a special session to cobble together one full, 46-day session? The final option turned out to be the optimal solution, which only served to add procedural and logistical challenges to a session that already had more than its share. Everyone was ready to expect the unexpected, which seemed fitting given the experiences of the previous months.

Unfortunately, but not surprisingly, the year began with sadness. After an incredibly difficult year, as so many Virginians struggled through the pandemic, one loss hit particularly close to home for the GA – Senator Ben Chafin lost his battle against COVID-19 on January 1st. A black cloth was draped over his seat, and members placed roses on his desk while eulogizing their colleague, a public servant who strived to make Southwest Virginia a better place.

January was not an easy month for the Senate, and before it ended, an extraordinary national event affected it deeply, as controversial actions and comments by Senator Amanda Chase (including about the January 6th rally at the US Capitol that led to violence), led to a censure resolution, the first in over 30 years. The series of bipartisan, searing floor speeches delivered that day were truly unprecedented. For a session that was groundbreaking in many ways, that added another historical note.

Despite an incredibly rocky start, there were many days that tensions were closer to a simmer than a boil. The still nascent majority flexed its newfound authority by pushing legislation to address long-standing priorities, such as the abolition of the death penalty and the expansion of voting rights and protections. House Republicans frequently raised complaints about technical issues and the lack of

transparency associated with the new virtual format, which they strongly opposed. There were also blistering critiques of the Commonwealth's COVID-19 vaccine rollout, which was discussed nearly every day on the floor for the first few weeks of the session as Virginia was outperformed by other states, but finally dissipated as Virginia's vaccine delivery began to improve.

As the 2021 GA came to a close, both the House and Senate rushed to complete legislative work in the final hours as usual. In some ways, just getting through this session was an accomplishment, with all the challenges and obstacles that had to be overcome. It was also a session that no one will soon forget. Nevertheless, all who experienced it will be hoping for a return to normalcy next year.

LOCAL GOVERNMENT OVERVIEW

The 2021 GA session was different than any other session, due to the virtual atmosphere and the global pandemic, which created challenges for everyone involved, including local governments. However, in many ways localities were able to build on the accomplishments of the 2020 GA, which included the success of a wide variety of legislation granting local authority, after similar legislation had failed repeatedly in previous sessions. Additionally, there was not the quantity of significantly adverse legislation that has often dominated numerous sessions prior to 2020. However, the virtual setting did make it more difficult to raise local concerns on a variety of issues, as the type of regular, thorough, personal communication with legislators, other local government representatives, and other advocates that occurs day in and day out throughout the session in Richmond simply did not exist in 2021. The need to adapt and find new ways of doing things was essential for all who participated in Virginia's legislative process.

The overall volume of bills was high, although it was substantially lower than usual as a result of the strict bill limits in both the House and Senate – 1,760 bills and resolutions (down from 3,911 last year) were introduced. County legislative staff reviewed the majority of this legislation in order to separate those bills of importance to the County from the hundreds of other measures not pertinent to local government, and referred 931 bills for review by County operational and legal staff. The Board took formal positions on 94 bills this year, and originally opposed or sought to amend 24 bills; at the end of the session, one bill remained in that category. It is important to note that the bill was amended late in the session to alleviate many of the County's concerns. Though there were bills that created significant concerns for localities, most failed to survive the session.

Looking toward the 2022 GA session, the underfunding of core services will continue to be an issue for localities, particularly in the area of K-12. State revenues have weathered the global pandemic much better than expected and much better than local revenues. The effects of the pandemic on core services, from the health and economic impacts to affordable housing and transit, will likely create ripple effects for months and years to come. Though the 2021 GA made progress in some of these areas, significant work in restoring structural budget cuts remains and will continue to be a major area of focus in the years ahead.

COUNTY LEGISLATIVE INITIATIVES

The County had four legislative initiatives this session – an ambitious agenda for an unprecedented type of legislative session that included substantial virtual activity. However, given Virginia's part-time legislature, when legislative changes are needed, waiting for a future session can take a very long time. Additionally, change in Virginia often comes slowly, and it can be helpful to begin laying groundwork for new concepts or ideas, with an eye towards long-range planning. Fortunately, in 2021 all of the County's initiatives were successful in some form or fashion.

The County's most innovative and groundbreaking initiative was **HB 1919** (Kory), which provides localities authority to establish green banks to promote investment and financing for clean energy technologies, including renewable energy and energy efficiency projects. Green banks are important tools that can help leverage financing for clean energy, increase investments and resource support for green technologies, and address increasing consumer demand for sustainable initiatives. There are numerous models for such projects throughout the United States, with each responding to the opportunities and interests of individual communities. The ability to establish green banks will allow localities to create opportunities to support businesses and residents by leveraging local resources to attract capital to incentivize clean energy investments in the community. Such banks can also help advance

environmental, energy, and economic priorities, as well as achieve other economic objectives, including incentivizing the establishment and growth of local businesses that provide clean energy products and services. Fairfax County has long been committed to environmental sustainability and addressing the impacts of global climate change, and the formation of a green bank will be an innovative step for the County and the Commonwealth. Though many questions were asked about this bill throughout the legislative process, the bill passed both the House and Senate with very few changes and with fairly comfortable vote margins.

HB 1927 (Sickles) will allow the County to expand the membership on the Fairfax County Economic Development Authority (FCEDA) board from seven to nine. The FCEDA was created by state law in 1964, providing the County the authority to appoint seven members to the board. That number has not changed in the 50 years since the FCEDA was created, though Fairfax County has changed substantially during that time. The County has experienced tremendous growth, as has the local economy – the number and size of companies has increased, and businesses have expanded into new and diverse industry sectors. Increasing the size of the FCEDA board could further diversify participation from the County’s business community, while maintaining focus on the County’s traditional business base (including government contracting and IT services). This bill passed the GA nearly unanimously.

SB 1208 (Barker) will allow ordinances adopted to assure continuity in government to remain in effect for up to twelve months following a disaster. Current Virginia law allows such ordinances to remain in place for up to six months following a disaster. Prior to 2020, such emergency ordinances were generally envisioned to apply to natural disasters, or potentially terrorist attacks like September 11, which typically last a relatively short period of time before recovery and a return to normal government operations. The COVID-19 pandemic has led to a reexamination of the types of tools governments need to appropriately react to and recover from long-term, ongoing disruptions that threaten operations in ways that have not previously existed or been anticipated. The adverse effects and economic recovery from a disaster, especially a lengthy pandemic, may linger for longer than six months after the disaster has ended. Providing localities with this authority would allow additional time when necessary for residents and business owners to recover from the disaster before returning to normal government operations. This bill passed both the Senate and House with broad, bipartisan support.

Finally, **SB 1226** (Boysko) would have updated and modernized the state’s funding formula for Commonwealth’s Attorneys’ offices to reflect the goal of improving the criminal justice system and policing. Historically, Virginia has dramatically underfunded the judicial system, instead relying on localities to ensure the efficient and appropriate administration of justice. The current formula for distributing the limited funding the state provides to Commonwealth’s Attorneys’ offices uses an outdated approach focused on felony indictments and sentencing events in Circuit Court – such an approach is antithetical to the goal of increasing diversion programs and utilizing specialty dockets (such as the ones used in Fairfax courts for mental health and veterans), which are aimed at keeping people out of the criminal justice system or keeping them from felony sentencing consequences. While diversion programs and specialty dockets require significant prosecutorial resources, a Commonwealth’s Attorney’s office does not receive state funding for that work because the formula does not account for it – in fact, the current formula essentially discourages such efforts. In addition to substantially increasing state funding for the judicial system overall, the establishment of a new funding formula would reflect the goal of providing support for efforts to create a more equitable criminal justice system, improving outcomes for the entire community.

This bill was a logical extension of the GA’s efforts to reform the criminal justice system, and sought to incentivize Commonwealth’s Attorneys to utilize diversion programs and specialty dockets rather than simply relying on felony indictments and convictions, which has been the traditional metric used for funding. The bill generated substantial discussion in both the Senate and the House, but formula changes are notoriously difficult at the GA, as there is the potential for the creation of winners and losers. The bill passed the Senate, as well as the House Courts of Justice Committee, but was tabled in a House Appropriations subcommittee. However, the emphasis on criminal justice reform nationally and throughout Virginia in recent months led to the inclusion of a study in the 2020-2022 biennium budget conference report explicitly addressing the distribution of state funding to Commonwealth’s Attorneys’ offices (see also pages 11-12). That study includes specific language addressing the County’s legislative initiative on this topic, including a requirement that issues related to diversion programs, specialty dockets, best practices, and overall criminal justice reform be integral to this work. This was a very good outcome for a complicated issue during a particularly challenging session.

COUNTY PRINCIPLES/PRIORITIES

(1.) Funding Core Services – K-12 Education

Principle: Public education funding in the Commonwealth is enshrined in the Virginia Constitution as a joint responsibility of both state and local governments, so it is essential that the state fully and appropriately meet its Constitutional responsibility to adequately fund K-12 education. Unfortunately, the Commonwealth continues to allow critical, formula-driven gaps to persist between state funding levels and the actual costs to localities of providing a high-quality education, particularly in high cost of living jurisdictions like Fairfax County. Virginia's state per pupil funding consistently ranks among the lowest compared to other states, shifting the fiscal burden to localities and continuing a discrepancy that has become increasingly untenable, particularly at a time when a global pandemic has placed unprecedented challenges on public education.

State funding for K-12 education is always a top priority issue in Fairfax County's Legislative Program. Funding for public schools in Virginia is a partnership between the state and localities, and should reflect that shared financial responsibility. However, it is the state that determines what costs are recognized in its funding formulas, through the Standards of Quality (SOQ) and other means. The resulting state funding framework often substantially differs from the actual costs to school divisions of providing a high-quality education, leaving localities to fill critical funding gaps. Structural features in the formulas do not adequately address the challenges facing high cost of living localities like Fairfax County, leading to a systematic overreliance on local funding in what should be a state and local partnership. Though there have been some recent helpful infusions of state funding, at present, the state is failing to provide the funding necessary to implement its own standards and requirements, while Fairfax County and other Northern Virginia localities more than meet their responsibilities for K-12 education through large contributions to the state General Fund (GF), strong local effort, and the effect of high local composite indices.

The most promising news for localities is the passage of a resolution to examine the true costs of public education in the Commonwealth. This session, the GA paid considerable attention to the issue of school funding. Members from both parties introduced multiple study resolutions, as well as constitutional amendments, to tackle different facets of the issue of education delivery across the Commonwealth. That is not at all unusual, as K-12 funding is always a key issue for the state, and it is the largest area of collaboration between the state and localities. It is also nearly universally understood that state funding for public education is simply inadequate, whether in a rural or low-income urban locality that is overly reliant on state funding, which is insufficient to ensure the type of education needed in the 21st century, or in a suburban jurisdiction like Fairfax County that funds nearly 70 percent of its K-12 costs with local dollars, because that is what is required to provide a high-quality public education.

While localities and school divisions throughout the Commonwealth share a common frustration on this issue, many legislators share it as well, and it is well understood that change at the GA often takes time. To that end, a comprehensive, detailed, thorough study of an issue can be an important foundation to spur change, which is why bills directing studies of the true costs of public education are introduced at the GA nearly every year. However, those studies always fail. In contrast, this session a bipartisan consensus finally emerged on this issue. Both bodies unanimously approved **SJ 294** (Lewis), which directs the Joint Legislative Audit and Review Commission (JLARC) to study the true cost of education in the Commonwealth and provide an accurate assessment of the costs to implement the SOQ. This is a long overdue update to the last JLARC education funding study conducted back in 2002. The resolution requires five main deliverables by November 30, 2023, which include: current cost estimates of implementing the SOQs based on actual expenses; determinations of the degree to which SOQs are reflected in the current standards of practice across school divisions; analysis of the impacts of SOQ funding formula changes and a determination of whether the costs of these impacts are accurately reflected by the formula; recommendations for changes to the SOQ to ensure that state support is neither inadequate nor excessive; and finally, an assessment of any further funding issues and other relevant recommendations.

The approval of this resolution is an extraordinary acknowledgement by the GA that the SOQ formula may not accurately reflect the burdens that localities and school divisions face in delivering a high-quality education to Virginia's children. It also signals a course correction by highlighting the need to strike "a fair

balance of costs between the state and the localities,” an approach that has been long neglected by past GAs.

Virginia businesses emphatically assert that strong public schools and an educated workforce are essential elements in their decision to locate and remain in Virginia. Investments in early childhood and K-12 education provide a foundation for learning and achievement, often reducing or eliminating the need for more costly interventions and spurring economic development. Failure to adequately meet the needs of the youngest Virginians can create repercussions for individual families, the larger community, and the Commonwealth. Moving Virginia’s economy forward requires substantially increasing state investments in K-12 education.

(2.) Funding Core Services – Regional Transportation Funding

Principle: The Commonwealth must fully restore funding to the Northern Virginia Transportation Authority (NVTa) in an amount equal to what was diverted, to ensure that transportation projects continue to advance in Northern Virginia after decades of state underfunding.

Due to the sizable amount of time, energy, and political will that resulted in the passage of an omnibus transportation bill (**HB 1414/SB 890**) in the 2020 session, 2021 was a relatively quiet year for transportation funding, both regionally and statewide. There were, however, a small number of initiatives aimed at providing funding for other regions of the Commonwealth. **HB 1893** (Hurst)/**SB 1212** (Edwards) successfully authorized the creation of a New River Valley Passenger Rail Station Authority in Planning District 4 to assist in the creation and maintenance of passenger rail in that region. Another bill that was not successful, **HB 1910** (Cole, J.), would have authorized two or more adjacent counties or cities to form a regional transportation authority to engage in regional transportation projects. That bill, which was an effort to address transportation funding in the Fredericksburg area, was left in the House Transportation Committee.

(3.) Funding Core Services – Transportation Funding

Principle: The Commonwealth should build upon the successful enactment of significant transportation revenues by the 2013 and 2020 GAs to ensure sufficient funding for transportation needs.

Statewide Transportation Funding

Similar to regional transportation funding, there were few legislative efforts related to statewide transportation funding and allocations this session. However, there was one set of bills that originally targeted SMART SCALE, the statewide transportation funding prioritization process. As introduced, **HB 2071** (Convirs-Fowler)/**SB 1350** (Lewis) would have added resiliency to the list of factors to be considered as part of SMART SCALE. The bills specifically defined resiliency to mean the capability of a transportation project or strategy to anticipate, prepare for, respond to, or recover from significant multi-hazard threats, including natural disasters, recurrent tidal flooding, permanent flooding resulting from sea level rise, and extreme weather events, with minimum damage to the health and social, environmental, and economic well-being of the community. The bill also would have required that the SMART SCALE factors (congestion mitigation, economic development, accessibility, safety, resiliency, and environmental quality) be considered relative to the anticipated life-cycle cost of the project or strategy under consideration. Due to concerns that this would benefit coastal areas over other regions of the Commonwealth, the bill was amended to instead require the Commonwealth Transportation Board (CTB) to consider resiliency when updating the Statewide Transportation Plan (VTrans), and the definition of resiliency was removed from the legislation. The bill also requires the Commissioner of Highways to ensure resiliency is incorporated into the design standards for new construction projects. Once amended, **HB 2071/SB 1350** passed both the House and Senate.

(4.) Governance – Local Authority

Principle: Existing local government authority should be preserved, particularly in such key areas as taxation, land use, and the protection of public health, safety, and welfare, where local governments must have sufficient authority to govern effectively. Further, local authority should be enhanced to provide localities more flexibility in the administration of local government, as appropriate community solutions differ significantly from one area of the state to another. Finally, local government representatives should be included on all commissions or other bodies established by the state for the purpose of changing or reviewing local revenue authority or governance.

Taxation

The 2021 GA did not consider a significant amount of legislation detrimental to local government taxing authority. While the 2020 GA provided an expansion of local taxing authority with the successful passage of equal taxing authority for counties and cities, there was no such momentous legislation enacted in 2021. However, there was finally an acknowledgement this session of a series of policy decisions the GA has made which have created a growing fiscal impact on localities. For many years, the GA has passed legislation providing local property tax exemptions for a variety of different groups. Though the County has often supported the goals of many of those efforts to provide tax relief, the County's position has been that such relief should be provided in the form of state tax relief rather than local property tax exemptions, as local revenue sources are very limited. Over time, the number of exemptions the GA has provided has grown dramatically, creating a cumulative effect on local revenues with seemingly no end in sight. In 2021, the GA included language in the budget directing the Commission on Local Government to review the effects of mandatory property tax exemptions on local governments and recommend potential options for mitigating their fiscal impacts. This study could be helpful in providing information to the GA about the impacts on localities of the numerous exemptions that were enacted in recent years.

Land Use

Eminent Domain

It was a quiet session for issues pertaining to eminent domain; however, both bills on that topic were successful. **SB 1270** (Cosgrove) requires that the notice sent to a landowner before recording a certificate of take or a certificate of deposit state that the certificate will be recorded between 30 and 45 days from the date of the notice, and that the property will be transferred to the condemnor upon recordation. The notice must also state that the owner has the right to petition the court for distribution of the funds represented in the certificate. **SB 1260** (Bell) requires that a locality or the Commissioner of Highways provide a landowner with a request to enter and inspect property at least 30 days in advance of entry. The request must be on official letterhead and notify the landowner that the locality or the Commissioner of Highways will enter even if the landowner withholds permission. Finally, the locality or the Commissioner of Highways may enter the property sooner than 30 days only if the owner provides written permission.

Stormwater

Several stormwater bills were considered by the GA this session, and many of those bills were successful. **HB 1982** (Bulova) authorizes a facility that has been issued a Virginia Pollution Discharge Elimination System (VPDES) permit regulating stormwater discharges to acquire, use, and transfer nutrient credits for compliance with any waste load allocation established as an effluent limitation in its permit. Current law allows only a facility registered under the Industrial Stormwater General Permit to use nutrient credits for such a purpose. **HB 1983** (Bulova) provides that when a water protection permit applicant is required to purchase wetland or stream mitigation bank credits, but no credits are available in any mitigation provider's primary service area or at a cost of less than 200 percent of the price of credits available from a fund dedicated to achieving no net loss of wetland acreage and functions, the applicant may purchase or use credits from a mitigation provider's secondary service area. The bill provides certain requirements that the permit applicant must comply with to purchase or use such credits from a secondary service area, including minimum tree canopy requirements. **HB 2187** (Hodges) directs the Commonwealth Center for Recurrent Flooding Resiliency to evaluate the development of a Flood Resiliency Clearinghouse Program, and to work with the Department of Conservation and Recreation (VDCR) to evaluate solutions that manage both water quality and flooding and emphasize nature-based

solutions. The findings are to be reported by November 1, 2021. **SB 1309** (Ebbin) authorizes grants from a local Stormwater Management Fund to be used for flood mitigation and protection measures that are part of a comprehensive flood mitigation and protection plan adopted by the locality, and requires such grants, where practicable, to prioritize projects that include nature-based practices. Current law allows such funds to be used only for the construction, improvement, or repair of a stormwater management facility, or for erosion and sediment control. **SB 1404** (Lewis) authorizes grants from the Stormwater Local Assistance Fund awarded for projects related to Chesapeake Bay total maximum daily load (TMDL) requirements to consider total phosphorus reductions or total nitrogen reductions. The bill authorizes grants awarded for eligible projects in localities with high or above average fiscal stress as reported by the Commission on Local Government to account for more than 50 percent of the costs of a project.

Not every stormwater bill was successful. **SB 1352** (Lewis), which would have created a 14-member Commonwealth Flood Control Board with various duties coordinating and implementing existing and new flood control programs and measures, was stricken at the request of the patron. **HJ 552** (Levine) would have established a two-year joint subcommittee to study the development of a comprehensive and coordinated planning effort to address recurrent flooding in inland and urban areas across the Commonwealth. That resolution was left in House Rules.

Landfill Siting/Waste Disposal

The GA was asked to intervene in a long-standing dispute between Cumberland County and Powhatan County over the siting of a proposed landfill. Unfortunately, the bills that were introduced sought to solve a local problem with statewide mandates. **SB 1200** (Hashmi) would have required the approval of any locality within a five-mile radius of a new solid waste management facility or application to store, treat, or dispose of hazardous waste – essentially requiring the consent of neighboring jurisdictions for facilities or activities in another jurisdiction. **SB 1186** (Hashmi) sought to prohibit the construction of any new municipal solid waste landfill within three miles of any designated historic district, building, structure, object, or site. Both bills would have been a serious erosion of local land use authority, and were defeated in Senate Agriculture, Conservation and Natural Resources.

Undergrounding

Fairfax County has been committed to the revitalization of Richmond Highway (US Route 1) for many years. Based on recommendations from a Virginia Department of Rail and Public Transportation (DRPT) study, Fairfax County has been working with residents, community stakeholders, and partner agencies to plan, design, and construct a Bus Rapid Transit (BRT) system for the Richmond Highway Corridor. The County continues to invest substantial resources in creating innovative solutions along the BRT route that are envisioned as compact, environmentally sustainable, and walkable living, shopping, working and recreational places. During the 2019 session, the GA passed legislation giving Fairfax County the authority to establish a pilot program for the undergrounding of electric distribution lines along the Richmond Highway corridor. Unfortunately, implementation challenges with that legislation, in addition to the sizable cost of such a large-scale undergrounding project, prevented the County from exercising that authority. **SB 1385** (Surovell) was introduced to address some of those issues.

SB 1385 eliminates sunset provisions in the original legislation and broadens the scope of undergrounding projects that can be funded through a levy on electric utilities authorized in the legislation (though it still prioritizes the project on the Richmond Highway corridor). The levy would remain capped at a dollar per month on residential customers, while a new cap, not to exceed 6.67 percent of the monthly amount charged to non-residential customers, was added. The bill also preserves the County's land use authority. Unfortunately, the bill does not address some of the County's fundamental concerns, the most significant of which is the lack of state funding to help cover the cost of the Richmond Highway undergrounding project. Additionally, the bill does not include a mechanism to review the undergrounding costs proposed by the utilities (the County was a proponent of having the State Corporation Commission review the costs).

Additional Land Use and Local Government Authority Bills

Among other land use and local government authority bills that passed the GA this year, **SB 1457** (Surovell) gives Fairfax County the authority to include a provision in its historic preservation ordinance that would allow public access to an historic area, landmark, building, or structure, or provide that no

subdivision shall occur within any historic district unless approved by the review board or, on appeal, by the governing body, as being compatible with the historic nature of such area, landmarks, buildings, or structures. The parcel or parcels must be adjacent to a navigable river and a national park as well as subject to an easement granted to the National Park Service or Virginia Outdoors Foundation on or after January 1, 1973. **HB 1778** (Ward) allows a locality to require the removal of clutter from property, or to have such clutter removed, charging the property owner for the removal. "Clutter" may include mechanical equipment, household furniture, containers, and similar items that may be detrimental to the well-being of a community when they are left in public view for an extended period or are allowed to accumulate. Violations are subject to the existing civil penalty applicable to violations of provisions relating to the removal of trash, garbage, refuse, litter, and similar substances from property (land zoned for, or in active farming use, is not included in this legislation). **HB 1898** (Roem) allows an elected official from a town to serve on the Board of Zoning Appeals of the county in which the member also resides. **HB 2054** (Samirah) adds reducing, modifying, or waiving local parking requirements or ratios to the strategies that may be included when certain larger localities promote transit-oriented development in reviews of their comprehensive plans. As introduced, **HB 2030** (Krizek) would have prohibited any person from applying an aerosolized neonicotinoid insecticide for personal use unless the person is certified or under the direct supervision of a certified applicator or provides 24 hours' notice to the owner of any managed beehive within the line of sight of the application area. The Senate, however, amended the bill to direct the Department of Agriculture and Consumer Services (VDACS) to study ways to improve communication between beekeepers and applicators of neonicotinoid insecticides.

A number of other bills related to land use and local government authority bills were defeated this year. **SB 1249** (Stuart) would have added legislative actions such as rezonings, generalized development plans, special use permits, and special exception applications to the code section that governs a local planning commission's review deadlines and requirements for plats, which would have created substantial challenges for localities. **HB 1917** (Mugler) would have given localities the authority to publish notices related to local planning and zoning on the locality's website instead of in a newspaper having general circulation in the locality. **HB 2114** (Ransone) would have provided that any locality would be deemed to have met certain notice requirements if the locality submitted a timely notice of public hearing to a newspaper and the newspaper failed to publish the notice, so long as the notice was published in the next available edition. Current law only provides this authority to localities in Planning District 23.

(5.) State Budget

Principle: The Commonwealth should rebalance its resources and responsibilities so that the funding partnership with localities is restored, ensuring the delivery of critically needed services in communities throughout Virginia. State established standards for locally delivered services must be accompanied by state funding that is adequate to successfully provide those services, and accountability for successes and failures should be reciprocal, ensuring both the state and localities accept responsibility commensurate with their respective roles.

Highlights of Fairfax County Priorities in the 2020-2022 Budget

State revenues fluctuated considerably in the past year, creating a very unusual budget situation that required the GA to make budget amendments several times during the year. The 2020 GA crafted a new biennium budget that allocated funding to a number of priority areas, including many that were important to local governments. State revenues at that time were on an upswing, and the GA was pleased to be able to design a budget that addressed a number of important issues. However, that budget was crafted and finalized just as the COVID-19 pandemic was arriving in the United States, and the 2020 GA wrapped up with the knowledge that it would probably have to make adjustments, including the likelihood that revenues would change significantly enough to require a revenue reforecast. That spring, the Governor recommended, and the GA accepted, budget amendments to "unallot" spending for many priority areas, essentially pausing the state budget until the impacts of the pandemic could be better understood. In August, a revenue reforecast was completed, and though the impacts of the pandemic were not as severe as many feared, adjustments were necessary and during the special session the GA agreed to additional budget changes in November. As a result, the Governor had little time to recommend new budget amendments to the 2021 GA, and the budget seemed off to a slow start as the session began.

One issue in particular that seemed to divide the House and Senate was federal tax conformity. Ordinarily, tax conformity legislation is relatively uncontroversial and passes with significant bipartisan support. This session, due to changes in federal tax policy in late December 2020 related to federal COVID-19 relief, the GA had to determine how best to structure tax deductions associated with the federal Paycheck Protection Program (PPP). Federal tax policy allows for loans issued through the PPP to be forgiven under certain conditions, and companies are not required to count the loans towards their business tax income. However, the issue of concern was that it also allows for businesses to fully deduct expenses paid for with these loans from their federal tax returns, which could be seen as creating a tax break on top of a tax break. In the end, the GA elected to provide relief for businesses still struggling with the impacts of the COVID-19 pandemic by allowing up to \$100,000 in business expense deductions for those who received PPP loans. This and other spending was accomplished as a result of a new revenue report from the Governor in February, providing an additional \$730 million for the biennium.

The GA also made progress in some areas of interest to localities, though in many ways the final outcome was a mixed bag. An additional \$14.6 million was included in the conference report to restore funding for the Cost of Competing Adjustment (COCA) for support positions, a long-standing priority of the County. However, the budget also includes a required ratio for K-12 support staff that will cost the County money to implement, erasing some of those gains. And after a year of uncertainty, the GA opted to remain cautious, increasing deposits to revenue reserve funds by \$250 million. Overall funding for the Revenue Stabilization Fund (also known as the Rainy Day Fund) and the revenue reserve will total approximately \$2.1 billion by the end of the biennium, an unprecedented level.

Finally, the GA chose to reassert its constitutional authority over the budget process. The conference report includes language that requires all direct federal COVID-19 relief aid approved by Congress after January 1, 2021, to be placed in a lockbox until the GA passes another budget directing the appropriation of those funds. If that language remains in the final budget after any actions by the Governor, this could lead to an additional special session to address future federal COVID-19-related appropriations.

Priority Budget Items for Fairfax County in Conference Report (HB 1800)

K-12 Funding

Provides approximately an additional \$14.6 million GF for COCA for K-12 support positions, which will increase the salary adjustment factor from 10.6 percent to 18 percent. This will increase funding for Fairfax County Public Schools (FCPS) by \$4.9 million in FY 2022. Increasing this funding has long been a top County priority.

Provides approximately \$233.7 million GF and approximately \$759,000 from the Lottery Proceeds fund in FY 2022 to cover the state share of K-12 salary increases of up to five percent (the language includes a number of caveats, including the requirement that localities offer at least an average of a two percent increase over the biennium in order to qualify for a state match). The cost to FCPS to provide the full five percent salary increase would be \$122.9 million. After accounting for state funding, the net cost to FCPS would be \$100.4 million (the state cost would be \$22.4 million, while the FCPS cost would be \$100.4 million). If a school division provides at least two percent but less than five percent in salary increase, the state share will be prorated. After accounting for state funding, the net cost to FCPS for a two percent salary increase would be \$40.2 million (the state cost would be \$8.9 million, while the FCPS cost would be \$40.2 million).

Provides an increase of approximately \$49.5 million in state funding for SOQ-mandated support positions from two to three per 1,000 students – while this increases state funding, it will also increase the requirements for such positions. FCPS would receive \$4.6 million in FY 2022 for the state's share of the three specialized support positions per 1,000 students, but would be required to add the following positions: 6 psychologists, 14 social workers, and 86 nurses. These new positions would cost FCPS and the County a total of \$12.6 million. After accounting for state revenue, the net cost totals \$8 million.

Commonwealth's Attorneys' Staffing Study

Directs the Compensation Board to work with the Virginia Association of Commonwealth's Attorneys to examine the staffing standards used to determine the number of positions allocated to each office, expanding the standards to include workload elements that are not solely based on metrics related to

felony charges and convictions. The budget includes specific language addressing the County's legislative initiative on this topic, **SB 1226** (Boysko), by requiring that issues related to diversion programs, specialty dockets, best practices, and overall criminal justice reform be integral to this work (see also page 5).

Stormwater Local Assistance Fund (SLAF)

Provides \$25 million GF in FY 2022 to SLAF for stormwater quality retrofits and upgrades. The County's 2021 Legislative Program includes support for SLAF, and the County has received SLAF funding for a number of projects in the past.

Temporary Assistance for Needy Families (TANF)

Provides approximately \$670,000 GF and approximately \$7.7 million NGF in FY 2022 to increase TANF benefits by ten percent. Also requires that the Department of Social Services develop a plan to increase the standards of assistance by ten percent annually until the standards equal 50 percent of the federal poverty level. The County's 2021 Human Services Issue Paper includes support for TANF reimbursement rate increases.

Virginia Housing Trust Fund

Provides an additional \$15.7 million GF (for a total of \$70.7 million) in FY 2021 and an additional \$25 million GF (for a total of \$55 million) in FY 2022, which are the same amounts the Governor included in his proposed budget amendments. This includes additional funding of \$15.7 million in FY 2021 to continue the Virginia Rent and Mortgage Relief Program after the expiration of the federal Coronavirus Relief Funds. The County strongly supports affordable housing efforts, which have become particularly critical during the pandemic, and supports dedicating as much state funding as possible to such efforts.

Virginia Preschool Initiative (VPI)

Provides approximately \$11.1 million in FY 2022 for VPI to increase the funded per pupil amount from \$6,959 to \$7,655. During the 2020 Special Session I, the amended budget restored most of the funding in FY 2022 for Early Childhood initiatives that was unallotted at the 2020 Reconvened Session. This restores the remaining unallotted amounts. Based upon the current County VPI service level (FY 2021), the County could draw down an additional \$1.1 million in state revenue over the current amount in FY 2022. The grant requires a local match.

Medicaid Waivers

Directs the Department of Behavioral Health and Developmental Services (DBHDS), in coordination with the Department of Medical Assistance Services (DMAS), to convene a work group to review specific issues with Medicaid Developmental Disability (DD) waiver rates, and requires development of a plan for eliminating the waiting list for DD waiver services. Also provides approximately \$7.1 million GF to match equivalent federal Medicaid matching funds in FY 2022 to increase the number of Family and Individual Support (FIS) waiver slots by 435, bringing the total number of waiver slots in FY 2022 to 985 to address the Priority One Waiting List. As of February 1, 2021, the Medicaid Priority One Waiting List includes approximately 730 individuals served by the Fairfax-Falls Church Community Services Board (CSB).

Medicaid Waiver Provider Rates

Provides approximately \$3 million GF and approximately \$3.1 million from federal Medicaid matching funds in FY 2021, and approximately \$60.7 million GF and approximately \$63 million in federal Medicaid matching funds in FY 2022, to increase provider rates for personal care, respite care, and companionship services provided in Medicaid waiver programs by 6.4 percent on May 1, 2021, and 12.5 percent on November 1, 2021. These rate increases supplement a five percent increase that began July 1, 2020, and a scheduled two percent increase on July 1, 2021. These rate increases are designed to help ensure that providers comply with scheduled minimum wage increases, including the planned increase to \$9.50 per hour on May 1, 2021, and to \$11.00 per hour on January 1, 2022. Also, directs the Governor to include the appropriate rate increases to reflect changes in the state minimum wage for these services in

the introduced budget for the 2022-2024 biennium for consideration by the 2022 GA. The County's 2021 Human Services Issue Paper includes support for provider rate increases.

Transportation Funding

The Coronavirus Response and Relief Supplemental Appropriations Act passed by Congress in December 2020 provided funding for Highway Infrastructure Programs, including approximately \$230 million to the Commonwealth. Though the House budget did not include specific provisions related to that funding, the Senate budget directed it to a variety of projects and programs. The budget conference report combines those federal funds with \$35 million in uncommitted balances from two state transportation programs and \$55 million GF to create a 2021 Transportation Funding Initiative, which provides funding for various items including:

- *Washington Metropolitan Area Transit Authority (WMATA) Support* – In 2018, the GA enacted legislation creating a WMATA Capital Fund, which provides funding to address WMATA state of good repair through various state, regional, and local revenue sources. The legislation was designed to provide approximately \$154 million annually, which is Virginia's share of the \$500 million WMATA had indicated was necessary to address those needs. During the 2021 session, DRPT notified the GA that revenues provided to the WMATA Capital Fund were expected to be approximately \$22 million less than anticipated annually over the next several years, largely due to a reduction in revenues collected through a regional transient occupancy (hotel) tax. The budget conference report includes up to \$32.4 million to ensure the Commonwealth can provide its share of the dedicated regional funding for the WMATA Capital Fund in FY 2022, with the remaining amount (approximately \$10 million) to be provided to the Northern Virginia Transportation Commission (NVTC) to reduce the FY 2022 operational obligations of its member jurisdictions, as the revenues localities use to provide their funding for WMATA service have also been adversely impacted by the pandemic.
- *Transit Ridership Incentive Program (TRIP)* – The omnibus transportation bill passed by the 2020 GA created TRIP, which is dedicated to improving transit's regional connectivity in urban areas with a population in excess of 100,000, and reducing barriers to transit use by supporting low-income and zero-fare programming. That bill mandated that no more than 25 percent of the funding could be used to support the establishment of programs to reduce the impact of fares on low-income individuals. The 2021 House budget included language waiving the 25 percent cap, while the Senate budget provided \$5 million from the coronavirus relief bill to be divided evenly between the two programs. The budget conference report provides up to \$10.9 million to establish pilot programs for fare-free transit with urban and rural transit providers and also dedicates \$3.6 million from the TRIP program to long-distance commuter bus services.
- *Other Programs* – The conference report also provides: \$83.5 million to improve commuter rail service on the Virginia Railway Express Manassas Line; \$93.1 million for the I-64 Corridor in Hampton Roads and Richmond; \$83.5 million to expand passenger rail services from Roanoke to the New River Valley; \$10 million to both expand and enhance the safety and connectivity of Virginia's existing statewide network of multi-use trail facilities; and, \$10 million, in partnership with Virginia Tech, in support of a 5G connected community redevelopment pilot project at the Virginia Tech campus in Falls Church.
- *Allocation Deadline* – The conference report mandates that all funding within this initiative that is not allocated by June 1, 2022, will be used to support additional pavement and bridge maintenance.

Study of Local Fiscal Impacts of Mandatory Property Tax Exemptions

Directs the Commission on Local Government to review the effects of mandatory property tax exemptions on local governments and recommend potential options for mitigating their fiscal impacts. The County has supported the goals of many of the GA's efforts to provide tax relief for particular groups in recent years, but the County's position has been that such efforts should be provided in the form of state tax relief rather than local property tax exemptions, as local revenue sources are very limited. This study could be helpful in providing information to the GA about the impacts on localities of the numerous exemptions that have been enacted in recent years. Similar legislation (**HJ 614**) was also considered independently (see also page 42).

**BUDGET PROPOSALS FOR 2020 - 2022
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Estimated Impact to Fairfax County - Increase/Decrease Over Prior Fiscal Year (\$ Million)

	Governor's Budget		House		Senate		Conference	
	FY 2021	FY 2022	FY 2021	FY 2022	FY 2021	FY 2022	FY 2021	FY 2022
Direct County Impact								
Provides targeted salary adjustments for specific positions reimbursed by the Compensation Board.	\$0.00	TBD	TBD	TBD	TBD	TBD	TBD	TBD
Governor: Provides 1.5% bonus on September 1, 2021, to state-supported local employees, contingent on state revenues. The County will need to budget for the bonus in FY 2022.	\$0.00	\$0.42	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
House: Provides funding for a 3.5% salary increase in FY 2022 for state-supported local employees, effective July 1, 2021.	\$0.00	\$0.00	\$0.00	\$1.17	\$0.00	\$0.00	\$0.00	\$0.00
Senate: Provides funding for a 3% salary increase in FY 2022 for state-supported local employees, effective September 1, 2021.	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.84	\$0.00	\$0.00
Conference: Provides funding for a 5% salary increase in FY 2022 for state-supported local employees, effective July 1, 2021.	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1.67
TOTAL DIRECT COUNTY IMPACT	\$0.00	\$0.42	\$0.00	\$1.17	\$0.00	\$0.84	\$0.00	\$1.67
TOTAL OVER THE BIENNIUM	\$0.42		\$1.17		\$0.84		\$1.67	

Impact to the Fairfax County Public Schools (FCPS) Operating Fund Budget

Governor Northam's Budget:

Compared to the FCPS FY 2021 Approved Budget, Governor Northam's budget includes a \$21.9 million increase in state aid and a \$17.3 million decrease in sales tax revenue for FY 2021.

For FY 2022, Governor Northam's budget includes a \$3 million increase in state aid and a \$12.7 million decrease in sales tax revenue compared to the FCPS FY 2021 Approved Budget.

House: Compared to the FCPS FY 2021 Approved Budget, the House budget amendments include a \$15.3 million increase in state aid and a \$17.3 million decrease in sales tax revenue for FY 2021.

For FY 2022, the House includes a \$5.3 million increase in state aid and no change in sales tax revenue compared to the FCPS FY 2022 Advertised Budget. The FY 2022 Advertised Budget does not include the state's share of a 5% salary increase. Based on School Board action on February 18, 2021, the FY 2022 Advertised budget includes a 3% compensation increase and not the 5% increase required to receive the state's share provided in the House proposed amendments.

Senate: Compared to the FCPS FY 2021 Approved Budget, the Senate budget amendments include a \$21.9 million increase in state aid and a \$17.3 million decrease in sales tax revenue for FY 2021.

For FY 2022, the Senate includes a \$6.3 million increase in state aid and no change in sales tax revenue compared to FCPS' FY 2022 Advertised Budget.

Conference: Compared to the FCPS FY 2022 Advertised Budget, the Conference budget amendments include a decrease of \$0.2 million in state aid and \$9.7 million more in sales tax revenue, for a net state revenue increase of \$9.5 million. It is important to note that the state revenue increase for the specialized student support positions is associated with increased local FCPS and County expenditures.

**BUDGET PROPOSALS FOR 2020 - 2022
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as of March 8, 2021**

Budget Bill Item #	Issue	Fairfax County Impact
Compensation/Compensation Board		
State-Supported Employee Compensation		
477 LL	Governor Northam's Budget: Contingent on FY 2021 revenues meeting projections, provides \$15.5 million for a 1.5% one-time bonus on September 1, 2021, for state-supported local employees. The funding is also contingent on the governing local authority of such employees using these funds to support the provision of a bonus.	Appears that the County will not be able to draw down state funding in FY 2022, unless the County provides a bonus for state-supported local employees. The County would be reimbursed approximately \$0.42 million.
477 #2h	House: Provides funding for a 3.5% salary increase for state-supported local employees instead of the bonus proposed by the Governor - effective July 1, 2021.	In order to draw down the funding, the County would have to provide a salary increase in FY 2022. The County would be reimbursed approximately \$1.17 million.
477 #1s	Senate: Contingent on revenues, provides a 3% salary increase for state-supported local employees effective September 1, 2021, instead of the bonus proposed by the Governor.	In order to draw down the funding, the County would have to provide a salary increase in FY 2022. The County would be reimbursed approximately \$0.84 million.
477 #2c	Conference: Provides funding for a 5% salary increase for state-supported local employees.	In order to draw down the funding, the County would have to provide a salary increase in FY 2022. The County would receive approximately \$1.67 million.
477 #1c	Conference: Provides approximately \$7.5 million in FY 2022 to provide a \$1,000 one-time bonus for correctional officers at the Department of Corrections and the Department of Juvenile Justice on December 1, 2021.	TBD. Fairfax County's Juvenile and Domestic Relations Court received indication from the state that the County might be eligible to receive funding associated with this bonus. The Sheriff's Office is awaiting confirmation from the state.
68	Governor Northam's Budget: Provides \$2.6 million in FY 2022 to fund salary increases for regional jail officers consistent with those received by deputy sheriffs to equalize the pay grade for all entry-level correctional officers in local and regional jails.	The Sheriff's Office believes that there is no fiscal impact as they are not a regional jail.
	House/Senate/Conference: No change.	
68	Governor Northam's Budget: Provides \$2.3 million in FY 2022 to fund 25% of staffing needs for Sheriffs' and Commonwealth's Attorneys' offices. This restores funding that was previously unallotted.	The County would realize a potential increase for the Compensation Board reimbursement. TBD.
	House/Senate/Conference: No change.	
68 #1c	Conference: Provides \$600,000 GF in FY 2022 for the Compensation Board to contract for services to be provided by the Virginia Center for Policing Innovation, to provide automated protective order notification services as an enhancement to the Statewide Automated Victim Notification System.	TBD.
71, 74	Governor Northam's Budget: Provides \$1.7 million in FY 2022 to fund targeted salary increases for Commissioners of Revenue and local Treasurers' offices. This restores funding that was previously unallotted.	The County would realize a potential increase for the Compensation Board reimbursement. TBD.
	House/Senate/Conference: No change.	
73	Governor Northam's Budget: Provides \$1.8 million in FY 2022 to adjust salaries of circuit court clerks to address pay equity with those of the district court clerk positions. This restores funding that was previously unallotted.	Applies to entry-level positions. As a result, the County would realize an increase for the Compensation Board reimbursement. The estimated increase is approximately \$150,000.
	House: No change.	
73 #1s, #2s	Senate: Increases the marriage license fee from \$30 to \$50 and the divorce filing fee from \$86 to \$100, and specifies that any additional revenues shall be used exclusively for compensation increases for the clerk and deputy clerks of the circuit courts.	Revenue generated from the increased fees will go to the state GF and then be dispersed as needed to cover the increased Compensation Board reimbursement for compensation increases for the clerk and deputy clerks of the circuit courts.
	Conference: No change.	

**BUDGET PROPOSALS FOR 2020 - 2022
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as of March 8, 2021**

Budget Bill Item #	Issue	Fairfax County Impact
75 #1s	Senate: Directs the Compensation Board to work with the Virginia Association of Commonwealth's Attorneys to examine the staffing standards used to determine the number of positions allocated to each office, expanding the standards to include workload elements that are not solely based on metrics related to felony charges and convictions. Provides \$250,000 GF in FY 2022 for the Compensation Board to contract with the National Center for State Courts to perform a time study to determine the comprehensive duties and responsibilities of Commonwealth's Attorneys' offices, including the use of diversion programs and specialty dockets.	The amendment directs and funds a study to address important criminal justice reform issues raised in SB 1226 (Boysko), a County legislative initiative.
75 #1c	Conference: Same as Senate.	
75 #2s	Senate: Directs the Compensation Board to review the plan that is to be developed by the Department of Criminal Justice Services by July 1, 2021, outlining law-enforcement agencies' roles in the Marcus Alert System established during the 2020 Special Session, and to survey sheriffs' offices to determine anticipated costs to meet the requirements established by the plan.	
75 #2c	Conference: Same as Senate.	
87 #1h	House: Provides approximately \$3.5 million GF in FY 2022 to increase the salary scale for general registrars to equal the salary scale for treasurers, and restores full reimbursement for registrars' and electoral board members' compensation.	Currently the state reimburses the County approximately 65% of the electoral board stipend and the general registrar's state mandated salary, but not the County supplement. This proposal would require 100% reimbursement of the mandated salary/stipends. Results in estimated additional funding of \$41,000.
87 #1s	Senate: Provides approximately \$2.5 million GF in FY 2022 to restore full reimbursement for compensation for general registrars and electoral board members.	Currently the state reimburses the County approximately 65% of the electoral board stipend and the general registrar's state mandated salary, but not the County supplement. This proposal would require 100% reimbursement of the mandated salary/stipends. Results in estimated additional funding of \$41,000.
87 #1c	Conference: Same as the House.	
Judiciary/Public Safety		
State Aid to Localities with Police Departments (HB 599)		
408	Governor Northam's Budget: An increase of \$8.6 million was initially included during the 2020 regular session, but subsequently unallotted by the Governor. While the December forecast is projecting GF revenues to grow in FY 2021 and FY 2022, HB 599 funding is being kept flat at the FY 2020 level.	Fairfax County will receive the same amount as in FY 2020.
	House/Senate/Conference: No change.	
Hate Crimes		
406	Governor Northam's Budget: Provides \$1.5 million GF in FY 2022 to the Department of Criminal Justice Services for competitive grants to localities to combat hate crimes. This funding was included in the budget passed by the 2020 GA and was unallotted due to the COVID-19 pandemic.	TBD.
	House/Senate/Conference: No change.	
Expungement		
479	Governor Northam's Budget: Provides \$5 million GF in FY 2021 and \$20 million GF in FY 2022 to pay for the cost of expungement reforms, including automatic expungement of misdemeanor marijuana convictions.	TBD.
479 #4h	House: Reallocates \$20 million GF in FY 2022 provided in Central Accounts, pursuant to HB 2113 (Herring) related to the expungement of criminal records. In addition, directs \$5 million GF in FY 2021 toward the unanticipated agency costs of cannabis legalization pursuant to HB 2312 (Herring).	The County supports the concept of expungement for certain crimes, however sufficient state funding for implementation is essential.
479 #5c	Conference: Removes \$8 million GF in FY 2021 and \$28 million GF in FY 2022 that was included for marijuana legalization, criminal records expungement, and other legislation adopted during the 2020 Special Session I, the 2021 Regular Session, and the 2021 Special Session I of the General Assembly (GA).	The County supports the concept of expungement for certain crimes, however sufficient state funding for implementation is essential.
479 #3c	Conference: Provides \$3.5 million GF in FY 2022 for the initial operating costs for the Virginia Cannabis Control Authority created pursuant to HB 2312 (Herring)/SB 1406 (Ebbin) of the 2021 Special Session I.	The County supports strong local government land use and taxation authority in any marijuana legalization legislation.

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as of March 8, 2021**

Budget Bill Item #	Issue	Fairfax County Impact
425 #3h	House: Provides approximately \$13.1 million GF in FY 2022 to cover the one-time and ongoing costs of implementing and operating an automatic expungement process for certain offenses.	The County supports the concept of expungement for certain crimes, however sufficient state funding for implementation is essential.
425 #3c	Conference: Same as House.	
391 #2s	Senate: Directs the workgroup created pursuant to SB 1339 (Surovell) to include a comprehensive review of all systems and processes necessary for the expungement or sealing of police or court records and to report on the costs of needed improvements to the GA.	The County supports the concept of expungement for certain crimes, however sufficient state funding for implementation is essential.
391 #2c	Conference: Directs the Secretary of Public Safety and Homeland Security to evaluate available base funding in the budget, in order to identify savings pursuant to the reduction or elimination of penalties for the possession of controlled substances, that may be reallocated to drug treatment and rehabilitation programs.	
39 #2c	Conference: Provides approximately \$1.5 million GF in FY 2022 as the first of 4 years of one-time information technology upgrade costs for the Office of the Executive Secretary of the Supreme Court to implement an automatic expungement process for certain offenses pursuant to HB 2113 (Herring)/SB 1339 (Surovell).	The County supports the concept of expungement for certain crimes, however sufficient state funding for implementation is essential.
<u>COVID-19 Response</u>		
411	Governor Northam's Budget: Provides approximately \$42 million in FY 2021 and approximately \$36.9 million in FY 2022 for coordinating response and recovery efforts related to the pandemic. This is in addition to separate funding for vaccination and public health education initiatives shown in the Human Services section.	TBD. Funding is available for the purchase, storage, and distribution of personal protective equipment to fulfill requests received through the Virginia Emergency Support Team.
411 #1h	House: Removes approximately \$31.1 million GF in FY 2021 and approximately \$15.9 million GF in FY 2022 proposed in the Governor's introduced budget for the Virginia Department of Emergency Management to purchase personal protective equipment. The Department received a \$47 million reimbursement from the Federal Emergency Management Agency that may be used for this purpose.	
411 #1s	Senate: Supplants COVID-19 response and recovery funds with federal funds.	
411 #1c	Conference: Same as House.	
<u>Equity Emergency Management Positions</u>		
413	Governor Northam's Budget: Provides approximately \$238,000 NGF to fund two equity emergency management analyst positions to support local governments that participate in the Health Equity Program. Positions will provide technical assistance and guidance as localities integrate equity into their emergency management programs, support ongoing responses to COVID-19, and build resilience in at-risk communities. Positions will be supported by the COVID-19 Supplemental Emergency Management Performance Grant through FY 2022.	TBD.
	House/Senate/Conference: No change.	
<u>Body Worn Cameras</u>		
391	Governor Northam's Budget: Extends the work of the Body Worn Camera Workgroup until November 2021. The work group is directed to examine the workload impact, as well as other fiscal and policy impacts, of the use of body worn cameras on the Commonwealth's public safety and judicial agencies as a whole.	TBD.
	House/Senate/Conference: No change.	
<u>Other Items of Interest</u>		
<u>Virginia Telecommunication Initiative (VATI)</u>		
114.L	Governor Northam's Budget: Provides an additional \$15.25 million GF in FY 2022 for VATI, for a total of \$49.7 million.	TBD.
114 #5h, #5s #9c	House/Senate/Conference: Establishes a one-year pilot program in FY 2022, capped at 10% of total FY 2022 funding, for VATI, in which public broadband authorities may apply directly for VATI funds without a private sector partner.	TBD.

**BUDGET PROPOSALS FOR 2020 - 2022
DURING THE 2021 GENERAL ASSEMBLY SESSION
as of March 8, 2021**

Budget Bill Item #	Issue	Fairfax County Impact
<u>Virginia Housing Trust Fund (HTF)</u>		
113	Governor Northam's Budget: Provides an additional \$15.7 million GF (for a total of \$70.7 million) in FY 2021 and an additional \$25 million GF (for a total of \$55 million) in FY 2022 for the HTF. This includes additional funding of \$15.7 million in FY 2021 to continue the Virginia Rent and Mortgage Relief Program after the expiration of federal Coronavirus Relief Funds.	The County's Legislative Program includes support for additional appropriations to the HTF.
113 #1h	House: Reduces by \$25 million GF funding for the HTF in FY 2022. The additional funding for the HTF in FY 2021 served as a bridge to continue the Rent and Mortgage Relief Program, and is no longer needed in FY 2022 due to the availability of over \$560 million in federal funds for rental assistance.	
113 #1s	Senate: Reduces by \$15.7 million GF funding for the HTF in FY 2021 intended to support the Virginia Rent and Mortgage Relief Program, and directs that rental assistance funding provided through the most recent federal relief package be designated to continue that program.	
	Conference: No change from the Governor's budget on the amount provided for HTF.	The County's Legislative Program includes support for additional appropriations to the HTF.
113 #1c	Conference: Provides \$50,000 GF in FY 2022 and directs the Department of Housing and Community Development to lead a work group to provide recommendations on increasing local development of accessory dwelling units on single-family dwelling lots.	TBD.
<u>Elections</u>		
86	Governor Northam's Budget: Provides \$16.7 million GF in FY 2021 to support and replace the Virginia Election and Registration Information System (VERIS).	TBD.
	House/Senate/Conference: No change.	
86 #1h, 86 #3c	House/Conference: Provides an estimated \$1 million for reimbursement to localities for the cost of prepaid postage sent with absentee ballots.	Positive as the County would receive a reimbursement for its postage costs related to absentee ballots.
86 #1c	Conference: Creates uniformity in collecting petition signatures for state and local offices during the COVID-19 pandemic.	
86 #2c	Conference: Extends the elections policies put into place by the GA during the 2020 Special Session I until the provisions of HB 1888 (VanValkenburg) and SB 1097 (Favola), passed by the 2021 GA, are effectuated on July 1, 2021, which include provisions for the use of absentee ballots in elections.	Positive.
<u>Economic Development/Workforce</u>		
112	Governor Northam's Budget: Provides \$2 million GF to restore the Virginia Jobs Investment Program (VJIP).	Support for VJIP was included in the County's 2021 Legislative Program.
	House/Senate/Conference: No change.	
112	Governor Northam's Budget: Provides approximately \$5.6 million GF for an incentive payment for Microsoft to invest \$64 million and create 1,500 jobs in Fairfax County by creating a new software research and development hub.	Positive.
	House/Senate/Conference: No change.	
221	Governor Northam's Budget: Restores \$1.5 million GF in FY 2021 and \$34.5 million GF in FY 2022 for the Get Skilled, Get a Job, Give Back program (G3), the Governor's workforce development initiative.	TBD.
221 #1h	House: Makes technical changes consistent with HB 2204 (Filler-Corn) and provides training and programs under the G3 initiative that are free to healthcare workers, first responders, and other essential workers that are serving on the frontline of the COVID-19 pandemic, while Virginia remains in a state of emergency for the pandemic and for two years thereafter.	
	Senate: No change.	
221 #1c	Conference: Same as House.	

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Budget Bill Item #	Issue	Fairfax County Impact
114 #3s	Senate: Provides \$10 million GF in FY 2022 and establishes the Virginia Community Development Financial Institutions (CDFI) Fund to provide capital through grants to community development financial institutions or other similar entities, to provide financing in the form of loans, grants, or forgivable loans to small business or community revitalization real estate projects in Virginia.	
114 #8c	Conference: Same as Senate.	
128 #2h	House: Directs \$20 million in revenue derived from the monthly tax on games of skill to the Rebuild Virginia program, which provides grants to small businesses and nonprofits affected by the pandemic.	
479.10 #2s	Senate: Directs \$25 million NGF from the COVID-19 Relief Fund for the purpose of awarding grants to small businesses through the Rebuild Virginia program.	
479.10 #4c	Conference: Directs \$25 million NGF for the Rebuild Virginia program. Revenues from games of skill machines are deposited into the COVID-19 Relief Fund.	
125 #2h, #1c	House/Conference: Directs the Department of Mines, Minerals, and Energy to establish a work group to assess the feasibility of creating a Virginia Residential Property-Assessed Clean Energy (R-PACE) Program.	The County supports this work group.
Natural Resources		
376, 377, 378	Governor Northam's Budget: In FY 2022, provides \$8.3 million for the Water Protection program, \$2 million for the Air Protection program, and \$1.7 million for the Land Protection program through staffing increases.	TBD.
	House/Senate/Conference: No change.	
373	Governor Northam's Budget: Provides \$4.55 million GF in FY 2022 for technical assistance to soil and water conservation districts for water quality efforts.	TBD.
373 #2h	House: Increases the appropriation for the Virginia Conservation Assistance Program (VCAP) by \$500,000 GF in FY 2022, bringing total FY 2022 funding to \$1 million.	VCAP is managed through the Northern Virginia Soil and Water Conservation District. This amendment is beneficial to Fairfax County, as this program is very active in the County and is in high demand. The increase in state funding will assist with meeting the demand in the County.
373 #2s	Senate: Convenes a work group to assess the sale and use of invasive plant species in the retail, landscape, greenhouse, and nursery industries, consider measures to reduce or eliminate the sale and use of invasive plant species in the Commonwealth, and promote the sale and use of native plants.	Support for efforts to discourage the sale of invasive species is included in the County's 2021 Legislative Program. Although this work group was not included in the conference report, the GA passed HJ 527 (Bulova), a study resolution with similar provisions.
373 #2c	Conference: Increases the appropriation for VCAP by \$500,000 GF in FY 2022, bringing total FY 2022 funding to \$1 million. VCAP currently has a backlog of more than \$200,000 until future funding is provided, and the restoration of the appropriation to its previous level will allow the program to meet growing demand and assist with water quality goals in urban areas.	VCAP is managed through the Northern Virginia Soil and Water Conservation District. This amendment is beneficial to Fairfax County, as this program is very active in the County and is in high demand. The increase in state funding will assist with meeting the demand in the County.
379 #1h	House: Provides \$26 million GF in FY 2022 for the Stormwater Local Assistance Fund (SLAF).	Support for increased SLAF funding is included in the County's 2021 Legislative Program.
379 #1c	Conference: Provides \$25 million GF in FY 2022 for a deposit in SLAF for stormwater quality retrofits and upgrades.	Support for increased SLAF funding is included in the County's 2021 Legislative Program.
374 #3h	House: Provides \$2 million GF in FY 2022 to support the purchase of River Farm in Alexandria by the Northern Virginia Regional Park Authority for conservation and maintenance as a publicly accessible historic site.	Positive.
374 #3s	Senate: Removes \$3.5 million GF in FY 2022 and provides for the consideration of one-time funding of up to \$5 million GF for the identification, acquisition, and preservation of tribal lands for the Chickahominy Tribe, and for the conservation and preservation of River Farm.	Positive.
374 #1c	Conference: Same as House.	Positive.

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Budget Bill Item #	Issue	Fairfax County Impact
374 #1h, #1s, #2c	House/Senate/Conference: Provides approximately \$1.5 million GF in FY 2022 for the cost of connecting Mason Neck State Park to the local municipal drinking water system.	Positive.
107 #1h	House: Directs the Department of Forestry to convene a stakeholder work group to provide recommendations for policies which encourage increased tree cover in communities and the preservation of mature tree cover on sites being developed. The stakeholder work group will be composed of representatives of the residential and commercial development and construction industries, agricultural and forestry industry representatives, professional environmental technical experts, representatives of local governments, and other affected parties who the Department of Forestry deems necessary.	Support for increased local flexibility for tree preservation is included in the County's 2021 Legislative Program.
107 #1c	Conference: Same as House.	Support for increased local flexibility for tree preservation is included in the County's 2021 Legislative Program.
<u>Aid to Local Public Libraries</u>		
247 #1h, #1s, #1c	House/Senate/Conference: Restores \$1 million GF in aid to local public libraries in FY 2022.	Positive - approximately \$20,000 in additional state aid to the Fairfax County Public Library from a total statewide increase of \$1 million.
<u>Local Property Tax Exemptions</u>		
114 #6h, #4s, #4c	House/Senate/Conference: Directs the Commission on Local Government to review the effects of mandatory property tax exemptions on local finances, to include recommendations to mitigate the impacts on local budgets.	The County has supported the goals of many of the GA's efforts to provide tax relief for particular groups in recent years, but the County's position has been that such efforts should be provided in the form of state tax relief rather than mandatory local property tax exemptions, as local revenue sources are very limited. This study could be helpful in providing information to the GA about the impacts on localities of the numerous exemptions that have been enacted in recent years.
<u>Other Items of Interest</u>		
113	Governor Northam's Budget: Restores \$3.3 million GF in FY 2022 to continue the Eviction Prevention and Diversion Pilot Program, which supports local or regional programs that link clients to departments of social services and legal aid.	TBD.
	House/Senate/Conference: No change.	
131	Governor Northam's Budget: Provides approximately \$10 million GF in FY 2022 to increase staffing for the processing of unemployment insurance claims.	The County sent a letter to the Governor asking to commit additional resources for this purpose.
	House/Senate/Conference: No change.	
465 #1h, #1c	House/Conference: Provides \$5 million GF in FY 2022 to Fairfax County for projects within the National Museum of the United States Army.	Positive. The County provides annual contributions to the museum through the County's Contributory Fund.
479.10 #3c	Conference: Sets up a fund for receiving additional federal relief funds related to COVID-19 and provides that those funds would be expended in a general appropriation act.	

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Human Services		
Medicaid Waivers		
313 #4s	Senate: Provides approximately \$10.7 million GF to match equivalent federal Medicaid matching funds in FY 2022 to increase the number of Family and Individual Support (FIS) waiver slots by 650, bringing the total number of waiver slots in FY 2022 to 1,200 to address the Priority One Waiting List.	Support for increases in state funding and the expansion of Medicaid waivers is included in the County's 2021 Human Services Issue Paper. The amendment would provide the Fairfax-Falls Church Community Services Board (CSB) with additional waivers, which will require additional support coordinators. The full impact to the County is still to be determined. The County estimates that it will receive between 40-80 additional waivers, which could require an additional 2-4 support coordinators.
313 #19c	Conference: Adds approximately \$7.1 million GF and a like amount of federal Medicaid matching funds in FY 2022 to increase the number of FIS waiver slots by 435, bringing the total number of waiver slots funded in FY 2022 to 985 in order to address the Priority One Waiting List.	The Fairfax-Falls Church CSB has the largest waiver wait list in the state. This will allow the CSB to bring additional people off of the waitlist and provide services. Although there is some additional cost to provide support for coordination services, the CSB will incur some savings in employment and day.
313 #2c	Conference: Restores approximately \$57,000 GF and a like amount from NGF in FY 2022 to increase the eligibility requirement for Virginians with disabilities to participate in the Medicaid Works program to 138% of the federal poverty level. Funding for this item was provided in Chapter 1289, 2020 Virginia Acts of Assembly, unallotted in April, 2020, and eliminated in Chapter 56, 2020 Special Session I Virginia Acts of Assembly.	TBD.
313 #5c	Conference: Restores approximately \$35,000 GF and a like amount of federal Medicaid matching funds in FY 2022 to add tobacco cessation services to the Medicaid program for adults not otherwise currently covered. The federal Patient Protection and Affordable Care Act (ACA) requires that Medicaid provide coverage for prevention services, including tobacco cessation, for individuals enrolled pursuant to the ACA. This amendment allows all adults in Medicaid to have access to tobacco cessation services. Funding for this Item was provided in Chapter 1289, 2020 Virginia Acts of Assembly, unallotted in April, 2020, and eliminated in Chapter 56, 2020 Special Session I Virginia Acts of Assembly. Language is modified to make the provision of this benefit effective July 1, 2021.	Positive. Fairfax-Falls Church CSB already provides certain smoking cessation services. Having this as an additional service could help offset costs and/or pay for expanded service.
313 #6c	Conference: Provides approximately \$2.3 million from federal Medicaid funds in FY 2022 related to expanding Medicaid coverage of school-based services outside of a student's Individualized Education Program (IEP). There is no state match required as the local schools certify local expenditures as the state match.	Positive - offsets school and CSA expenditures.
313 #8c	Conference: Provides approximately \$3.4 million GF and approximately \$3.4 million in matching federal Medicaid funds in FY 2022 to provide sick leave to Medicaid providers of consumer-directed personal, respite or companion care, consistent with the requirements of HB 2137 (Guzman). Language directs the Medicaid agency to seek federal authority through a waiver and State Medical Assistance Plan amendments, which would enable the state to obtain federal matching funds for this purpose.	TBD.
313 #16c	Conference: Directs the Department of Medical Assistance Services (DMAS) to request changes to the Medicaid Home and Community Based Services Waivers from the federal Centers for Medicare and Medicaid Services to permanently continue telehealth and virtual and/or distance learning as service options for disabled individuals receiving these waiver services.	Positive. This will allow the Fairfax-Falls Church CSB to continue to provide telehealth services when appropriate.
Medicaid Waiver Provider Rates		
313 #11h	House: Provides approximately \$36.7 million GF and approximately \$38.1 million in federal Medicaid matching funds in FY 2022 to increase provider rates by 5% for personal care, respite care, and companionship services provided in Medicaid waiver programs effective July 1, 2021.	Support for increases in state funding for Medicaid waivers and the expansion of Medicaid waivers is included in the County's 2021 Human Services Issue Paper. The County estimates that this will have minimal to no fiscal impact, but will benefit the private providers of services to eligible individuals with developmental disabilities in the County.
313 #1s	Senate: Provides approximately \$6.3 million GF and approximately \$6.3 million in federal Medicaid matching funds in FY 2021, and approximately \$60.8 million GF and approximately \$60.8 million in federal Medicaid matching funds in FY 2022, to increase provider rates for personal care, respite care, and companionship services provided in Medicaid waiver programs by 6.4% on May 1, 2021, and 14.3% by November 1, 2021.	Support for increases in state funding for Medicaid waivers and the expansion of Medicaid waivers is included in the County's 2021 Human Services Issue Paper. The County estimates that this will have minimal to no fiscal impact, but will benefit the private providers of services to eligible individuals with developmental disabilities in the County.

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313 #17c	Conference: Provides approximately \$3 million GF and approximately \$3.1 million in federal Medicaid matching funds in FY 2021 and approximately \$60.7 million GF and approximately \$63 million in federal Medicaid matching funds in FY 2022 to increase provider rates for personal care, respite care, and companionship services provided in Medicaid waiver programs by 6.4% on May 1, 2021, and 12.5% effective November 1, 2021.	Support for increases in state funding for Medicaid waivers and the expansion of Medicaid waivers is included in the County's 2021 Human Services Issue Paper. The Fairfax-Falls Church CSB contracts with a provider for respite care. This should help offset costs to that program. Further financial analysis is needed to determine if there is any significant cost offset.
320 #9c	Conference: Establishes a work group to review specific issues with Medicaid Developmental Disability (DD) waiver rates and also requires development of a plan for eliminating the waiting list for DD waiver services.	Positive for Northern Virginia providers. The Fairfax-Falls Church CSB's involvement in this work group would be potentially beneficial.
<u>Children's Services Act (CSA)</u>		
292	Governor Northam's Budget: Includes an increase of approximately \$2.7 million GF and approximately \$5 million NGF in FY 2022 to reflect the shifting of costs from Title IV-E to Medicaid for children in psychiatric residential treatment facilities. DMAS has indicated that these costs are no longer to be covered by Title IV-E, which is a state-federal cost-share, and will instead be covered by Medicaid, which includes a local match.	Because of a federal ruling about the order of payer, Medicaid, not Title IV-E, will be the first payer for residential services. Fairfax County CSA will begin paying a match to Medicaid for services that had been covered by Title IV-E with no local match. The County estimates that CSA will handle around 10 youth foster care residential placements with a fiscal impact of approximately \$150,000 a year.
House/Senate/Conference: No change.		
292	Governor Northam's Budget: Provides approximately \$921,000 GF in FY 2022 to reflect the state share of certain costs for children in foster care shifting from Title IV-E to CSA due to the implementation of the federal Family First Prevention Services Act, which limits federal Title IV-E funding for certain congregate care placements (but expands the eligible uses of Title IV-E funding for prevention services).	This complements the previous item. The previous item provides funding to DMAS to cover their additional costs, while this item covers the state CSA's additional expenditures. The County's projected fiscal impact would be the same for both items - \$150,000 annually. The County can anticipate that the state's CSA reimbursement will be reduced by this amount to cover residential care for children in foster care at the local match rate for residential.
House/Senate/Conference: No change.		
292 #1s	Senate: Eliminates the 2% cap on rate increases for private day special education services.	Although removal of the 2% rate cap on tuition rate increases will allow providers to negotiate higher rates and may be more costly to the County, it will restore sum sufficiency for special education services. Since CSA funds mandated private IEP services in collaboration with FCPS, the County has limited ability to cap services and/or the selection of providers for service delivery.
292 #1c	Conference: Eliminates the 2% cap on rate increases for private day special education services under the CSA in FY 2022. This rate cap was temporary until the completion of the rate-setting study, which will be complete in FY 2021.	This is positive for the County and restores sum sufficiency in FY 2022, after which it appears that Private Day will be removed from coverage by CSA.
292 #2s, #2c	Senate/Conference: Eliminates language that explicitly authorizes localities to adjust daily or monthly rates for the 2020-2021 school year for virtual or distance learning provided by a private school serving students with disabilities.	No impact on the County.
292 #3c	Conference: Provides approximately \$305,000 GF in FY 2022 for the fiscal impact of SB 1328 (Mason), which establishes the State Kinship Guardianship Assistance program, which allows payments to be made to relatives, including fictive kin, who receive custody of a child. A corresponding amendment in the Department of Social Services reduces funding through the Title IV-E program as some children will transition to the State-Funded Kinship Guardianship Assistance Program.	Positive as it supports kincare and funding for relatives who assume custody of a child.

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293	Governor Northam's Budget: Delays the deadline for submission of a report on rate-setting for private special education day placement services from September 1, 2020, to September 1, 2021, and provides \$100,000 GF in FY 2022 for the Office of Children's Services (OCS) to contract for assistance in implementing rate-setting. Directs the implementation of statewide rate-setting effective July 1, 2022. Extends the moratorium on rate increases above 2% through the end of the biennium.	This will provide a statewide mechanism to control and regulate special education costs in private settings, which have been rising around 7% annually. In Fairfax County, the average annual expenditures have increased by 1.8 - 4.7%, a cost increase lower than other parts of the state. The current 2% rate cap has resulted in a reduction in sum sufficiency by not permitting local CSA programs to cover rates over the capped amount in rate-setting states like Maryland (MD). Due to federal law for special education, the IEP must be honored and the costs paid, regardless of VA rate structuring. If these costs to the school system are passed on to local government, then Fairfax will now be covering costs with local funds that previously had a state match. The state has basically limited their financial responsibility for the cost increases and passed it on to the locality (school and then county). The 2% cap does not apply to ancillary services and may not result in lowering overall expenditures. The cost expenditures are also driven by utilization and purchase of more days of service, which will not be controlled by rate-setting. The current language in the Appropriations Act is directed at localities, not at Private Special Education programs or the state. It does not prohibit schools from charging greater than 2%, and merely limits the actions of local government, passing on the expense to the school system. The County estimates that uncovered costs may range from \$25,000-50,000 in FY 2021 for youth placed in MD and DC programs.
293 #1h	House: Adds approximately \$121,000 GF in FY 2022 to OCS to implement new responsibilities for monitoring local program performance and working with local programs that underperform to strengthen their operations pursuant to the passage of HB 2212 (Plum).	Monitor. OCS may impose new expectations on local CSA programs without providing any additional administrative funding increase.
293 #1s	Senate: Reduces funding in FY 2022 that was provided for administration of a rate-setting process for private special education day placements by \$50,000 GF, and directs that rate-setting be established at a future date to be determined by the 2022 GA (the introduced budget would provide for rate-setting to begin July 1, 2022).	Monitor.
293 #1c	Conference: Adds approximately \$121,000 GF for OCS to implement new responsibilities for monitoring local program performance and working with local programs that underperform to strengthen their operations pursuant to the new statutory requirements in HB 2212 (Plum). It also adds language requiring OCS to develop a plan to modify its staffing and operations to ensure effective local implementation of the CSA. It also directs OCS to collect annually from each local CSA program the number of program staff by full- and part-time status and information on local administrative budgets to better understand local program resources. These actions are based on recommendations from the Joint Legislative Audit and Review Commission's (JLARC) November 2020 study on CSA.	Monitor - may impose new unfunded requirements on the County's programs.
291 #2c	Conference: Directs the Secretary of Health and Human Resources to convene a work group to research and recommend strategies for the financing of health care services for undocumented immigrant children. Approximately 13,000 immigrant children in Virginia lack health insurance and approximately 9,000 of those children live under 200% of the federal poverty level. They do not qualify for Children's Health Insurance Program (CHIP)-funded health insurance due to their immigration status.	Positive. This would have a substantial impact on healthcare services available for undocumented immigrant children in Fairfax County. Workload impact to Fairfax County is dependent on the recommendations and outcome of the work group.
Early Childhood Services		
145	Governor Northam's Budget: During the 2020 Special Session I, the amended budget restored most of the funding in FY 2022 for Early Childhood initiatives that were unallotted at the 2020 Reconvened Session of the GA. The Governor's Budget includes approximately \$11.1 million in FY 2022 to restore the remaining unallotted amounts for the Virginia Preschool Initiative (VPI) by increasing the funded per pupil amount from \$6,959 to \$7,655.	Based upon the current County VPI service level (FY 2021), the County could draw down an additional total of \$1.1 million in state revenue over the current grant amount in FY 2022. The grant requires a local match.

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145 #8h	House: Reduces funding by approximately \$11.1 million GF in FY 2022 and leaves the per pupil amount in FY 2022 at the level approved during the Special Session I. The FY 2022 level reflects an increase of 10% from \$6,326 in FY 2021 to \$6,959 in FY 2022. The Governor's introduced budget had proposed increasing the per pupil amount to \$7,655 for FY 2022.	Based upon the current County VPI service level (FY 2021), the County could draw down an additional total of \$510,192 in state revenue over the current grant amount in FY 2022. The grant requires a local match. This amendment would provide the County approximately \$550,000 less than the Governor's introduced budget, since the House amendment includes a 10% increase per pupil instead of the 21% increase per pupil in the Governor's introduced budget.
	Senate: No change. Conference: No change.	Based upon the current County VPI service level (FY 2021), the County could draw down an additional total of \$1.1 million in state revenue over the current grant amount in FY 2022. The grant requires a local match.
137 #1h, #1c	House/Conference: Directs the Department of Education to submit a report on implementation of an early childhood mental health consultation program, and identify any barriers to implementation that may be addressed through legislative, regulatory or budgetary action.	No fiscal impact to the County.
137 #2h, #2c	House/Conference: Expands the Child Care Subsidy Program and appropriates approximately \$52.5 million NGF in FY 2022 from the federal Child Care and Development Fund (CCDF) to implement the provisions of HB 2206 (Filler-Corn), which temporarily expands the Child Care Subsidy Program. Recently, additional CCDF funds became available to states through the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) of 2021.	This would provide families the opportunity to receive child care subsidies while they look for work. It would also give access to additional families as it increases the income eligibility limit to 85% state median income which is higher than the current 250% federal poverty level. No fiscal impact to Fairfax County as the Virginia Department of Social Services makes direct payments to child care programs for state funded child care assistance.
145	Governor Northam's Budget: Restores Supplemental Education Assistance Programs in FY 2022 that were previously unallotted at the 2020 Reconvened Session of the GA by including \$5 million in FY 2022 for incentive payments to retain early childhood educators.	TBD. Likely positive for educators in community early childhood programs.
145 #1h	House: Requires the Department of Education to prioritize serving at-risk four-year-old children when reallocating funds among components of VPI, such as the community provider add-on and the at-risk three-year-old pilot program.	No fiscal impact to the County.
	Senate: No change.	
145 #14c	Conference: Same as House.	
145	Governor Northam's Budget: Requires that local VPI programs enroll special education students (defined as students with an IEP) at 10% of total enrollment or higher. VPI programs that are unable to meet this target shall provide reasons that the target was not met in their annual comprehensive report.	No fiscal impact to the County.
350 #1h	House: Supplants \$16.6 million GF with \$16.6 million in federal CARES Act funding for Child Care for School Age Children to provide support to school divisions, local governments and other entities for the provision of space to increase local capacity to provide care for school-age children, purchase personal protective equipment and cleaning supplies, and provide a stable financial environment for the operation of these programs.	No fiscal impact to the County.
350 #3h	House: Expands the Child Care Subsidy Program and appropriates approximately \$9.6 million NGF in FY 2021 from the federal CCDF to provide for the temporary expansion of the Child Care Subsidy Program, pursuant to the passage of HB 2206 (Filler-Corn).	This bill would provide families the opportunity to receive child care subsidies while they look for work. This bill would also give access to additional families as it increases the income eligibility limit to 85% of the state median income which is higher than the current 250% of the federal poverty level. No fiscal impact to Fairfax County as Virginia Department of Social Services makes direct payments to child care programs for state funded child care assistance.
350 #6c	Conference: Same as House.	

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Child Welfare		
354	Governor Northam's Budget: Restores approximately \$9.2 million GF in FY 2022 for the statewide Family First Prevention Services Act (FFPSA) prevention services program. FFPSA is federal legislation that is designed to help keep children safe and out of the foster care system if possible, by keeping families together.	TBD. It is unclear how this funding will be distributed throughout the state. To implement the Families First requirements, it may be necessary to shift workforce resources within Fairfax County's Department of Family Services (DFS).
House/Senate/Conference: No change.		Positive.
354 #3s	Senate: Adds language to extend payments to children aging out of Fostering Futures through September 30, 2021.	Positive.
354 #2s	Senate: Directs the Department of Social Services to create a diversion program supporting relative and fictive kin families that makes use of all federal and state monies available to provide a payment to relative and fictive kin families who have temporary custody through a court order. A report is due by December 1, 2021.	The County supports a diversion program that provides financial support to relatives and fictive kin. However, it is unclear if there will be financial implications for the local department of social services (LDSS) based on this information.
354 #2c	Conference: Reduces approximately \$260,000 GF and approximately \$100,000 NGF in FY 2022 for the fiscal impact of SB 1328 (Mason), which establishes the State-Funded Kinship Guardianship Assistance Program (State KinGAP), which allows payments to be made to relatives, including fictive kin, who receive custody of a child. A corresponding amendment in CSA reflects the increase in maintenance payments from the State KinGAP program, while this amendment reflects the decrease in Title IV-E program costs as some children will transition to State KinGAP, which has lower maintenance payments than the Title IV-E program.	TBD.
Health Departments		
302	Governor Northam's Budget: Provides \$10.2 million GF in FY 2022 for costs associated with updating the current funding formula for local health departments. A portion of the funding is to be used to hold harmless localities that would otherwise experience a decline in state support. Language directs the Virginia Department of Health (VDH) to conduct an analysis of local match rates and report to the Governor every two years, and warns that similar hold harmless funding is not guaranteed in future years.	No impact to the County since the local Health Department is already supported at the 45% maximum locality match rate.
House: No change.		
302 #1s	Senate: Modifies a proposal in the introduced budget to update the revenue capacity data in the funding formula for the Cooperative Health Budget (which funds local health departments). As introduced, the formula would be updated in FY 2022, and state funding would be provided in FY 2022 to hold localities harmless that would be required to contribute an additional local match. The amendment would instead phase in the formula update over three years.	No impact to the County since the local Health Department is already supported at the 45% maximum locality match rate.
302 #2c	Conference: Reduces approximately \$7.4 million GF in FY 2022 by phasing in over 3 years the increase in local matching funds and the increase in state support for the updates to the local health department cooperative funding formula. The introduced budget provided \$10.2 million, which included funding for a hold harmless in FY 2022, to implement the funding formula changes. This amendment reflects one-third of the state impact in the second year as the changes are phased in over 3 years and, as such, a hold harmless is not necessary.	No impact to the County since the local Health Department is already supported at the 45% maximum locality match rate.
299	Governor Northam's Budget: Provides \$30 million GF in FY 2021 and \$59 million GF in FY 2022 to support a mass COVID-19 vaccination campaign, including purchase of equipment, support for local health departments, and warehousing and shipping costs.	TBD.
299 #3h	House: Provides approximately \$18 million NGF in FY 2021 in addition to the approximately \$30.2 million GF in FY 2021 included in the introduced budget for COVID-19 mass vaccination efforts. It also supplants the approximately \$59.1 million GF in FY 2022 dedicated for vaccination efforts with equivalent NGFs from CRRSAA.	TBD.

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299 #2s	Senate: Supplants GF dollars with NGF dollars from CRRSAA in FY 2022 for mass vaccination efforts. Additionally, for FY 2021, approximately \$30.2 million GF is supplanted with approximately \$18 million NGF and approximately \$12.2 million unspent Coronavirus Relief Funds (CRF) previously allocated to DMAS.	TBD
299 #5c	Conference: Supplants approximately \$30.2 million GF in FY 2021 and approximately \$59.1 million GF in FY 2022 to support the Commonwealth's mass vaccination efforts in response to the COVID-19 pandemic. On December 27, 2020, the federal Consolidated Appropriations Act, 2021, was signed into law, which provides substantial federal assistance to support states in vaccine administration efforts. Virginia's share of this funding is \$77.1 million. With this additional federal support, the GF added in the introduced budget can be supplanted with federal funds. The new federal funding is not sufficient to fully supplant all \$89.3 million GF in the biennium, however, CRF funds allocated to DMAS have not been fully utilized, so this amendment includes \$12.2 million in FY 2021 in CRF funds. A separate amendment in Central Appropriations reflects the change in the allocation of CRF funds.	TBD.
299	Governor Northam's Budget: Adds \$722,472 GF in FY 2021 and over \$1.4 million GF in FY 2022 for COVID-19 data modeling.	No fiscal impact to the County.
299 #2h	House: Supplants approximately \$722,000 GF from FY 2021 and approximately \$1.4 million GF from FY 2022 for COVID-19 data modeling with an equivalent amount of funds each year of the biennium from the federal Epidemiology and Laboratory Capacity for Prevention and Control of Emerging Infectious Diseases (ELC) grant provided through CRRSAA.	No fiscal impact to the County.
299 #3s	Senate: Reduces approximately \$722,000 GF in FY 2022 for COVID-19 data modeling.	No fiscal impact to the County.
299 #1c	Conference: Same as House.	No fiscal impact to the County.
307	Governor Northam's Budget: Provides \$6.5 million GF in FY 2021 and \$12.5 million GF in FY 2022 to further enhance VDH's communication efforts in response to the COVID-19 pandemic through the Virginia's Health is in Our Hands campaign.	No fiscal impact to the County.
307 #2h	House: Reduces \$6 million GF in FY 2022 for VDH's communication campaign in response to the COVID-19 pandemic. This action will provide level funding of \$6.5 million each year of the biennium for these efforts.	No fiscal impact to the County.
307 #2s, #1c	Senate/Conference: Supplants GF funding for COVID-19 communications needs with federal CRF funds.	No fiscal impact to the County.
302	Governor Northam's Budget: Provides approximately \$3 million GF in FY 2022 and 26 positions to support epidemiologist and communicable disease nurse positions at the Office of Epidemiology for public health emergency response and the COVID-19 pandemic response.	No fiscal or personnel impact to the County.
	House: No change.	
302 #2s	Senate: Provides approximately \$5.5 million GF in FY 2022 to fund an additional epidemiologist and communicable disease nurse in each local health district.	The amendment would provide 2 new positions for the County Health Department.

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Budget Bill Item #	Issue	Fairfax County Impact
302 #1c	Conference: Provides approximately \$2.7 million GF in FY 2022 in the Office of Epidemiology to support 23 additional positions, in addition to the \$3.1 million included in the introduced budget provided to sustain and expand VDH's communicable disease surveillance and investigation efforts across the Office of Epidemiology and the 35 local health districts in Virginia. The introduced budget funded 12 epidemiologists and 12 communicable disease nurses across the 35 health districts and funded two epidemiology program managers in the Office of Epidemiology in the Central Office. This amendment funds a total of 47 epidemiologists and communicable disease nurses to expand the Commonwealth's communicable disease surveillance and investigation capabilities. A separate amendment funds additional epidemiology program managers in the Office of Epidemiology.	TBD. The original request was to add an additional epidemiologist and a communicable disease nurse for each of the 35 local health districts (including Fairfax County). However, the conference report funding will support only 47 of the requested 70 positions. VDH will need to make decisions about where these staff can be best deployed across the Commonwealth.
Department for Aging and Rehabilitative Services		
291 #2s	Senate: Provides that it is the intent of the GA that a new agency for aging services be established July 1, 2022. The language creates a work group to consider the details of such a transition and make recommendations to the GA.	Monitor.
291 #1c	Conference: Provides that it is the intent of the GA to elevate aging services within state government to include considering the establishment of a new agency for aging services under the Office of the Secretary of Health and Human Resources, beginning July 1, 2022. The language creates a work group to consider the details of such a transition and to make the appropriate recommendations to the GA.	The County's 2021 Human Services Issue Paper reports that 27% of Fairfax County's population is aged 55 or older. The elevation of aging services within state government would support the needs of this increasing demographic. A work group will be created to consider details and recommendations, but fiscal impact to the County seems unlikely.
Mental and Behavioral Health		
321	Governor Northam's Budget: Provides approximately \$3.5 million GF in FY 2022 to support the diversion and discharge of individuals with dementia from state hospitals, to include contracts to support serving individuals in private settings and funding for a pilot mobile crisis program targeted toward individuals with a diagnosis of dementia. Directs the Secretary of Health and Human Resources to convene a work group to make recommendations for the use of evidence-based services for individuals with dementia to improve quality of care and reduce hospitalizations.	This is not expected to have any impact to the CSB or County financially. The Department of Behavioral Health and Developmental Services (DBHDS) will be contracting for this service with outside providers. The Fairfax CSB will be able to access these programs once they are online.
House/Senate/Conference: No change.		
321	Governor Northam's Budget: Provides \$2.5 million GF in FY 2022 for discharge assistance planning for individuals returning to the community from state hospitals.	This change places a fund that was typically more at the local level in control of the state. It is not a reduction, but an example of an ongoing shift of DBHDS attempting to control financial line items historically largely managed by the CSBs.
321 #1h	House: Removes the additional \$2.5 million GF in FY 2022 proposed in the introduced budget for discharge assistance planning for individuals returning to the community from state hospitals.	
Senate: No change.		
321 #1c	Conference: Level funds discharge assistance plans at current levels of \$35.5 million each year. Funds for this purpose were increased by \$7.5 million in FY 2021 and \$10 million in FY 2022 in Chapter 56, 2020 Special Session I Virginia Acts of Assembly. In addition, almost \$3.8 million each year was provided to DBHDS for additional programs to reduce census at the state behavioral health hospitals.	TBD.
320	Governor Northam's Budget: Provides \$80,000 GF in FY 2021 and \$691,612 GF in FY 2022 for administrative costs for implementation of the "Marcus Alert" legislation enacted in the special session.	DBHDS will be making a determination on which localities will get the initial funding within a month. The initial funding will be going to Prince William County. Fairfax has 2 staff on the statewide planning group, who are helping to write the rules for this new service.
House/Senate/Conference: No change.		
320	Governor Northam's Budget: Expands allowable uses for previously appropriated funds for Crisis Intervention Team (CIT) training to support CIT initiatives.	This will allow the CSB some financial flexibility for training, but will have minimal impact due to the small dollar amount of the CIT training budget from the state.
House/Senate/Conference: No change.		

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Budget Bill Item #	Issue	Fairfax County Impact
321	Governor Northam's Budget: Allows DBHDS to divert Local Inpatient Purchase of Services (LIPOS) funding from localities to a different state funding line.	LIPOS pays for local private hospitalizations. DBHDS is proposing to have this appropriation moved to a state line item. This is being presented as no net loss to the CSBs, and it is unclear how DBHDS plans to administer these dollars once they are moved. They are also planning on taking back any unused funds. This move has the potential to have a significant impact on the amount of outstanding dollars the CSB has for private regional hospitalizations.
321 #2h	House: Includes language clarifying that funding for purchase of acute inpatient or community-based psychiatric services at private facilities shall continue to be allocated to CSBs so as not to disrupt local service contracts.	Positive.
321 #6c	Senate: No change. Conference: Adds language clarifying the use of funding transferred from Item 322 Grants to Localities to Item 321 in the DBHDS central office. The move of the funds is intended to make it easier for CSBs and a Behavioral Health Authority to access the funding more efficiently and to reallocate unspent dollars in an expeditious manner.	TBD.
318	Governor Northam's Budget: Authorizes the State Board of Behavioral Health and Developmental Services to promulgate emergency regulations for licensing of children's residential facilities to align with federal requirements in the Family First Prevention Services Act for children's residential service providers to meet the standards for Qualified Residential Treatment Programs (QRTPs). Any regulation changes promulgated shall be budget-neutral and shall not exceed funding appropriated for these services.	TBD.
318 #1s	House/Senate/Conference: No change. Senate: Extends conditional licenses for Residential Treatment Centers due to the pandemic (up to six months past the duration of the Governor's emergency declaration).	
Central Appropriations		
477	Governor Northam's Budget: Provides a 1.5% one-time bonus for full-time local social services employees on September 1, 2021.	DFS estimates that the County would receive a \$0.5 million increase in state funding in FY 2022 that could help offset the County's cost of providing a bonus, should the Board of Supervisors approve one for FY 2022.
477 #2h	House: Provides funding for a 3.5% salary increase for full-time local social services employees effective July 1, 2021.	DFS estimates that the County would receive a \$1.4 million increase in state funding in FY 2022 that could help offset the County's cost of providing salary increases, should the Board of Supervisors approve them for FY 2022.
477 #1s	Senate: Provides funding for a 3% salary increase for full-time local social services employees effective September 1, 2021.	DFS estimates that the County would receive a \$1 million increase in state funding in FY 2022 that could help offset the County's cost of providing salary increases, should the Board of Supervisors approve them for FY 2022.
477 #2c	Conference: Provides funding for a 5% salary increase for state-supported employees of local departments of social services effective July 1, 2021.	DFS estimates that the County would receive approximately a \$2 million increase in state funding in FY 2022 that could help offset the County's cost of providing salary increases, should the Board of Supervisors approve them for FY 2022. If the Board of Supervisors approves a lower percentage increase, the state would only provide additional funds up to that percentage.
Department of Social Services		
349, 350, 351	Governor Northam's Budget: Provides approximately \$2 million GF and approximately \$2.9 million NGF in FY 2022 to expand the Supplemental Nutrition Assistance Program's Employment and Training (SNAP-ET) program to 95 additional LDSS.	No impact to the County.
350 #5s, #5c	House: No change. Senate/Conference: Reduces funding for expansion of SNAP-ET by \$1 million GF and approximately \$1.4 million NGF in FY 2022. This amendment reduces the additional funding in the Governor's budget by about half, thereby reducing the number of localities to which the program would expand.	No impact to the County.
351 #1h, #1s, #1c	House/Senate/Conference: Restores approximately \$2.2 million GF and approximately \$2.2 million NGF in FY 2022 to increase minimum salary levels for LDSS staff. Salary levels for family services staff would be increased by 20%, and minimum salary levels for benefit program services, self-sufficiency services, and administrative positions would be increased by 15%.	No impact to the County. Since the County's LDSS has its own classification and salary structure, there would be no impact to the County's minimum salary levels if the minimum state scale adjusts.

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312 #1h, #1s	House/Senate: Adds approximately \$11.1 million GF and approximately \$20.7 million from federal funds in FY 2022 to amend the Virginia Family Access to Medical Insurance Security (FAMIS) State Plan to allow prenatal care for all children regardless of the expectant mother's immigration status. Expands FAMIS MOMs prenatal care to eligible undocumented women.	Positive. This would have a substantial impact on healthcare services provided across the county for pregnant undocumented women. This would also result in a workload increase for the County, as these women would become eligible for Medicaid coverage. More information is needed to determine the full scope of the impact.
312 #2c	Conference: Adds approximately \$11.1 million GF and approximately \$20.7 million from federal matching funds in FY 2022 and language extending the provision for the payment of prenatal care for pregnant women through FAMIS regardless of the expectant mother's immigration status, pursuant to provisions in Title XXI of the federal 2009 CHIP Reauthorization Act that includes care of all children without regard for an expectant mother's citizenship status who would otherwise be eligible under state requirements. A companion amendment in the Medicaid program (Item 313) reduces expenditures by \$13.4 million GF and \$13.4 million in matching federal Medicaid funds based on the adoption of this change. Consequently, the provision of these services results in a savings of approximately \$2.3 million to the GF and the receipt of approximately \$7.3 million more in matching federal funds for the CHIP program, which has a higher federal match rate than the Medicaid program.	Positive. This would have a substantial impact on healthcare services provided across the county for pregnant undocumented women. This could potentially result in a workload increase for the County, as these women would become eligible for Medicaid coverage. More information is needed to determine the full scope of the impact.
317 #2c	Conference: Adds \$250,000 GF in FY 2022 and matching federal Medicaid funding to analyze Medicaid and FAMIS administrative and operational data requirements and their impact on maternal mortality and birth outcomes. Medicaid claim edits, payment policies, provider requirements, and coverage policies impact how providers deliver care and members access services. Language requires this analysis to be conducted by an external third-party in close collaboration with DMAS and Medicaid managed care organizations to provide an impartial perspective. It requires the analysis and research to be conducted by a Virginia Department of Small Business and Supplier Diversity-certified SWaM business. Language requires the department to report on this analysis to the Task Force on Maternal Health Data and Quality Measures, established by HB 2111 (Herring).	No direct impact to the County, although a study on health outcomes may be beneficial.
349	Governor Northam's Budget: Provides \$75,000 GF in FY 2022 for an emergency approval process for kinship caregivers in order to help place children with eligible relatives.	No impact to the County.
	House/Senate/Conference: No change.	
	Safety Net Programs	
350 #4h	House: Provides approximately \$335,000 GF and approximately \$3.8 million NGF to increase TANF benefits by 5%. The GF appropriations reflect the increase for the TANF Unemployed Parent program, which is state-funded.	Support for increases in TANF reimbursement rates is included in the County's 2021 Human Services Issue Paper.
350 #1s	Senate: Provides \$1.4 million GF and approximately \$15.9 million NGF from TANF in FY 2022 to increase the standards of assistance by 18%. Language requires the Department of Social Services to develop a plan to increase the standards of assistance by 18% annually until the standards equal 50% of the FPL, which is estimated to take four years.	Support for increases in TANF reimbursement rates is included in the County's 2021 Human Services Issue Paper.
350 #2c	Conference: Provides approximately \$670,000 GF and approximately \$7.7 million NGF in FY 2022 to increase TANF benefits by 10%. Language requires the Department of Social Services to develop a plan to increase the standards of assistance by 10% annually until the standards equal 50% of the federal poverty level.	Support for increases in TANF reimbursement rates is included in the County's 2021 Human Services Issue Paper.
350 #2s	Senate: Directs the Department of Social Services to develop demonstration projects with a goal of assisting families to earn a living wage and escape poverty, to include a "benefit cliff" pilot.	Positive.

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Budget Bill Item #	Issue	Fairfax County Impact
350 #3s, #4c	Senate/Conference: Adds approximately \$2.1 million NGF in FY 2022 from the TANF block grant for the implementation of individual development accounts for TANF recipients by the Department of Social Services.	Positive.
353 #1s	Senate: Provides \$4.4 million GF in FY 2022 to increase the Auxiliary Grant (AG) rate, a state supplement that provides maintenance and care to aged, blind, and disabled adults residing in assisted living facilities, adult foster care homes, or supportive housing settings, by 20% on July 1, 2021.	Positive.
353 #1c	Conference: Provides \$4.4 million GF in FY 2022 to increase the Auxiliary Grant (AG) rate, a state supplement that provides maintenance and care to aged, blind, and disabled adults residing in assisted living facilities, adult foster care homes, or supportive housing settings, by 10%, or \$142, on July 1, 2021.	Positive.
356	Governor Northam's Budget: Provides \$3 million NGF in FY 2022 to extend TANF grant funding to the Federation of Virginia Food Banks to provide child nutrition programs.	Positive.
356 #1h, 2h, 3h, 4h, 5h, 6h	House: Provides \$200,000 to the Lorton Community Action Center, \$500,000 to United Community, \$200,000 to Good Shepherd Housing and Family Services, \$250,000 to FACETS, \$200,000 to Koinonia, and \$200,000 to BritePaths in FY 2022 from the TANF block grant to provide services to low-income families during the COVID-19 pandemic.	These nonprofit organizations serve County residents.
356 #4c, #5c, #6c, #7c, #8c, #9c	Conference: Same as House.	
356 #1s	Senate: Provides \$500,000 to Northern Virginia Family Services in FY 2022 from TANF to provide wrap-around supports to families suffering impacts from COVID-19.	This nonprofit organization serves County residents.
356 #2c	Conference: Same as Senate.	
359 #3c	Conference: Establishes an interagency work group to develop recommendations for local criminal justice diversion programs to provide alternatives to arrest, conviction or incarceration for lower-level offenses.	The County's participation on this work group could be potentially beneficial.

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Budget Item #	Issue	Fairfax County Impact
	Public Education	Fairfax County Public Schools (FCPS) Impact (School Operating Fund)
	Update Sales Tax Revenue	
145 C.25 for Sales Tax	<p>Governor Northam's Budget: Reflects the most recent estimates of sales tax revenue dedicated to public education for FY 2021 and 2022. The net change in state funding to school divisions (due to both the estimated sales tax revenue increase and the Basic Aid offset) is an increase of approximately \$42.3 million in FY 2021 and an increase of approximately \$46.6 million in FY 2022, compared to the estimates from the Special Session I.</p>	<p>Sales tax results in reduced funding of \$17.3 million in FY 2021 and \$12.7 million in FY 2022 as compared to FCPS' FY 2021 Approved Budget.</p> <p><i>Note: In FY 2021, a separate one-time COVID-19 relief payment was provided to school divisions to offset the impact of the reduction of sales tax revenue estimates on the local share of Basic Aid. FCPS' allocation totaled \$11.3 million for FY 2021.</i></p>
	House/Senate: No change.	
145 #18c	<p>Conference: This amendment provides approximately an additional \$40 million GF in FY 2021 and approximately \$45.7 million GF in FY 2022 based on the revised sales tax distributions in the midsession reforecast. This increases the estimated sales tax dedicated to K-12 by \$90.4 million in FY 2021 and \$103.2 million in FY 2022, reducing the state's share of Basic Aid payments by \$50.4 million GF in FY 2021 and \$57.5 million GF in FY 2022. Corresponding amendments reduce the COVID-19 Local Relief Payments and adjust the No Loss Payments as a result of this action.</p>	<p>Sales tax results in increased funding of \$9.7 million in FY 2022 as compared to the FY 2022 Advertised Budget.</p> <p><i>Note: It is important to note that a corresponding decrease to No Loss Payments was made as a result of this action.</i></p>
	Update Lottery Revenue	
145 B.22	<p>Governor Northam's Budget: Total Lottery proceeds are projected to increase by approximately \$27.1 million in FY 2021 and by approximately \$24.8 million in FY 2022, compared to the Lottery estimate during the Special Session I. Lottery proceeds are being used to fund the state's share of the cost of various programs, such as the Infrastructure and Operations Per Pupil Fund, Early Reading Intervention, K-3 Primary Class Size Reduction, Special Education Regional Tuition, and SOL Algebra Readiness.</p>	<p>Lottery revenues result in an increase of \$0.5 million in FY 2021 and \$0.5 million in FY 2022 as compared to FCPS' FY 2021 Approved Budget.</p>
145 #14h	<p>House: Adds approximately \$20.1 million GF in FY 2021 and approximately \$9.9 million GF in FY 2022 to ensure 40% of lottery proceeds are dedicated to Infrastructure and Operations Per Pupil payments. The House increases the Lottery Per Pupil Allocation (PPA) by approximately \$30 per pupil in FY 2021 and \$15 per pupil in FY 2022.</p>	<p>The FCPS impact of the increased Lottery PPA is \$1.8 million in FY 2021 and \$0.9 million in FY 2022. It is important to note that this increase is offset by a decrease in No Loss funding.</p>
145 #7s	<p>Senate: Adds approximately \$30 million GF in FY 2022 from the Lottery Proceeds Fund disbursed to support the state share of \$117.18 per pupil the second year based on the estimated number of federal Free Lunch participants, in support of one-time programs and initiatives to address learning loss resulting from the COVID-19 pandemic.</p>	<p>This is an increase of \$1.7 million to FCPS in FY 2022.</p>
145 #13c, 8c	<p>Conference: Adds approximately \$20.1 million GF in FY 2021 and approximately \$9.9 million GF in FY 2022 to ensure 40% of Lottery Proceeds are dedicated to Infrastructure and Operations Per Pupil Payments. The additional funding increases these Per Pupil Payments by approximately \$30 per pupil in FY 2021 and \$15 per pupil in FY 2022.</p> <p>Provides approximately \$40 million GF in FY 2021 from the Lottery Proceeds Fund to support one-time programs and initiatives to address learning loss experienced by students due to the COVID-19 pandemic. No local match is required, and unexpended funds from the first year shall remain available in the second year.</p>	<p>The FCPS impact of the increased Lottery PPA is \$1.8 million in FY 2021 and \$0.9 million in FY 2022.</p> <p><i>Note: It is important to note that this increase is offset by a corresponding decrease in No Loss funding.</i></p> <p>Funding for Learning Loss reflects an increase of \$2.2 million to FCPS in FY 2021.</p>

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Budget Item #	Issue	Fairfax County Impact
<u>Update Average Daily Membership (ADM) and Fall Membership</u>		
145A.1	<p>Governor Northam's Budget: Revises projected ADM based on the latest actual ADM and fall membership data available, reflecting a significant downward adjustment due to the impact of the COVID-19 pandemic on student enrollment. On a statewide basis, the revised ADM projections are 44,096 students lower in FY 2021 and 44,296 students lower in FY 2022 than the original projections during the Special Session I. The ADM and fall membership updates result in an estimated decrease of \$201.2 million in FY 2021 and \$202.9 million in FY 2022.</p> <p>House/Senate/Conference: No change.</p>	<p>FCPS' ADM is projected to be 8,060 students lower in FY 2021 and 7,600 students lower in FY 2022, resulting in a state funding decrease of \$37.6 million in FY 2021 and \$28.9 million in FY 2022 as compared to FCPS' FY 2021 Approved Budget.</p> <p><i>Note: A separate amendment includes a No Loss Program provision.</i></p>
<u>Compensation Increase in FY 2022</u>		
145C.44	<p>Governor Northam's Budget: Contingent on FY 2021 revenues meeting projections, provides approximately \$80 million for a 2%, one-time bonus payment in FY 2022 on September 1, 2021. While the bonus payment must be provided by school divisions in order to receive the state funds, a required local match based on the division composite index is not specifically required in FY 2022 under this action. State funding is provided to school divisions that certify to the Virginia Department of Education (VDOE) that a minimum average 2% bonus OR "equivalent action" will be provided in FY 2022, by September 1, 2021, to all instructional and support employees in the division.</p>	<p>For FY 2022, funding of \$7.7 million is included for the state's share of a 2%, one-time bonus payment to FCPS. The FCPS cost of providing a 2% bonus is \$39.3 million. After accounting for the state's share of a 2% bonus, the net expenditure increase to FCPS would be \$31.6 million.</p>
145 #10h	<p>House: Provides approximately \$231.4 million GF in FY 2022 and approximately \$759,000 from the Lottery Proceeds fund to provide a 5% salary increase, effective July 1, 2021. This represents an addition of \$151.7 million the second year, to convert the 2% bonus payment that was proposed in the budget as introduced to a 5% salary increase. To access these funds, school divisions must certify that salary increases of an average of 5% will be provided during the 2020-2022 biennium.</p>	<p>Adds funding of \$14.7 million in addition to the \$7.7 million in the Governor's budget for FY 2022 to convert the 2% bonus to a 5% pay increase. The cost to FCPS to provide a 5% salary increase is \$122.9 million. After accounting for state funding, the net cost to FCPS would be \$100.4 million.</p> <p>Based on School Board action on February 18, 2021, it is important to note that the FCPS FY 2022 Advertised Budget includes a 3% compensation increase, and does not meet the requirement to receive the state's share of a 5% salary increase.</p> <p>The County supports state funding for salary increases for K-12 staff, but also supports a suspension of the local match requirement for the 2020-2022 biennium budget.</p>
145 #6s	<p>Senate: Provides approximately \$139.8 million GF in FY 2022 and approximately \$457,000 from the Lottery Proceeds fund to provide a 3% salary increase for Standards of Quality (SOQ)-recognized instructional and support positions, to become effective August 1, 2021. This represents an addition of \$59.3 million the second year to provide a 3% salary increase in lieu of the 2% bonus that was proposed in the budget as introduced.</p>	<p>Adds funding of \$5.7 million in addition to the \$7.7 million in the Governor's budget for FY 2022 to convert the 2% bonus to a 3% pay increase. The cost to FCPS to provide a 3% salary increase is \$73.7 million. After accounting for state funding, the net cost to FCPS would be \$60.3 million.</p> <p>Based on School Board action on February 18, 2021, it is important to note that the FCPS FY 2022 Advertised Budget includes a 3% compensation increase. As a result of this action, FCPS requested an additional \$60.3 million increase in the County's transfer to cover FCPS' cost for the salary increase.</p> <p>The County supports state funding for salary increases for K-12 staff, but also supports a suspension of the local match requirement for the 2020-2022 biennium budget.</p>

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Budget Item #	Issue	Fairfax County Impact
145 #11c	<p>Conference: Provides approximately \$233.7 million GF in FY 2022 and approximately \$759,000 from the Lottery Proceeds fund to provide a 5% salary increase, effective July 1, 2021. This represents an addition of \$153.6 million in FY 2022, to convert the 2% bonus payment that was proposed in the budget as introduced to a 5% salary increase. To access these funds, each school division must provide at least an average 2% pay increase during the 2020-2022 biennium, and funding provided is prorated for school divisions providing between 2% and 5% pay increases over the biennium.</p>	<p>Adds funding of \$15 million in addition to the \$7.7 million in the Governor's budget for FY 2022 to convert the 2% bonus to a 5% pay increase. The cost to FCPS to provide a 5% salary increase is \$122.9 million. After accounting for state funding, the net cost to FCPS would be \$100.2 million.</p> <p>Based on School Board action on February 18, 2021, it is important to note that the FCPS FY 2022 Advertised Budget includes a 3% compensation increase, and does at least meet the average 2% requirement to receive the state's share of a prorated salary increase. The cost to FCPS to provide a 3% salary increase is \$73.7 million. After accounting for state funding, the net cost to FCPS would be \$60.3 million. As a result of this action, FCPS requested an additional \$60.3 million increase in the County's transfer to cover FCPS' cost for the salary increase.</p> <p>To provide the minimum required 2% salary increase, the total cost for FCPS would be \$49.1 million, with the state contributing only \$8.9 million, while FCPS would have to cover the remaining \$40.2 million.</p>
<u>Cost of Competing Adjustment</u>		
145 #11h	<p>House: Provides approximately \$13.2 million GF in FY 2022 to increase the Cost of Competing Adjustment (COCA) for support positions in the school divisions in Planning District 8 and certain adjacent divisions specified in the Appropriation Act that are eligible to receive COCA funds. For the nine Planning District 8 school divisions, this action would increase the adjustment factor from 10.6% to 18%. For the nine adjacent school divisions, this action would increase the adjustment factor from 2.65% to 4.5%. This restores and expands funding that was eliminated in Chapter 56, 2020 Special Session I that would have increased the adjustment factors from 10.6% to 16% and 2.65% to 4%.</p>	<p>Adds \$4.4 million to increase the COCA rate to 18% in FY 2022. Restoring funding for COCA is included in the County's 2021 Legislative Program.</p>
145 #12c	<p>Conference: Provides approximately \$14.6 million GF in FY 2022 to increase COCA for support positions in the school divisions in Planning District 8 and certain adjacent divisions specified in the Appropriation Act that are eligible to receive COCA funds. For the nine Planning District 8 school divisions, this action would increase the adjustment factor from 10.6% to 18%. For the nine adjacent school divisions, this action would increase the adjustment factor from 2.65% to 4.5%. This restores and expands funding that was eliminated in Chapter 56, 2020 Special Session I that would have increased the adjustment factors from 10.6% to 16% percent and 2.65% to 4%.</p>	<p>Adds \$4.9 million to increase the COCA rate to 18% in FY 2022.</p>
<u>School Safety</u>		
145 B.7.g	<p>Governor Northam's Budget: Includes approximately \$26.6 million for school counselors in FY 2022. The funded staffing standards for school counselors in FY 2021 are 455-to-1 in elementary schools, 370-to-1 in middle schools, and 325-to-1 in high schools. This action reduces the staffing ratios to 325-to-1 in all schools in FY 2022.</p>	<p>For FY 2022, FCPS' total counselors funded in Basic Aid increased from 465 to 558 compared to the FY 2021 Approved Budget, a net increase of 93 funded positions for the state share. FCPS currently meets the staffing ratio included in the Governor's proposal.</p>
	<p>House: No change.</p>	

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Budget Item #	Issue	Fairfax County Impact
145 #8s; 479.20 #1s	<p>Senate: Provides the state's share of three specialized student support positions per 1,000 students. Specialized student support positions include school social workers, school psychologists, school nurses, licensed behavior analysts, licensed assistant behavior analysts, and other licensed health and behavioral positions.</p>	<p>FCPS would receive \$4.6 million in FY 2022 for the state's share of 3 specialized student support positions per 1,000 students. To meet this requirement in FY 2022, the following positions would need to be added: 6 psychologists, 14 social workers, and 86 nurses for a total of \$12.6 million for FCPS and the County. After accounting for state revenue, the net cost totals \$8 million.</p> <p>It is important to note that if additional revenues are available, the requirement could change to 4 specialized student support positions per 1,000 students. The total cost is estimated to be \$34.3 million prior to accounting for additional state revenue.</p> <p>Additionally, the Superintendent of Public Instruction is directed to convene a work group to make recommendations on the staffing standards for school nurses. The recommendations shall include the appropriate school nurse staffing ratio and the required qualifications and training for school nurses.</p>
145 #2c	<p>Conference: Retains the Governor's introduced budget to fund staffing standards for school counselors in FY 2021 at 455-to-1 in elementary schools, 370-to-1 in middle schools, and 325-to-1 in high schools. This action reduces the staffing ratios to 325-to-1 in all schools in FY 2022.</p> <p>Provides approximately \$49 million GF for the state's share of 3 specialized student support positions per 1,000 students. Specialized student support positions, consistent with SB 1257 (McClellan), include school social workers, school psychologists, school nurses, licensed behavior analysts, licensed assistant behavior analysts, and other licensed health and behavioral positions.</p>	<p>FCPS would receive \$4.6 million in FY 2022 for the state's share of 3 specialized student support positions per 1,000 students. To meet this requirement in FY 2022, the following positions would need to be added: 6 psychologists, 14 social workers, and 86 nurses for a total of \$12.6 million for FCPS and the County. After accounting for state revenue, the net cost totals \$8 million.</p> <p>Directs the Superintendent of Public Instruction to convene a work group to make recommendations to the GA on the required qualifications and training for school personnel providing health services in schools.</p>
<u>No Loss Funding in FY 2021 and FY 2022</u>		
145 C.40	<p>Governor Northam's Budget: Recognizes the effects of the COVID-19 pandemic on school enrollment by providing approximately \$299.4 million in FY 2021 and approximately \$214.2 million in FY 2022 for No Loss funding compared to projections during the Special Session I.</p>	<p>FCPS would receive \$32.4 million in FY 2021 and \$18.3 million in FY 2022 as a result of this policy change. No Loss funding was not included in the FY 2021 Approved Budget as the policy change came after the budget was approved. This exists because of the technical update to ADM. The Governor's budget revises ADM projections based on the latest actual ADM and fall membership data.</p> <p>The Governor's introduced budget includes a No Loss provision which ensures that each school division's bottom line for FY 2022 does not fall below their FY 2022 Special Session I budget allocations.</p>
145 #12h	<p>House: Provides \$234.7 million GF in FY 2021 and \$214.2 million GF in FY 2022 for No Loss payments. These payments ensure no school division receives less state funding in either fiscal year than the calculated amount in Chapter 56, 2020 Special Session I. In FY 2021, such No Loss payments are reduced by an amount equal to 25 percent of each school division's ESSER II federal relief distribution, and such reduction is capped at 25% of the No Loss payment.</p>	<p>In FY 2021, the House reduced the No Loss funding payment by a total of \$9.8 million from the Governor's introduced budget. This amendment adjusts the funding for No Loss Payment, based on the equivalent of lottery per pupil amount and technical adjustments combined with a reduction based on 25% of ESSER II.</p>
	<p>Senate: No change.</p>	
145 #20c	<p>Conference: Adjusts the funding for No Loss Payments as proposed in the Governor's introduced budget, based upon other actions, including the sales tax update, increased Infrastructure and Operations Per Pupil Payments, and technical updates.</p>	<p>Reduces No Loss funding by \$2.2 million in FY 2021 and \$10.6 million in FY 2022.</p> <p><i>Note: It is important to note that a corresponding increase to sales tax and infrastructure operations per pupil was made as a result of this action.</i></p>

**BUDGET PROPOSALS FOR 2020 - 2022
DURING THE 2021 GENERAL ASSEMBLY SESSION
as of March 8, 2021**

Budget Item #	Issue	Fairfax County Impact
<u>Other Items of Interest</u>		
	Governor Northam's Budget: Reduces unfunded liabilities in the VRS teacher retirement plan by directing a deposit of an estimated \$61.3 million in FY 2021 to expedite repayment of contributions that were deferred during the 2010-2012 biennium.	It is anticipated that this action will have a potential impact on future contributions beginning in FY 2023.
145 #20h, 15h	House: Adds approximately \$51.1 million NGF based on the state's share of an add-on, as a percent of the per pupil basic aid cost, for each child who qualifies for the federal Free Lunch Program, based on the concentration of children qualifying for the federal Free Lunch Program. Based on its percentage of Free Lunch participants, each school division will receive a total between 0 and 6 percent in additional basic aid per Free Lunch participant based on the composite index of local ability-to-pay, and no local match will be required. Provides \$6.5 million NGF to fund the state's share of costs for school divisions to provide any student with a disability who receives special education and related services, reaches age 22 after September 30, 2020, and is scheduled to complete high school in the spring of 2021, the option for an extension to attend high school for the duration of the 2021–2022 school year.	FCPS would receive \$1.4 million in FY 2021 for Learning Loss Supplement as a result of this policy change. FCPS would receive \$0.6 million in FY 2022 to provide an additional year of high school for special education students who reach age 22 after September 30, 2020, and are scheduled to complete high school in the spring of 2021. Additional information is being compiled to estimate the impact to FCPS.
145 #11s	Senate: The amendment requires all school divisions to offer in-person instruction options in the 2021-2022 school year to a student if the parent or guardian requests.	FCPS currently has a plan to offer in-person instruction for FY 2022.
145 #10c; 146 #1c	Conference: Retains the Governor's proposal to reduce unfunded liabilities in the VRS teacher retirement plan by directing a deposit of an estimated \$61.3 million in FY 2021 to expedite repayment of contributions that were deferred during the 2010-2012 biennium. Provides \$120,000 GF in FY 2022 to support the purchase of albuterol and spacers for public schools in Virginia. HB 2019 (McQuinn) will require undesignated stock albuterol inhalers to be maintained in every public school. Provides one additional year of education for students with disabilities who were 19 years of age or older and enrolled during the 2020-2021 school year. The amendment provides \$6.5 million in FY 2022 from federal Elementary and Secondary School Emergency Relief funds authorized in CRRSAA to address the state share of per pupil costs and costs that do not qualify under the federal Individuals with Disabilities Education Act.	FCPS would receive \$0.6 million in FY 2022 to provide an additional year of high school for special education students who reach age 22 after September 30, 2020, and are scheduled to complete high school in the spring of 2021. Additional information is being compiled to estimate the impact to FCPS.

**BUDGET PROPOSALS FOR 2020 - 2022
DURING THE 2021 GENERAL ASSEMBLY SESSION
as of March 8, 2021**

Budget
Item #

Issue	Fairfax County Impact
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<u>Impact to the Fairfax County Public Schools' (FCPS) Operating Fund Budget</u>	
<p>Governor Northam's Budget: Compared to FCPS' FY 2021 Approved Budget, Governor Northam's budget includes a \$21.9 million increase in state aid and a \$17.3 million decrease in sales tax revenue for FY 2021.</p> <p>For FY 2022, Governor Northam's budget includes a \$3 million increase in state aid and a \$12.7 million decrease in sales tax revenue compared to FCPS' FY 2021 Approved Budget.</p> <p>House: Compared to FCPS' FY 2021 Approved Budget, the House budget amendments include a \$15.3 million increase in state aid and a \$17.3 million decrease in sales tax revenue for FY 2021.</p> <p>For FY 2022, the House includes a \$5.3 million increase in state aid and no change in sales tax revenue compared to FCPS' FY 2022 Advertised Budget. The FY 2022 Advertised Budget does not include the state's share of a 5% salary increase. Based on School Board action on February 18, 2021, the FY 2022 Advertised Budget includes a 3% compensation increase, but not the 5% increase required to receive the state's share provided in the House proposed amendments.</p> <p>Senate: Compared to FCPS' FY 2021 Approved Budget, the Senate budget amendments include a \$21.9 million increase in state aid and a \$17.3 million decrease in sales tax revenue for FY 2021.</p> <p>For FY 2022, the Senate includes a \$6.3 million increase in state aid and no change in sales tax revenue compared to FCPS' FY 2022 Advertised Budget.</p> <p>Conference: Compared to FCPS' FY 2022 Advertised Budget, the Conference budget amendments include a decrease of \$0.2 million in state aid and \$9.7 million more in sales tax revenue, for a net state revenue increase of \$9.5 million. It is important to note that the state revenue increase for the specialized student support positions is associated with increased local FCPS and County expenditures.</p>	

**BUDGET PROPOSALS FOR FY 2020 - FY 2022
DURING THE 2020 GENERAL ASSEMBLY SESSION
as of March 8, 2021**

Budget Item #	Issue	Fairfax County Impact
Transportation		
REGIONAL ITEMS		
<u>Northern Virginia Transportation Authority (NVTA) Funding</u>		
451	<p>Governor Northam's Budget: Includes the regional funds provided for in HB 2313 (2013), including approximately \$635.3 million for distribution of NVTA Fund revenues over the biennium (approximately \$20.6 million increase).</p> <p>House/Senate/Conference: No change.</p>	<p>The amount received by the County is dependent on actual collections of the revenue sources. Through its Six Year Program, NVTA allocates 70% (approximately \$444.7 million) to regional projects. This funding has already been approved for projects through adoption of NVTA's FY 2018-2023 Six Year Program.</p> <p>Fairfax County should receive approximately \$85.7 million over the biennium to allocate for local projects approved by the Board of Supervisors (30% funding returned to localities), minus the respective shares provided to Vienna and Herndon. Approximately \$14 million annually of this "30% funding" will likely be transferred to the Commonwealth's Washington Metropolitan Area Transit Authority (WMATA) Capital Fund for the County's share of local funding for State of Good Repair, as required by HB 1539/SB 856 (2018).</p>
<u>Regional Gas Tax</u>		
440	<p>Governor Northam's Budget: Provides approximately \$405.9 million over the 2020-2022 biennium for regional gas taxes (for Northern Virginia Transportation Commission (NVTC), Potomac and Rappahannock Transportation Commission (PRTC), Hampton Roads Transportation Accountability Commission (HRTAC), and the Interstate-81 (I-81) Corridor Improvement Fund). Estimates \$109.9 million for NVTC over the 2020-2022 biennium (no change).</p> <p>House/Senate/Conference: No change.</p>	<p>The amount received by NVTC and the County is dependent on actual collections of the revenue sources.</p>
STATEWIDE PROGRAMS		
<u>Department of Rail and Public Transportation (DRPT)</u>		
430/442	<p>Governor Northam's Budget: Provides approximately \$1.055 billion for Public Transportation Programs. There are no changes in the funding for the following related programs:</p> <ul style="list-style-type: none"> • \$221.96 million for Operating Assistance; • Approximately \$122.6 million for Capital Assistance; • Approximately \$341.97 million for WMATA operating and capital costs (state share of WMATA assistance); • \$4 million for federally mandated state safety oversight of fixed rail guideway transit agencies, i.e. the Metrorail Safety Commission (MSC); • \$50 million in each year as the state match for federal Passenger Rail Investment and Improvement Act (PRIIA) funding; • \$320 million for the WMATA Capital Fund, which includes the local and regional funding redirected as part of HB 1539/SB 856 (2018); and, • Directs the Secretary of Transportation to ensure that at least \$5 million of the annual allocation to the new Transit Ridership Incentive Fund (established in HB 1414/SB 890 (2020)) is used to provide operating assistance to transit programs that reduce congestion in urban areas. The Secretary is directed to report on the methodology that will be implemented by June 30, 2021. 	<p>The statewide Operating and Capital funding is subject to the transit prioritization process required by the 2018 GA, entitled MERIT, as well as the new programs created in HB 1414/SB 890 (2020), so the impact to Fairfax Connector and Virginia Railway Express (VRE) is currently unclear.</p> <p>DRPT is currently working to implement the new Transit Ridership Incentive Program (TRIP), which provides operations assistance to reduce congestion in urban areas. This program could also benefit the County.</p>
442 #1h	<p>House: Also authorizes the Commonwealth Transportation Board (CTB) to waive the 25% cap for TRIP that may be "available to support the establishment of programs to reduce the impact of fares on low-income individuals, including reduced-fare programs and elimination of fares." The remainder of the funds will be used to "promote improved transit service in urbanized areas of the Commonwealth with a population in excess of 100,000."</p>	<p>TBD - In general, the County would likely benefit more from the funding directed to improve transit service in urbanized areas. However, due to the COVID-19 pandemic, there has been a decreased demand for multijurisdictional commuter bus service in urbanized areas and an increased demand for fare reduction.</p>
442 #3s	<p>Senate: Also provides \$5 million in federal funds made available for Highway Infrastructure Programs by CRRSAA to support transit incentives focused on fare and congestion reduction programs. Of these amounts, half will be allocated to support the establishment of programs to reduce the impact of fares on low-income individuals, including reduced-fare programs and elimination of fares, and half will be allocated for regional connectivity programs focused on congestion reduction and mitigation through the provision of long-distance commuter routes.</p>	<p>The County could apply for both types of funds, which could provide funding to the Connector.</p>

**BUDGET PROPOSALS FOR FY 2020 - FY 2022
DURING THE 2020 GENERAL ASSEMBLY SESSION
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Budget Item #	Issue	Fairfax County Impact
442 #2h	House: Also provides \$500,000 GF in FY 2022 pursuant to the passage of a HJ 542 (McQuinn), which requires DRPT to study the Commonwealth's current public transportation system focusing on the equitable delivery of transportation services and the modernization of transit in the Commonwealth.	The County supports HJ 542 (McQuinn), which is consistent with the One Fairfax Policy. Some previous studies that evaluated statewide transit funding resulted in recommendations that adversely impacted the percentage of funding provided to Northern Virginia. County staff will closely monitor this work group to ensure that, at a minimum, the current level of state support for transit services in the region is maintained.
430 / 447.10	Conference: Directs \$3.6 million in the second year from TRIP for regional connectivity programs focused on congestion reduction and mitigation through provision of long-distance commuter routes. Also provides up to \$10.9 million from the 2021 Transportation Funding Initiative (comprised of one-time federal Coronavirus relief funding, existing program balances, and general funds) to establish pilot programs for fare-free transit with urban and rural transit providers; no more than \$900,000 may be used to study transit equity and modernization in the Commonwealth.	The County may be able to apply for the two programs that are receiving funding. The County also supports the transit equity and modernization study (HJ 542), which is consistent with the One Fairfax Policy. Some previous studies that evaluated statewide transit funding resulted in recommendations that adversely impacted the percentage of funding provided to Northern Virginia. County staff will closely monitor this work group to ensure that, at a minimum, the current level of state support for transit services in the region is maintained.
442 #1s	Senate: Also allocates \$22.4 million in NGF revenues from public funds made available for Highway Infrastructure Programs by CRRSAA to fulfill the Commonwealth's portion of the \$500 million annual commitment to the WMATA Capital program.	Will help support the Commonwealth's portion of the \$500 million annual commitment to WMATA State Of Good Repair. Virginia's share is \$154 million per year, and DRPT has informed the GA of reduced projections to the WMATA Capital Fund due to impacts of the COVID-19 pandemic.
442 #2s	Senate: Conditions the receipt of funding provided to NVTC for distribution to WMATA for capital purposes and operating assistance on adopting the petition of Fairfax County related to the naming of the McLean-Capital One Hall station.	Would affect the amount of state funding provided to WMATA, which would impact the County's budget. Stakeholders are working to try to resolve the issue.
447.10	Conference: Provides up to \$32.4 million from the 2021 Transportation Funding Initiative for an amount necessary to ensure the Commonwealth can fulfill its commitment to the dedicated regional funding for WMATA in FY 2022, with any amounts remaining provided to NVTC to reduce the FY 2022 operational obligations of its member jurisdictions, based on the current formula, to Metrorail, Metrobus and MetroAccess services. Does not include any lineage relating to the name of the McLean Metrorail Station.	Will help support the Commonwealth's portion of the \$500 million annual commitment to WMATA State Of Good Repair. Should also provide assistance to the County and other WMATA jurisdictions for their payments to WMATA in FY 2022.
447.10	Conference: Also provides up to \$83.5 million from the 2021 Transportation Funding Initiative to improve commuter rail service on the VRE Manassas Line.	When implemented, this rail service will benefit County residents.
442	Governor Northam's Budget: Retains language requiring DRPT, in cooperation with Fairfax and Prince William Counties, to conduct an evaluation of enhanced public transportation services, including the cost and feasibility of extending the Blue Line and other multimodal options along I-95 and US Route 1 from the Franconia-Springfield Metro Station to the Marine Corps Base Quantico in Prince William County. House/Senate/Conference: No change.	This could provide additional information about viable transit options on the I-95/US Route 1 corridor. The report is due by December 1, 2021.
442	Governor Northam's Budget: HB 1539/SB 856 (2018) required urban transit agencies to develop and update a strategic plan every 5 years and the CTB to withhold 20% of state funding to WMATA if the agency does not adopt or update a strategic plan every 3 years. The Governor's proposed budget includes language allowing the CTB to delay these strategic plan requirements due to the ongoing COVID-19 pandemic. House/Senate/Conference: No change.	This may provide transit systems sufficient time to develop and update their plans, which could be beneficial.
443	Governor Northam's Budget: Retains language requiring DRPT to evaluate the cost of extending VRE service to Gainesville. House/Senate/Conference: No change.	This study is due in June 2021. Another study on this issue was completed by VRE in the past 3 years.

**BUDGET PROPOSALS FOR FY 2020 - FY 2022
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Budget Item #	Issue	Fairfax County Impact
<u>Rail Programs</u>		
443	<p>Governor Northam's Budget: Provides approximately \$384 million for Financial Assistance for Rail Programs (\$50 million increase), including: \$6 million for Rail Industrial Access (no change); approximately \$29 million for Rail Preservation Programs (no change); and, approximately \$349 million for Passenger and Freight Rail Financial Assistance Programs (\$50 million increase). The \$50 million increase is transferred from the GF to the CTB for the purpose of extending intercity passenger rail service from Roanoke to Blacksburg-Christiansburg and increasing the frequency of rail service along the I-81/Route 29 Corridor from Washington, DC.</p> <p>House: No Change.</p>	TBD.
443 #1s	<p>Senate: Provides \$137.6 million from CRRSAA for extending intercity passenger rail service from Roanoke, Virginia, to the Blacksburg-Christiansburg, Virginia, area and increasing the frequency of intercity passenger rail service along the I-81/Route 29 Corridor from Washington, DC. This is instead of the \$50 million from the GF as proposed in the Governor's introduced budget. The amendment also requires an assessment of both total project costs and the incremental costs resulting from modelling conducted to assess any infrastructure or network costs needed to service a rail station in Bedford.</p>	TBD.
447.1	<p>Conference: Provides up to \$83.5 million from the 2021 Transportation Funding Initiative to extend intercity passenger rail service from Roanoke, Virginia to the Blacksburg-Christiansburg, Virginia area and increase the frequency of intercity passenger rail service along the I-81/Route 29 Corridor from Washington, DC. Also requires the Secretary of Transportation to provide an assessment of both the total project costs and incremental costs resulting from (i) the extension of intercity passenger rail to Bristol, Virginia; and, (ii) modelling conducted to assess any infrastructure or network costs needed to service a rail station in Bedford, Virginia by November 15, 2021.</p>	TBD.
430	<p>Governor Northam's Budget: Retains language requiring that the Major Employment and Investment (MEI) Project Approval Commission approve any Memorandum of Understanding between any political subdivision of the Commonwealth, any political subdivision of the United States, federal government agency, Amtrak, VRE, and any private railroad corporation regarding the construction of the Long Bridge or any issuance of bonds or sale of any land by the new Virginia Passenger Rail Authority.</p> <p>House/Senate/Conference: No change.</p>	Would require some legislative approval (the MEI Commission includes members of both the House and Senate) prior to moving forward with the Long Bridge project.
<u>Virginia Department of Transportation (VDOT)</u>		
<u>Environmental Monitoring and Evaluation</u>		
445	<p>Governor Northam's Budget: Provides approximately \$82.3 million for Environmental Monitoring and Evaluation (approximately \$0.7 million increase), including approximately \$17.4 million for Environmental Monitoring and Compliance for Highway Projects (approximately \$1.2 million increase) and approximately \$58 million for Municipal Separate Storm Sewer System (MS4) Compliance Activities (approximately \$0.5 million decrease).</p> <p>House/Senate/Conference: No change.</p>	The funding change is minimal.
430	<p>Governor Northam's Budget: Retains language requiring the Secretaries of Transportation and Natural Resources to evaluate the scope of drainage outfalls originating from VDOT-maintained roads and make recommendations to address the issue. An interim report is due by December 31, 2020, and a final report, if not provided in the December report, is due by September 30, 2021.</p> <p>House/Senate/Conference: No change.</p>	Could provide additional information on how to address stormwater issues.

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Budget Item #	Issue	Fairfax County Impact
	Highway Construction	
447	<p>Governor Northam's Budget: Provides approximately \$7.43 billion for Highway Construction Programs, an approximately \$32.3 million decrease from last year's budget. This includes: approximately \$584.9 million for State of Good Repair (approximately \$122.1 million decrease); approximately \$518.6 million for the High Priority Projects Program (approximately \$106.2 million decrease); approximately \$762.6 million for the Construction District Grant Program (approximately \$39.6 million decrease); approximately \$4.58 billion for Specialized State and Federal Programs (approximately \$181.3 million decrease); and, \$902 million for Legacy Construction Formula Programs (\$417.4 million increase). Of the Specialized State and Federal Programs:</p> <ul style="list-style-type: none"> • Approximately \$233.4 million is for the Regional Surface Transportation Program (RSTP); • Approximately \$106.2 million is for the Highway Safety Improvement Program (HSIP); • Approximately \$166.2 million is for the Congestion Mitigation and Air Quality Program (CMAQ); • Approximately \$209.7 million is for Revenue Sharing (approximately \$9.7 million increase); • Approximately \$40.4 million is for the Surface Transportation Block Grant Program Set-Aside; • Approximately \$30.7 million is for the Virginia Transportation Infrastructure Bank (VTIB) (approximately \$26.7 million increase); • Approximately \$20.1 million is for the Transportation Partnership Opportunity Fund (TPOF) (approximately \$18.1 million increase); • Approximately \$2.32 billion represents the estimated project participation costs from localities and regional entities (approximately \$358.7 million increase); • \$218.4 million in the second year represents the bond proceeds to be used for the Route 58 Corridor Development Program. Item 452 also provides \$120 million from the Transportation Trust Fund (TTF) to the US Route 58 Corridor Development Fund in lieu of state recordation taxes that law allocates to the fund; and, • Included in the amounts for specialized state and federal programs is the reappropriation of approximately \$1.06 billion from bond proceeds from various bond programs (approximately \$553 million increase). This is likely due to the increase of new programs, including the I-95 Express Lanes and I-66 Outside the Beltway Project Agreements, the I-81 Corridor Improvement Program, and the Interstate Operations and Enhancement Program. 	<p>Many of these funds are subject to the Smart Scale prioritization process, so the impact to Fairfax County is unclear.</p> <p>Slightly increases the current funding levels for Revenue Sharing.</p> <p>RSTP, CMAQ, HSIP, and Transportation Alternative funds are similar to what was allocated in previous years.</p> <p>Due to the significant changes in transportation revenues that were approved by the GA during the 2020 session, along with the approval to reallocate previously appropriated funds to address needs due to the revenue impacts of the COVID-19 pandemic, the direct impact for several of these programs is yet to be determined.</p>
	House/Senate/Conference: No change.	
447	<p>Governor Northam's Budget: Includes \$5 million GF to support the planning, development, and construction of multi-use trails, with priority given to new trails with a total length longer than 35 miles. The language also notes that the CTB must seek to ensure geographic diversity in the use of these funds.</p> <p>House: No Change.</p>	<p>While not specifically directed to a project in the County, this could provide a small amount of funding for projects in the region.</p>
447	<p>Senate: Provides for a one-time capitalization of \$40 million for a statewide multi-use trail initiative using federal funds available for Highway Infrastructure Programs by CRRSAA. This is instead of the \$5 million GF as proposed in the Governor's introduced budget. This includes up to \$17.5 million for safety enhancements to the Washington & Old Dominion Trail at Wiehle Avenue and improvements to the intermodal connectivity of the Cross County Trail at Difficult Run with Great Falls Park. Funding is also set out for other projects within the Commonwealth, including the Eastern Shore-Bay Coast Railway Rails to Trails project, the Fall Line Trail, and the Ivy Creek Trail, and the completion of the Tobacco Heritage Trail from Skipwith Road to Rudds Creek. The amendment also requires the Office of Intermodal Planning and Investment to coordinate a policy working group comprised of representatives of VDOT, DRPT, the Virginia Department of Conservation and Recreation, the Statewide Trails Advisory Committee, and the staff of the House Appropriations and Senate Finance and Appropriations Committees to recommend a prioritization process for the identification of new multi-use trail opportunities, a master planning process, and funding needs assessment.</p>	<p>Provides funding for two projects in Fairfax County.</p>
447.10	<p>Conference: Provides up to \$10 million from the 2021 Transportation Funding Initiative for regional trails to support the planning, development and construction of multi-use trails with priority given by the CTB to the development of new regional trails, to projects to improve connectivity of existing trail networks, and to geographic diversity in the use of such funds. Also requires the Office of Intermodal Planning and Investment to coordinate a policy working group to evaluate and recommend a prioritization process for the identification of new multi-use trail opportunities, a master planning process, and a funding needs assessment. A report is due by October 15, 2021.</p>	<p>While not specifically directed to a project in the County, this could provide a small amount of funding for projects in the region.</p>

**BUDGET PROPOSALS FOR FY 2020 - FY 2022
DURING THE 2020 GENERAL ASSEMBLY SESSION
as of March 8, 2021**

Budget Item #	Issue	Fairfax County Impact
447.10	<p>Conference: Includes \$323.4 million from the following sources to create the 2021 Transportation Funding Initiative: \$233.4 million provided by CRRSAA; \$20 million in uncommitted balances in the Virginia Transportation Partnership Opportunity Fund; \$15 million in uncommitted balances previously allocated for Financial Assistance for Planning, Access Road, and Special Projects, and \$55 million from the GF. The funding will be utilized for a variety of programs, some mentioned in other portions of this report, as well as:</p> <ul style="list-style-type: none"> • Up to \$93.1 million for improvements to the Interstate 64 Corridor in the Hampton Roads and Richmond regions. • Up to \$10 million for a connected infrastructure redevelopment demonstration program within and adjacent to the Virginia Tech campus in the City of Falls Church. The CTB cannot distribute these funds unless the entity implementing and managing the demonstration program has entered into an agreement with VDOT to facilitate information sharing and knowledge exchange. • The CTB must provide an interim report on the use of these funds by November 1, 2021, and a final report by June 30, 2022. • If additional one-time, supplemental federal funds in excess of \$55 million with similar eligibility requirements to those included in this Initiative are made available prior to June 30, 2021, then the Director of the Department of Planning and Budget will unallot the \$55 million in general funds in this item. 	
Highway Maintenance		
448	<p>Governor Northam's Budget: Provides \$4.09 billion for Highway System Maintenance and Operations, a \$174.1 million increase. This includes \$971 million for interstates (\$15 million increase); \$1.27 billion for primaries (\$55.4 million increase); \$1.24 billion for secondaries (\$59.8 million increase); and, \$430.7 million for Transportation Operations Services (\$21.1 million increase).</p> <p>House/Senate: No change.</p>	Using historical estimates, approximately \$26 million more may be available for maintenance and operations within Northern Virginia.
447.10	<p>Conference: Provides that any funds from the 2021 Transportation Funding Initiative not allocated by June 1, 2022, for the purposes they were set for will be used to support additional pavement and bridge maintenance pursuant with VDOT's asset management practices.</p>	TBD.
Special Structures		
449	<p>Governor Northam's Budget: Provides \$5 million for this new program, a \$35 million decrease.</p> <p>House/Senate/Conference: No change.</p>	The reduction is in accordance with the budget passed in Fall 2020 that allows the CTB to take necessary steps to address the reduction in revenues, to reduce the impacts on currently programmed projects, and to allow for the phased implementation of the additional revenues made available by HB 1414/SB 890 (2020). The Commonwealth report on the overall condition of special structures identified only one such structure in Northern Virginia, so this should have little impact on the region.
Toll Facilities		
450	<p>Governor Northam's Budget: For the 2020-2022 biennium, provides \$177.3 million for toll facilities (\$9.6 million decrease), including approximately \$3 million for Debt Service (\$0.2 million decrease); \$100.9 million for Maintenance and Operations (\$9.4 million decrease); and, \$73.5 million for the Revolving Fund (no change).</p> <p>House/Senate/Conference: No change.</p>	TBD.
Other		
438	<p>Governor Northam's Budget: Retains positions hired to address the workload associated with REAL ID. Would have been reduced from 2,222 to 2,162 in FY 2022.</p> <p>House/Senate/Conference: No change.</p>	These positions are necessary to continue the issuance of REAL ID cards, which was delayed by the onset of COVID-19. No additional funding is required for these positions since they will be paid for out of the \$10 REAL ID surcharge approved in 2019.

OTHER LEGISLATION OF INTEREST

Constitutional Amendments

Amending the Constitution of Virginia is a fairly lengthy process. A majority of both the House and Senate must approve the exact same proposed constitutional amendment in two different GA sessions, with an intervening House of Delegates general election. The amendment can then be placed on a statewide ballot for consideration by voters. As the GA began the first part of this process during the 2021 session, a House Privileges and Elections subcommittee decided to approve only two constitutional amendments – **HJ 582** (Sickles), which ensures marriage equality by repealing the constitutional provision defining marriage as a union between one man and one woman, and **HJ 555** (Herring), which allows for the automatic restoration of rights (including voting rights) for convicted felons who have satisfactorily served their time. Meanwhile, the Senate approved constitutional amendments on a number of issues, including versions of the House bills as well as proposals to allow local governments to grant perpetual easements (**SJ 289** (Mason)), and to extend the GA session in odd-numbered years from 30 days to 46 days (**SJ 310** (Saslaw)). Ultimately, only marriage equality and restoration of rights moved forward. Both resolutions will need to be approved again in the exact same form during the 2022 session in order to be placed on the ballot for consideration by voters.

There were also several notable amendments that failed to pass this session. **HJ 548** (Hurst) and **SJ 275** (Stanley) both attempted to address the inequitable delivery of a high-quality education program across the Commonwealth. **HJ 548** would have limited the GA's discretion to revise the SOQ, while **SJ 275** would have required the state to provide all school age children with "equitable" educational opportunities. On another topic, **HJ 614** (Mundon King) would have amended the Constitution to exempt from real property tax the surviving spouses of service members who have died while serving or from a service-connected injury or illness. While the GA has generally been supportive of similar property tax exemption efforts in the past, there has increasingly been an understanding of the cumulative impact on localities of these types of exemptions on property taxes, which is the primary revenue source of local governments in Virginia. As a result, this amendment failed and instead the GA included a study on such impacts in the budget conference report (see also page 13).

Elections

The GA built upon recent success in expanding voting access by codifying some of the initiatives passed during the 2020 Special Session I, addressing issues raised in court during the 2020 election cycle, and finally passing long-deliberated legislation on issues such as the June primary date. The Commonwealth became the first state in the South to adopt a state mechanism to expand upon the federal Voting Rights Act (VRA). The GA also passed more targeted legislation to address specific issues associated with election administration, and took a step towards campaign finance reform by authorizing a comprehensive study.

Absentee Voting

As a result of the strict limitations on the number of bills imposed to help deal with the largely virtual format of the 2021 GA session, multiple initiatives addressing absentee voting were included in a handful of omnibus bills – **HB 1888** (VanValkenburg), **SB 1245** (Deeds), and **SB 1246** (Deeds). These bills built upon the budget language passed during 2020 Special Session I to implement certain voting procedures to address the impacts of the COVID-19 pandemic.

Throughout the legislative process, **HB 1888** was the most comprehensive of the absentee bills. Though the bill changed somewhat during the legislative process, the final bill includes the following major provisions: standardization of the absentee ballot processing procedure; establishment of drop-off locations for the return of voted absentee ballots; creation of an absentee ballot cure process to allow voters to fix any potential errors on their ballot envelopes; requirement of prepaid postage on all absentee ballot mail return envelopes; and, authorization of the usage of certain voting technologies and procedures that assist visually impaired voters with casting their ballots independently and remotely. The provisions related to visual impairment were based on a consent decree that memorialized a compromise between the Department of Elections and plaintiffs associated with the National Federation of the Blind during the 2020 November general election, which was also reflected in a separate bill that passed both houses unanimously, **SB 1331** (Reeves). **SB 1331** requires the Department of Elections to make

available to all localities a tool to allow voters with a visual impairment or print disability to electronically and accessibly receive and mark their absentee ballots using screen reader assistive technology.

HB 1888 also requires that in-person and mail absentee vote totals be reported separately, in order to address the confusion expressed by some voters and elected officials about the lack of transparency regarding absentee totals on election night. **HB 1888** also authorizes registrars to begin the initiation of ballot count totals before the closing of the polls, to help speed up the process of reporting results on election night, a provision supported by the Fairfax County Electoral Board. As introduced, **SB 1245** addressed many similar issues related to absentee voting, and those similar provisions were ultimately conformed so that **HB 1888** and **SB 1245** are not in conflict, though **HB 1888** has additional provisions that are not included in **SB 1245**. However, **SB 1245** does contain an enactment clause instructing the Department of Elections to convene a work group to evaluate methods for sorting absentee ballot vote totals by precinct, and to submit a report with recommendations to the Chairs of House and Senate Privileges and Elections by October 31, 2021. This amendment was in response to **HB 2239** (Robinson)/**SB 1153** (Suetterlein), which would have required registrars to sort absentee ballots and report vote totals by precinct in order to provide the public more transparency. Both bills were tabled in the House because of concerns about workload impacts on general registrars, hence the work group. Although **SB 1245** and **HB 1888** both include provisions that received bipartisan support, the final bills were passed on party lines, and **SB 1246** ultimately did not move forward at all and was left in House Privileges and Elections.

The GA also passed **HB 1968** (Bagby), which permits electoral boards or general registrars to provide the option of in-person absentee voting on Sundays. The bill was introduced in response to interest in the African American community for Sunday voting, and was aimed at expanding access for voters without flexible schedules. The bill passed both bodies along party lines. The GA also addressed the issue of witness signatures, which was the subject of considerable contention during the 2020 election cycle due to the COVID-19 pandemic. As introduced, **SB 1097** (Favola) would have eliminated the witness signature requirement for absentee mail ballots. House Privileges and Elections amended the bill to ensure that a voter's failure to have a witness sign an absentee ballot envelope for any election held during a declared state of emergency related to a communicable disease of public health would not be considered a material omission. The amendment also included an enactment clause instructing the Department of Elections to convene a work group and provide recommendations by October 31, 2021, to evaluate alternatives to the witness signature requirement for verification of absentee ballots.

Preclearance

The GA revisited the issue of ensuring equitable voting access for minorities by creating a state version of the federal preclearance requirements that were contained in the VRA before being struck down by the US Supreme Court in 2013. Last session, the effort to create a preclearance mechanism stalled in conference during the final hours. This session, members came much more prepared, and legislation moved forward quickly. **HB 1890** (Price)/**SB 1395** (McClellan) became the primary vehicles that progressed.

As passed, **HB 1890/SB 1395** prohibit any voting qualification or any voting standard, practice, or procedure from being applied in a manner that results in the denial or abridgement of the right of any Virginia citizen to vote based on their race, color, or membership in a language minority group. By including language minority groups as a protected class, the bills substantially expand existing federal protections, which largely relate to the availability of translated election materials and do not extend to protections related to voter dilution and other civil rights claims. The bills further prohibit at-large methods of election from being applied in a manner that impairs the ability of certain protected classes to elect a candidate of their choice. The bills also require localities to obtain approval before changing voting rules, even minor procedural adjustments (such as moving a polling place across the street), either by requesting certification from the Office of the Attorney General (OAG) or undergoing an extensive public comment period and implementation process. Additionally, the bills create a new civil cause of action as the enforcement mechanism. Though some clarifying amendments were added at the request of local governments and registrars, other concerns about the potential obstacles to efficient election administration were not addressed in the legislation.

Voter Registration

The GA deliberated relatively few measures addressing the voter registration process, ultimately passing only two bills. **HB 1810** (VanValkenburg), a relatively uncontroversial measure, provides that if a failure of the Virginia online voter registration system occurs prior to the registration deadline, the Governor is authorized to extend that deadline. The language largely aligns with past court orders that have been issued during the multiple shutdowns of the state's online registration portal in recent years, ensuring voters are not disenfranchised due to technical issues. The GA also passed **HB 2125** (Lopez), a bill thoroughly debated in past sessions, which allows for the pre-registration of qualified individuals who are at least 16 years of age. The bill includes a delayed enactment date of October 1, 2022, so that any technical challenges associated with implementation can be addressed by the state's development of a new voter registration system.

The GA also rejected several notable measures. **HB 2205** (Gilbert) would have repealed same day voter registration, which was passed during the 2020 session with a delayed enactment date of October 1, 2022. **HB 2278** (Davis) would have required that the voter registration form include party affiliation and allow for closed primaries. **SB 1118** (Peake) would have required that general registrars take additional steps to verify voter registrations against information from the Social Security Administration. Finally, **HB 1758** (Campbell)/**SB 1422** (Kiggans) would have required that the State Registrar of Vital Records transmit a list of decedents to the Department of Elections weekly, rather than on a monthly basis.

Election Administration

The GA focused on relatively minor tweaks to election administration, largely in response to issues that arose during the 2020 election cycle. They also made significant strides in addressing long-standing issues, such as the date of the June primary and the schedule of local elections.

The GA passed **HB 2081** (Levine) to address polling place safety. The bill prohibits the possession of a firearm within 40 feet of a polling place with certain exceptions, such as those for law enforcement. Although many localities already utilize gun-free locations such as schools for polling locations, the patron noted that the bill was in response to complaints about voter intimidation during the 2020 election cycle. The bill passed on party lines.

The GA also addressed the heavily debated issues of the June primary date and the dates of local elections. **SB 1148** (Kiggans) changes the date of the June primary from the second Tuesday in June to the third. Although the bill faced the usual criticism of potentially depressing voter turnout due to families heading on summer vacation, a significant number of members were assuaged by the argument that the recent actions taken by the GA to expand voter access would neutralize the potential impacts of a date change. The bill passed with bipartisan support. The debate surrounding **SB 1157** (Spruill) was considerably more contentious. The bill shifts all local elections from May to November, beginning with elections held after January 1, 2022. Representatives from numerous local city and town councils that currently hold local elections in May raised concerns about the potential politicization of local elections, but ultimately the GA felt that this was really an issue of voter turnout and by the slimmest of margins, this bill finally passed.

Campaigns

Instead of pursuing piecemeal campaign finance reform, the GA opted to throw most of its weight behind **HJ 526** (Bulova), which establishes a joint subcommittee to study comprehensive campaign finance reform by evaluating the costs of campaigning, the effectiveness of the current disclosure laws and their enforcement, and the constitutional options available to regulate campaign finances. The resolution passed unanimously. The only other campaign finance initiative that the GA passed was **SB 1444** (Saslaw), which seeks to clean up the process of reporting pre-legislative session campaign finance contributions established by legislation passed during the 2020 session. The bill changes the reporting requirements from any single contribution of \$1,000 or more to all campaign financial activity during the period beginning January 1 and ending on the day immediately before the first day of a regular GA session. The bill was introduced in response to complaints from candidates about the current filing process.

The GA rejected several other measures to regulate campaign finance such as **HB 1906** (Carter), which would have prohibited contributions from any non-tax-exempt corporation. In a similar vein, **SB**

1236 (Petersen) would have prohibited contributions from any public utility. Finally, **HB 1952** (Simon), which passed the House but failed in the Senate, would have prohibited the personal use of campaign funds, with an exception for child care related expenses.

Environment/Energy

Environmental Justice

Once again, the GA considered the topic of environmental justice as a means of insuring that environmental laws are applied equally among the Commonwealth's diverse communities. As the debate continued throughout the session, it became clear that reaching a consensus on this issue would not be an easy task. Despite the vigorous debate, none of the environmental justice bills were successful this session. **HB 2074** (Simonds) would have established an Environmental Justice Working Group as an advisory council in the executive branch of state government, to further environmental justice in the Commonwealth. The bill directed the working group to spend its first year looking at the environmental justice of current air quality monitoring practices in Virginia. In addition, each state agency would have been required to adopt agency-specific environmental justice policies, including an evaluation of the environmental justice consequences of any covered agency action, along with public participation plans for residents of environmental justice communities and fence-line communities potentially affected by a covered agency action. Finally, local governments would have been required to consider identifying certain environmental justice communities, objectives, and policies each time they adopted or reviewed their comprehensive plans. The working group would have expired on July 1, 2031. A companion Senate bill, **SB 1318** (Hashmi), would have established the Interagency Environmental Justice Working Group as an advisory council in the executive branch of state government, to further environmental justice in the Commonwealth. **SB 1318** would have directed each of the Governor's Secretaries to designate at least one environmental justice coordinator to represent the secretariat as a member of the Working Group, which also would have expired on July 1, 2031. However, the Senate version had no requirement for local governments to consider environmental justice issues during reviews of their comprehensive plans. The bills passed their respective houses and went into conference, but no consensus was reached and the bills were ultimately defeated.

HB 2221 (Hayes)/**SB 1373** (McClellan) would have required applicants for a variety of environmental permits or hazardous pollution sources (air pollution sources, landfills, Virginia Stormwater Management Program permits, and Virginia Pollution Abatement permits, among others) to complete more rigorous public notice requirements, including public hearings, publishing notices in newspapers and on social media, signage at the site location at least 60 days prior to public meetings, mailing notices to interested parties, transcribing meeting information, and responding to community concerns to the satisfaction of the Department of Environmental Quality. The bills also removed an exemption from certain public notice requirements granted to local government or public authority applicants for a permit to operate a landfill or transfer station. **HB 2221** passed the House; however, it ultimately met the same fate as **SB 1373** and died without receiving a hearing in Senate Agriculture, Conservation and Natural Resources. Finally, **HJ 556** (Lopez) was a constitutional amendment that would have established as the policy of the Commonwealth the principle of environmental justice in the development, implementation, and enforcement of environmental laws, regulations, and policies, ensuring that no population, especially minority, low-income, or historically economically disadvantaged communities, would face higher level or greater impacts of pollution and climate change than other populations. Though the goal of such a resolution is laudable, it is likely that the challenges of trying to successfully implement such broad language raised concerns, and the resolution never received a hearing in House Privileges and Elections.

Invasive Plants

This session the GA took a promising first step towards addressing the issue of invasive plants and their impact on the environment, the economy, and human health. **HJ 527** (Bulova) directs VDCR, in concert with VDACS, to establish a work group to study the sale and use of invasive plant species. The bill requires the work group to focus on measures to reduce, mitigate, and eliminate the continued sale and use of invasive plants, as identified in the current list maintained by VDCR. It also requires the work group to evaluate the following: measures to label plants as invasive at the point of sale; potential taxes on the sale of invasive plants and the application of revenues to their removal or the restoration of sites for native habitats; the addition of different invasive plant species currently being offered for sale to the list of plants declared to be noxious weeds by the Board of Agriculture and Consumer Services; ways to support education and outreach regarding the reduction of invasive plants and the promotion of

noninvasive or native plants as substitutes; and, an evaluation of measures to increase the use of native plants on state- or local-owned properties and projects. The Senate Rules Committee helpfully amended the bill to add representatives of local government associations to the work group, and the bill passed the GA comfortably. As addressing invasive plants continues to create challenges in Fairfax County, the creation of this work group presents an excellent opportunity to advance this issue.

Trees

The GA has shown significant interest in trees in recent sessions. After the 2020 session, the State Forester began working with various stakeholders from local government, the development community, and other interested groups to develop recommendations related to policies that would encourage the conservation of mature trees and increase tree canopy in communities. Unfortunately, the COVID-19 pandemic interrupted that work in 2020, but **HB 2042** (Guy)/**SB 1393** (Marsden) were introduced to continue the work of the State Forester in that area. The bills direct the Secretaries of Natural Resources and Agriculture and Forestry to convene a stakeholder work group for the purpose of developing and providing recommendations to state and local governments. The work group will examine potential policies that encourage the conservation of mature trees and tree cover on sites being developed, increase tree canopy cover in communities, and encourage the planting of trees. The bills also include language giving localities the ability to exceed general requirements in tree replacement and conservation ordinances in specific circumstances, including development that impacts stormwater permit requirements, recurrent flooding, formerly redlined areas, and comprehensive plan compliance – though that additional authority is subject to a reenactment clause. While that clause means that a future GA will have to pass it again for that authority to be granted to localities, its inclusion in this legislation suggests an increased interest in this area among legislators, which is a helpful step forward for this critical issue. The GA authorized a similar work group in the budget, but directed the Department of Forestry to lead it and deliver a final report by November 1, 2021, instead of October 1, 2021, as included in the legislation. This conflict may be addressed by a Governor’s amendment at the reconvened session.

Firearms

After a landmark session in 2020 for sweeping gun safety reform, the 2021 GA shifted its focus to other priorities and only passed a handful of measures. Members of both bodies primarily introduced legislation that included technical fixes, clarifications, or efforts to address challenges stemming from the implementation of 2020 reforms. This includes **HB 2128** (Lopez), which increases the time provided for the Virginia State Police to complete a background check from three to five business days, and **HB 2310** (Runion), which provides that any applicant for a concealed handgun permit who completed an online course to demonstrate competence with a handgun, but was unable to appear in person at a circuit court clerk’s office because of COVID-19 restrictions, is still eligible to apply for a permit through April 30, 2021. The GA also passed **HB 2295** (Levine) and **SB 1381** (Ebbin), which codify past executive orders to limit the possession or transport of firearms or other weapons within Capitol Square and other buildings owned or leased by the state.

The GA did pass one relatively controversial piece of legislation, which had a fairly eventful journey through the GA. As introduced, **HB 1992** (Murphy)/**SB 1382** (Favola) would have prohibited a person who has been convicted of assault and battery of a family or household member from purchasing, possessing, or transporting a firearm, and would have subjected them to a Class 3 misdemeanor. While **HB 1992** passed the House, **SB 1382** failed to pass the Senate. It is usually expected that if one house defeats its own version of a particular bill, it will not move forward with the other body’s version, but the legislative process is not always predictable. In this case, when **HB 1992** crossed over, the Senate amended the bill in committee to limit the definition of a family or household member to a person’s spouse, former spouse, or any individual who has a child in common with the person. The Senate also reduced the penalty to a Class 1 misdemeanor. The amended version of the bill ultimately passed both the Senate and the House, largely on party-lines.

The GA also rejected four bills of note. **HB 1757** (McGuire) would have waived sovereign immunity for any injuries sustained by someone lawfully present in a zone designated as firearm-free by the Commonwealth or any locality. **HB 1773** (Freitas) would have allowed any person otherwise eligible to obtain a concealed handgun permit to carry a concealed handgun without a permit anywhere a handgun may be carried openly within the Commonwealth. **HB 1793** (Davis) would have exempted any person with a valid concealed handgun permit from the provisions of any local ordinance that prohibits the

possession, carrying, or transportation of any firearms, ammunition, or components on public property. Finally, **HB 2276** (Simon), as it passed the House, would have created several penalties (including felonies and misdemeanors) to prohibit the manufacture, import, sale, transfer, or possession of plastic firearms, unfinished frames or receivers, and unserialized firearms. Some Senators were concerned that the definitions included in the legislation were overly broad, prompting a series of amendments to limit the scope. The House rejected those amendments and the bill eventually died in conference.

Freedom of Information Act

The issue of electronic meetings among public bodies received a great deal of attention in 2020 as a result of the COVID-19 pandemic, revealing gaps in Virginia's laws, which had never envisioned an ongoing public health crisis making in-person gatherings dangerous for months on end. In the short term, the GA added language to the budget in 2020 to allow localities and regional bodies to meet electronically to conduct public business, but budgets by their nature are temporary documents and it was widely accepted that a permanent fix to address this issue would be considered by the 2021 GA. A great deal of discussion occurred among interested stakeholders in advance of the 2021 session, including legislators, local governments, regional groups, open government advocates, media outlets, and others to find a path forward that would ensure essential public business could proceed in an open and safe manner for all involved.

The bill that emerged was **SB 1271** (McPike), which allows public bodies to meet electronically without a quorum physically assembled at one location when the Governor or the locality in which the public body is located has declared a state of emergency under certain conditions. First, the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location. Second, the purpose of the meeting is to provide for the continuity of operations of the public body or the discharge of its lawful purposes, duties, and responsibilities. The bill requires public bodies meeting electronically during a declared emergency to make arrangements for public access to such meetings (including videoconferencing if already used by the public body) and to provide the public with the opportunity to comment at such meetings when public comment is customarily received. Though a last-minute effort to add the GA to the bill in the House created a stir (the House met throughout the 2020 special session and the 2021 GA session virtually by changing House rules, while this effort would have codified that into Virginia code), the final bill was ultimately passed without addressing the GA issue.

Another bill related to electronic meetings, **HB 1931** (Levine), pre-dated the pandemic and was sent to the FOIA Council for study by the 2020 GA. However, the pandemic brought new attention to the issues raised therein, as many members of public bodies found themselves unable to attend meetings in person due to a family member's medical condition or for personal reasons, including issues related to child care and the extended closure of schools. As passed by the GA, **HB 1931** authorizes a public body to conduct a meeting electronically if, on or before the day of the meeting, a member of the public body holding the meeting notifies the chair that the member is unable to attend the meeting due to a family member's medical condition. This is limited to two meetings per calendar year, which is current law, or 25 percent of the meetings held that calendar year (rounded up to the next whole number). The Governor signed the bill, which will be effective on July 1, 2021.

Another FOIA bill of interest to local governments, though not related to the pandemic, was successful this session. **HB 2025** (Gooditis) provides that personal contact information provided to a public body or to any of its members for the purpose of receiving electronic communications from the public body or its members is excluded from mandatory disclosure under FOIA. Currently, protections only exist for personal contact information provided to a public body (not to its members), and only apply to e-mail.

General Transportation

Transportation Safety

A number of bills related to transportation safety were considered during the 2021 GA. **HB 1903** (Carr) authorizes local governing bodies to reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, in a business district or residential district. This provision was also considered by the 2020 GA as part of a comprehensive transportation safety package, but that bill was unsuccessful due to concerns with other components of that bill. This year, the provision related to local authority on speed limits was introduced as a stand-alone bill and passed the House (93-6) and Senate (21-17). The 2020 GA also passed legislation that prohibited all drivers from holding a personal communications

device while operating a vehicle. However, other sections of law contain specific requirements for the holders of provisional driver's licenses and learner's permits. As passed the House and the Senate, **HB 1846** (Robinson) and **SB 1335** (Stuart) remove these provisions for the holders of provisional driver's licenses and learner's permits, respectively, as drivers with these types of credentials are included under the broader hands-free requirement passed in 2020.

Crosswalk Requirements

As originally introduced, **HB 1841** (Kearney) would have required new crosswalks and crosswalks receiving maintenance to be painted in a zebra pattern and have warning surface tiles on the sidewalk at each end (in yellow if installed on a dark-colored sidewalk and red if installed on a light-colored sidewalk). Though this was an effort to address the visibility of crossings for those with visual impairments, concerns were raised about requiring such prescriptive standards in state law, in addition to the costs of installation and maintenance of these new crosswalks. The legislation was amended to direct the Commissioner of Highways to convene a working group to determine whether there should be model policies for crosswalk design and installation and, if so, establish recommendations for such model policies. As amended, **HB 1841** was passed unanimously by the House and Senate.

Bicycle Regulations

Legislation regarding bicycle regulations was also considered this session. As introduced, **HB 2262** (Hurst)/**SB 1263** (Morrissey) would have done three things: (1) allowed operators of bicycles to treat a stop sign as a yield sign in certain situations; (2) required the driver of a motor vehicle to change lanes when overtaking a bicycle or certain other vehicles when the lane of travel is not wide enough to pass by at least three feet to the left of the overtaken vehicle; and, (3) removed the limitations on riding bicycles and certain other vehicles two abreast. **SB 1263** passed the Senate Transportation Committee, but safety concerns led to its defeat on the Senate floor (16-22). **HB 2262** passed the House and was reported out of the Senate Transportation Committee. However, on the Senate floor, a substitute was offered that removed the provision allowing bicycles to treat a stop sign as a yield sign, instead directing the Virginia State Police to convene a work group to review issues related to allowing bicyclists to treat stop signs as yield signs. The substitute, which also retained the other provisions of the bill, passed the Senate (21-18) and the House (69-30).

Other Transportation Bills of Interest

Privilege Cards/DMV Information

Legislation was passed in 2020 authorizing the Department of Motor Vehicles (DMV) to issue driver privilege cards for undocumented immigrants living in the Commonwealth. This year, legislation expanding the issuance of credentials to those who may not drive was considered. Specifically, **HB 2138** (Guzman) authorizes the DMV to issue identification privilege cards to applicants who hold a citizenship or legal presence status that is eligible for a special identification card or a limited-duration special identification card, and have reported income from Virginia sources or have been claimed as a dependent on an individual tax return filed with the Commonwealth in the preceding 12 months. The bill has a delayed effective date of January 1, 2022. **HB 2138** passed the House 57-43 and the Senate 19-18. A separate bill, **HB 2163** (Tran), addresses the release of privileged DMV information to government entities. As a result of discussions with the numerous stakeholders involved in the bill due to the agreements that DMV has with various entities, the bill was amended several times. However, the final bill limits the release of DMV privileged information to government entities and law-enforcement agencies for the purpose of civil immigration enforcement unless the subject of the information provides consent or the requesting agency presents a lawful judicial order, judicial subpoena, or judicial warrant. The bill also includes specific notification requirements and other parameters for the circumstances under which DMV privileged information can be released. The final version of **HB 2163** passed the Senate 21-18 and the House 54-43.

Road Names

Bills related to road names were also considered in 2021. **HB 1854** (Sullivan) authorizes the Arlington County Board to name any section of US Route 29 located within Arlington County. As introduced, **HB 2075** (Cole, J.) would have renamed any section of US Route 1 in Virginia that is designated as "Jefferson Davis Highway" to "Loving Memorial Highway." That bill was amended to instead rename the

road “Emancipation Highway.” The bill includes a delayed enactment date of January 1, 2022, so that jurisdictions have time to undergo the process of changing the name of the road if they choose to do so. Both bills passed the GA.

Human Services

Children’s Services Act (CSA)

A significant JLARC study on private special education schools was released in November 2020, and resulted in the introduction of a number of bills to take action on some of the study’s recommendations. **HB 2117** (VanValkenburg), **HB 2289** (Austin), **SB 1099** (Stuart), **SB 1114** (Peake), **SB 1133** (Suetterlein), and **SB 1313** (Mason) each sought to address one or more of the recommendations. Ultimately, **HB 2117/SB 1313** became the vehicles and were pared down to focus on two significant areas – allowing for special education services to be provided in public schools while benefitting from CSA funding by creating a new “transitional services” funding category (which will allow CSA funds to be used for up to 12 months to support services needed by a student transitioning from a private setting to a local public school), and creating a work group to examine some of these issues comprehensively. The work group will be led by the Secretaries of Health and Human Resources and Education, and includes a comprehensive list of stakeholders. The work group is charged with developing a plan to:

- Move CSA support for students requiring an educational placement in a private special education day school or residential facility to the Department of Education;
- Pay for services delivered directly to students with disabilities in public schools, to enable those who are at risk of out-of-school placements to remain in a public school setting; and,
- Achieve the most effective use of CSA funds to transition students from out-of-school placements to public school.

The study is expected to include a detailed review of specialty regional schools, in-school delivery of services by private special education program providers, and in-school delivery of services by school divisions. The work group has also been tasked with evaluating whether or not CSA funding should be expanded to include ongoing support for students with disabilities following the 12-month transition period. The work group is authorized to receive proposals from individual school systems for programs that would identify the resources, services, and supports required by each student who is educated in a private special education day school as well as ways that redirecting federal, state, and local funds could allow some students to transition from private schools to public schools. The work group’s first report is expected in November 2021, with a final plan and implementation recommendations due by November 2022.

Another CSA bill that passed the GA, **HB 2212** (Plum), seeks to address a JLARC recommendation calling for improvements in CSA oversight by the Office of Children’s Services, by requiring regular monitoring of local performance measures and child and family outcomes; using audit, performance, and outcomes data to identify local programs that need technical assistance; and, working with local programs that are consistently underperforming to develop a corrective action plan. **HB 2238** (Kory), which also passed the GA, addresses another JLARC recommendation by requiring that licensed private special education schools also be accredited by the Virginia Council for Private Education.

Early Childhood Care and Education

HB 2206 (Filler-Corn) was introduced in response to the COVID-19 pandemic, and creates the COVID-19 Child Care Assistance Program to provide financial assistance for child care to families in need during the current public health emergency. The bill expands eligibility for subsidized child care assistance to families looking for work as well as those who are working. Applicants are eligible to participate if the family’s income does not exceed 85 percent of the state median income (SMI), the family includes at least one child who is five years of age or younger and has not yet started kindergarten, and the family meets all other income and eligibility requirements of the program. The bill contains an emergency clause, permits families to qualify for up to 12 months, and requires applications to be received by August 1, 2021. The legislation passed the GA easily.

Special Education

Another major study report released by JLARC in late 2020 focused on special education provided in public schools, following critical federal reports resulting from complaints by parents. A number of recommendations in that report led to legislation. **HB 2299** (Carr)/**SB 1288** (Dunnavant) further detail the responsibilities of the Board of Education and the Department of Education in the special education services provided for students with disabilities, especially in the development of Individualized Education Plans (IEP) for each student, the oversight of local programs focused on quality, and the development of special education teachers. The bills, which passed the GA easily, require the Department of Education and the Board of Education to develop new policies and procedures and effect numerous modifications to existing policies and procedures to improve the administration and oversight of special education in the Commonwealth.

Two other bills also give specific direction to the Board of Education and the Department of Education. **HB 2314** (Mugler) requires the Board of Education to amend a certain regulation relating to special education by removing the word "component" following the word "evaluation," ensuring compliance with relevant federal regulation and clarifying that the parent of a child with a disability has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the local educational agency. **HB 2316** (Mundon King) requires the Department of Education to provide each local school division the appropriate level of guidance on eligibility determinations for special education and related services. The bill requires the Board of Education to amend its regulations to ensure that each education preparation program graduate in a K-12 general education endorsement area demonstrates proficiency in understanding the role of general education teachers on the IEP team. Both bills also passed the GA easily.

Other Human Services Legislation of Interest

Aging Services

Questions about how the Department for Aging and Rehabilitative Services (DARS) meets the needs of seniors in Virginia have been raised, and that topic received a fair amount of attention in the 2021 GA. To address this issue, **SB 1366** (Barker) was introduced to define both "economic need" and "social need" to insure that services are not solely prioritized to respond to the needs of low-income seniors. **SB 1366** requires DARS to use available resources to provide services to older persons with the greatest economic or social needs. The bill defines "economic need" as need resulting from an income level at or below the poverty line. The bill defines "social need" as need caused by non-economic factors, including: physical and mental disabilities; language barriers; and cultural, social, or geographic isolation, including that which is related to a history of discrimination for factors such as racial or ethnic status, gender identity, gender expression, or sexual orientation that can affect an individual's ability to perform normal daily tasks or threatens such individual's capacity to live independently. Though this bill received spirited debate, it did ultimately pass the GA.

Auxiliary Grant Subsidies for Assisted Living Facility Services

Auxiliary grants are income supplements for individuals who receive federal Supplemental Security Income (SSI) and certain other aged, blind, or disabled individuals who reside in a licensed assisted living facility (ALF) or an approved adult foster care (AFC) home. An auxiliary grant payment is issued to an individual monthly, to be used with a designated amount of their monthly income to pay an ALF or AFC a maximum monthly rate. This rate is determined by the GA. Two bills were introduced this session to increase the state's GF support for auxiliary grants (a portion of the grants is derived from the eligible individual's federal SSI). **SB 1185** (Dunnavant) would have increased the overall auxiliary grant rate by 50 percent for some residents of ALFs. That bill was defeated in favor of **SJ 293** (Spruill), which directs the Joint Commission on Health Care to study available data regarding assisted living and auxiliary grants and develop a blueprint for implementing recommendations that will allow the Commonwealth to provide a more realistic system of addressing housing and care needs. That report is due in November 2021.

Intellectual or Developmental Disabilities

SB 1472 (Suetterlein) directs DMAS to study and develop recommendations for the permanent use of virtual supports and increasing access to virtual supports and services for individuals with intellectual and developmental disabilities by promoting access to assistive technology and environmental modifications.

The bill requires DMAS to report its findings and recommendations to the Governor and the GA by November 1, 2021. The bill passed the GA easily.

Mental Health Services

Again this year, a number of bills were introduced to address the role of CSBs and improve the state's mental health services. In a bill to amend discharge planning from a state mental institution or training center, **SB 1304** (McPike) initially required CSBs to complete their assessments in 72 hours instead of the 30 days currently required. The final bill, however, leaves the 30 day requirement in place but adds a 72 hour limit to the process for resolving disputes between the CSB and the facility as to whether a client is ready for discharge or not. In addition, the bill establishes a work group to develop a plan to expedite the overall discharge process, and to identify funding necessary for that process.

Another bill, **HB 1874** (Coyner), would have imposed a similar 72 hour requirement on assessment services for local or regional jails (jails contract with either CSBs or private mental health providers for assessment and treatment services). This bill was also significantly amended to focus more clearly on minimum standards for behavioral health services that must be provided by local or regional jail facilities overall, based upon work already completed by state oversight agencies and included in federal jail certification programs.

Finally, **SB 1273** (Deeds) establishes a new Behavioral Health Commission to replace what was officially called the Joint Subcommittee to Study Mental Health Services in the 21st Century, but what was referred to by many as the "Deeds Commission." The new Behavioral Health Commission will continue to examine the state's overall mental health and substance abuse services, and funding is included in the budget to support the necessary staff and related costs.

Social Services

A number of social services bills were successful in the GA this session. **HB 1820** (Helmer) allows TANF and Supplemental Nutrition Assistance Program (SNAP) recipients, to the extent permitted by federal law and regulations, to satisfy or earn exemptions from work and training requirements if they are enrolled in postsecondary education. The bill also directs the Department of Social Services not to impose an asset limit and to set the gross income eligibility standard at 200 percent of the federal poverty level. **HB 2191** (Leftwich) as introduced would have required a local social services agency to disclose the location of a child in government custody to a parent or guardian when asked, unless such a disclosure was not in the best interests of the child. The bill was amended a number of times, leading to a potential requirement that a local social services agency share information about a child not in government custody and without sufficient information to assess the current family situation, raising concerns about unintended consequences. The final bill as passed was amended to relate only to families already known to the local social services agency under its child abuse or neglect responsibilities, narrowing the scope of the legislation significantly. **SB 1328** (Mason) creates the State-Funded Kinship Guardianship Assistance program to facilitate child placements with relatives, including fictive kin, and ensure permanency for children. The bill sets forth eligibility criteria for the program, payment allowances to kinship guardians, and requirements for kinship guardianship assistance agreements. To further support the development of Virginia's recognition of the role of fictive kin, **HB 1962** (Gooditis) requires local departments of social services and licensed child-placing agencies to involve the child's relatives and fictive kin in the development of a child's foster care plan.

Marijuana

During the 2020 session, the GA decriminalized the simple possession of up to an ounce of cannabis, creating instead a civil penalty of up to \$25. Though it was understood at that time that decriminalization was only a step towards full cannabis legalization for adults, there were many who wondered how quickly such a dramatic change could be achieved on such a complex issue.

However, with less than a year remaining in his term, the Governor threw his support behind full cannabis legalization for adults and the legislative process began with identical bills crafted by the Northam Administration – **HB 2312** (Herring)/**SB 1406** (Ebbin). From then on, the House and Senate took very different approaches to this issue. Typically, most legislation at the GA is heard in one policy committee, and if there are fiscal implications, it might then be sent to one of the money committees prior to floor consideration. In a sign of the range of issues being considered in this legislation, each marijuana bill

was heard in two policy committees in its respective house before also being heard in a money committee. When the bills began the legislative process, they were approximately 250 pages; one eventually grew to over 500 pages before being scaled back – quite a lot for a part-time legislature to digest in seven weeks.

Prior to crossover, the bills did share many similarities. Each would permit an adult over the age of 21 to possess up to an ounce of cannabis or an equivalent amount of cannabis product. Possession of more than an ounce of cannabis would remain punishable by a civil fine of up to \$25. Possession of more than five pounds of cannabis could result in up to 10 years in prison. Possession on school grounds could result in up to six months in jail. Bringing any cannabis into Virginia would be punishable by up to one year in jail. Each bill also included provisions relating to the following: growing cannabis plants at home for personal use; creating a Cannabis Control Authority to regulate the adult-use cannabis market; giving licensing priority to social equity applicants; packaging, labeling, and risk information and warning label requirements; creating a Cannabis Public Health Advisory Council to make public health recommendations; implementing a sales tax and gave localities the authority to levy a local sales tax; providing for automatic expungement of misdemeanor marijuana offenses; and, allowing for petition-based expungements for certain marijuana-related felonies. Each bill delayed the enactment of retail sales of cannabis to January 1, 2024.

There were also differences between the bills. The House bill relied on the Virginia Alcoholic Beverage Control Authority, renamed as the Virginia Alcoholic Beverage and Cannabis Control Authority, to regulate marijuana cultivation facilities, marijuana manufacturing facilities, marijuana testing facilities, marijuana wholesalers, and retail marijuana stores. The Senate had concerns that because the Virginia Alcoholic Beverage Control Authority had a law-enforcement component to it, a new agency should be created to regulate cannabis. The House bill preserved local land use authority; however, no similar provision was included in the Senate bill. The Senate bill also allowed localities to ban retail cannabis stores by voter referenda. The House and Senate also took different approaches to the vertical integration of businesses. Vertical integration of businesses would allow a single company to grow, process, and sell cannabis products. The House banned this practice whereas the Senate would permit vertical integration only if a business could pay a \$1 million fee into a state equity fund. The Senate bill legalized possession of up to an ounce of marijuana effective on July 1, 2021, whereas the House delayed that until January 1, 2024, when retail sales would also be allowed.

The bills were sent to conference to work out the differences, but the differences were so significant that at a certain point it appeared that a legalization bill might not pass at all this session. However, just as the session was about to end, an agreement was reached. Most of the legislation, including the legalization of possession of marijuana as well as the establishment of retail sales, has a delayed effective date of January 1, 2024. The Commonwealth can begin to act as of July 1, 2021, to establish and develop the Virginia Cannabis Control Authority, the regulatory body that will provide oversight to this new industry.

The legislation provides that a local referendum may be held on the possible prohibition of retail marijuana stores in each locality. The governing body of a locality may, by resolution, petition the circuit court for the locality for a referendum on the question of whether retail marijuana stores should be prohibited in the locality. The initial referendum must be held and results certified by December 31, 2022. The legislation includes a tax of 21 percent on the sale of retail marijuana, retail marijuana products, marijuana paraphernalia sold by a retail marijuana store, non-retail marijuana, and non-retail marijuana product. This new tax will be allocated as follows:

- 40 percent of the revenue is allocated for pre-kindergarten programs for at-risk three-year-olds and four-year-olds;
- 30 percent is allocated to the Cannabis Equity Reinvestment Fund (established pursuant to § 2.2-2499.4 of the legislation);
- 25 percent is allocated to DBHDS, to be distributed to CSBs for the purpose of administering substance use disorder prevention and treatment programs; and,
- 5 percent is allocated to public health programs.

The bill also includes an optional three percent local tax, which is in addition to any other local sales tax.

The compromise bill also preserves local land use authority, including allowing localities to adopt ordinances that regulate the hours during which retail marijuana and marijuana products may be sold. It is expected that the Governor will craft additional amendments to the legislation that will be considered at

the April reconvened (or veto) session. It is likely that additional changes to the legislation will be considered at the 2022 GA as well.

Opioid Authority

The national opioid epidemic in the United States led to a multistate effort to investigate and hold opioid manufacturers and distributors accountable for their role in the opioid crisis. A number of states, including the Commonwealth of Virginia, filed suit against pharmaceutical companies (a number of localities in Virginia, including Fairfax County, joined such lawsuits as well). The GA enacted legislation to create an Opioid Abatement Authority in order to ensure that funds from lawsuits against opioid makers and distributors are used to support addiction prevention and treatment. **HB 2322** (Herring) and **SB 1469** (Barker) create that new authority, establish the powers and duties of the authority, create a method for disbursement of funds, and establish reporting requirements. The Board of Directors will consist of 11 members, including state and local government representatives. Funding will be distributed as follows:

- 15 percent shall be restricted for use by state agencies;
- 15 percent shall be restricted for use by participating localities, provided that if the terms of a settlement, judgment, verdict, or other court order, or any agreement related thereto between the Attorney General and participating localities, require this portion to be distributed according to a local apportionment formula, this portion shall be distributed in accordance with such formula;
- 35 percent shall be restricted for use for regional efforts; and,
- 35 percent shall be unrestricted and can be used for staffing or administrative costs, and may be distributed for use by state agencies, participating localities, or for regional efforts.

Fairfax County has advocated for substantial, dedicated, equitable funding to be distributed directly to localities quickly and efficiently, in recognition of the significant financial burden localities have borne in addressing the opioid epidemic. It will be important for administrative costs to be minimized to the extent practicable, to ensure funds are dedicated to program and service delivery for County residents. In addition, substantial local government representation on the authority must be maintained.

Public Safety and Court Administration

Expungement

A criminal record can create significant consequences for individuals in a wide variety of ways, whether the record is for an arrest, conviction, or both. For example, employers and landlords commonly ask job applicants and rental applicants whether they have ever been convicted of (or perhaps even arrested for) a criminal offense. Expungement refers to the process of destroying arrest and conviction records so that they are not publicly available. In most states, there are laws that allow people to expunge arrests and convictions from their records. Though the details can vary from one state to the next, most states' laws provide that once an arrest or conviction has been expunged, it need not be disclosed, including to potential employers or landlords.

As the GA continued its efforts to reform the criminal justice system this session, it turned its focus to the issue of expungement. Leading up to the 2021 session, the Virginia State Crime Commission (VSCC) studied expungement and recommended that Virginia enact a system for automatic expungement of certain convictions, deferred dispositions, and acquittals, as well as for offenses where there has been a nolle prosequi (meaning that the Commonwealth's Attorney decided not to prosecute the charges against an individual) or the charges were otherwise dismissed. Under current law, Virginia has a petition-based system of expungement for charges that have been dismissed, or in cases of acquittal. Individuals who have been pardoned can also have their records expunged. **HB 2113** (Herring) as introduced included the recommendations of the Crime Commission. The bill also would have established a process for the automatic expungement of criminal records for charges arising from mistaken identity or the unauthorized use of identifying information.

The Senate began the session with three different approaches to reforming the expungement system. **SB 1372** (Lucas) also adopted the recommendations of the VSCC, and would have established a system for automatic expungements similar to **HB 2113**. **SB 1283** (Morrissey) was also an automatic expungement bill, but would have made all misdemeanors eligible for automatic expungement, including DUIs and domestic violence offenses. Finally, **SB 1339** (Surovell) took a different approach, relying on a system of petition-based sealing, which would greatly expand Virginia's existing petition-based

expungement system while including a small list of offenses that would be eligible for automatic expungement. Ultimately, the Senate decided that **SB 1339** would be the best approach, but amendments were made to strengthen some of the data protections included in the introduced bill.

With very different approaches, it appeared that the issue of expungement would have to be ironed out in conference. However, the Senate and House worked together after crossover and agreed to a compromise to revolutionize the expungement process in Virginia. The compromise creates a system of automatic sealing for nine misdemeanor convictions after a period of seven years without any further convictions. It also creates a system of petition-based sealings for convictions of misdemeanors and Class 5 and 6 felonies. Convictions for DUIs and domestic violence offenses will not be eligible for sealing. In order to have a misdemeanor sealed, seven years must pass without any convictions, and in order to have a felony sealed, ten years must pass without additional convictions. In addition, the compromise allows for the automatic sealing of misdemeanor and felony charges that are deferred or that result in acquittals. Such sealings would be immediate, although the prosecutor would have to agree to the automatic sealing of a felony charge.

The compromise also makes a distinction between sealings and expungements. In an expungement, the records of the charge or conviction are destroyed. When a conviction or charge is sealed, the records are not destroyed but are segregated in a location where the public cannot access the records. The compromise bill has limited exceptions for when sealed records may still be accessed. For example, sealed records will still be available for firearms background checks, to screen applicants for jobs with law enforcement, and for use in civil and criminal cases. The bills also create a fund that will be used to pay for court-appointed attorneys who represent indigent people in petition-based sealing cases. Money from the filing fees for petition-based sealings will be placed in the fund to expand access to the petition-based sealing process. Finally, the bill continues the VSCC study on expungements, with a report due on December 15, 2021. The bill also contains a delayed enactment of July 1, 2025, to give the Virginia State Police, the Office of the Executive Secretary, and local circuit court clerks time to upgrade case management systems. Once the compromise was reached, **HB 2113** and **SB 1339** were amended to become identical and passed both bodies with some bipartisan support.

License Plate Readers

License plate readers (LPRs) capture computer-readable images of license plates. These high-tech devices allow law-enforcement agencies to compare plate numbers against those of stolen cars or cars driven by people suspected of being involved in criminal or terrorist activities. Privacy advocates have raised concerns about whether such information can be used to track the movements of individuals without a true law-enforcement purpose. The issue received significant attention in Virginia when then-Attorney General Ken Cuccinelli issued an opinion stating that the passive collection of LPR data violated Virginia's Government Data Collection and Dissemination Practices Act (GDCDPA); however, LPR data that specifically pertains to investigations and intelligence gathering related to criminal activity may be collected and is exempt from the GDCDPA. Legislation was introduced at the GA in 2015 to require a very short retention period for all law enforcement – seven days. While the legislation passed the GA, it was vetoed by then-Governor McAuliffe, and in short order the American Civil Liberties Union (ACLU) sued Fairfax County, which was retaining that data for one year. As a result of the ongoing litigation, the GA has not considered legislation on this topic for several years, but in 2021, **SB 1198** (Petersen) was introduced in response to the October 2020 decision of the Virginia Supreme Court in the County's favor. The Supreme Court determined that LPR data is not personal, identifying information, and therefore, retaining it does not violate the GDCDPA.

As introduced, **SB 1198** added license plate numbers to the definition of personal information in the GDCDPA. The bill would have mandated that data collected by an LPR without a warrant be retained for no more than seven days, unless it was being used for the investigation of a crime or a report of a missing person. The bill was amended in the Senate to increase the retention period to 30 days, but still maintained that such data would be considered personal information, even though license plate numbers are owned by the Commonwealth through the DMV and not by individual residents. The bill passed the Senate, and a House Public Safety subcommittee recommended that the bill report on a narrow 4-3 vote. However, when the full Public Safety Committee debated the bill, it decided to turn the bill into a study, directing the Secretary of Public Safety and Homeland Security to establish a work group to review the use of LPRs by law enforcement, as a number of complex issues were raised and there were a number of unanswered questions. The bill languished on the House floor for several days until it was ultimately referred to the House Committee on Communications, Technology and Innovation, effectively killing it.

Qualified Immunity

Qualified immunity is a defense in litigation where an allegation is made that a government employee (including a law-enforcement officer) violated an individual's constitutional rights. It can be used as a defense when a government employee's actions are determined to be "reasonable," and a judge determines whether an employee's actions are reasonable. The "reasonableness" test asks the judge to determine whether a reasonable employee faced with the same facts and circumstances would have taken the same action. Qualified immunity does not protect a government employee for a violation of clearly established law or criminal activity. The determination of whether a government employee is entitled to qualified immunity is based upon the court's consideration of two possible questions:

1. Did the government employee's action violate someone's constitutional rights? If it did not, then the government employee is protected by qualified immunity.
2. Would a reasonable government employee have known not to take the action taken by the employee in the particular case, because a reasonable employee would know they were violating a person's rights? In determining this, a court must determine one of three things: Is there legal authority (statute or case law in the federal circuit that includes the employee's jurisdiction) stating that the employee's actions were unconstitutional? Is there a consensus in other federal circuits that the employee's actions were unconstitutional? Were the employee's actions such an obvious violation that the employee would have been on notice not to take the action they took?

The court can consider either or both questions in determining the employee's entitlement to qualified immunity.

As criminal justice reform received increased national attention in 2020, a push in Virginia to eliminate qualified immunity stalled in the GA during the 2020 special session, with a promise to revisit the issue in 2021. Two bills were introduced during the 2021 session, but to the surprise of many, the result was the same, and neither was successful. **HB 2045** (Bourne) was identical to a failed bill from the special session, and would have created a private cause of action for the deprivation of a person's civil rights by a law-enforcement officer (including compensatory damages, punitive damages, attorney fees and costs, and equitable relief). The bill also would have extended liability to the law-enforcement officer's employer, even if the officer was acting outside of his or her authority or the employer's policies. **SB 1440** (Surovell) was less expansive in scope and would have limited the civil cause of action to cases involving the use of unlawful acts of force or the failure of law-enforcement officers to intervene if required by law. The bill also would have extended liability to the law-enforcement officer's employer for any injuries sustained because of the officer's actions, if they occurred during the ordinary course of the employer's business. Although neither bill made it out of committee in its respective house, both the House and the Senate agreed to study the issue of qualified immunity before the 2022 session, so future legislation on this complex topic is likely.

Workers' Compensation

Every GA session there are numerous bills dealing with the issue of workers' compensation, and this year was no different. However, this year's legislation focused in large part on the COVID-19 pandemic. After much discussion and deliberation, the House and Senate adopted legislation that would establish COVID-19 as a presumptive illness. **HB 2207** (Jones) and **SB 1375** (Saslaw) would establish a presumption that COVID-19 causing the death or disability of firefighters, EMS personnel, law-enforcement officers, correctional officers, or regional jail officers, is an occupational disease compensable under the Workers' Compensation Act. The Senate originally included a prospective presumption effective July 1, 2021, while the House originally included a retroactive presumption effective from March 2020. VACo estimated that the House version's fiscal impact to local governments could be approximately \$15 million, and urged the conferees to support the prospective version of the bill. The conference committee ultimately proposed amendments to both bills that included a retroactive presumption application, but only effective from September 1, 2020. Both the House and Senate passed the bills as amended by the conference committee unanimously, with one abstention in the House. It is important to note that any expansion of retroactive coverage without additional state or federal funding will not only create a fiscal impact to local governments, but will also likely lead to the lengthy and contentious adjudication of workers' compensation claims for eligible employees. This stems from the reinsurance contracts for risk insurance providers.

ONGOING ISSUES AND STUDIES

Studies

Due to unusually strict bill limits this session, legislators introduced a significantly smaller number of study resolutions. As in years past, the creation of new study commissions was kept to a minimum, with many studies being conducted by state agencies rather than legislative bodies.

The 2021 GA considered several key studies of interest to Fairfax County. One study of particular note is **HJ 542** (McQuinn). As introduced, the resolution would have directed DRPT to conduct a two-year study of transit equity and modernization in the Commonwealth, including transit accessibility, adequacy of transit infrastructure, transit electrification, implementation of emerging technology, transit safety, and transit system engagement. DRPT was directed to place particular emphasis on transit services and engagement opportunities for underserved and underrepresented communities. Though the Senate amended the resolution to instead require that JLARC undertake the study, after discussions between JLARC and DRPT, it was ultimately determined that DRPT would be best equipped to conduct the study. The resolution passed with bipartisan support and language was included in the budget to authorize up to \$900,000 from the 2021 Transportation Funding Initiative for the study. Some previous studies that evaluated statewide transit funding resulted in recommendations that adversely impacted the percentage of funding provided to Northern Virginia. County staff will closely monitor this work group to ensure that, at a minimum, the current level of state support for transit services in the region is maintained.

Another study, **SJ 308** (Lucas), directs JLARC to study the impact of COVID-19 on Virginia's public schools, students, and school employees. Given the challenges COVID-19 has presented for public education and the likely lasting impacts of the pandemic on students and families, this study may be important in identifying resource gaps, equity issues, and the need for innovating planning in the future.

A select list of additional studies of interest to the County that passed the GA this year is provided below. County staff will be monitoring the progress of these studies throughout the year:

HJ 563 (Watts) directs the Division of Legislative Services, in conjunction with the Department of Taxation, to establish a work group to assess the feasibility of transitioning to a unitary combined reporting system for corporate income tax purposes.

HJ 567 (Watts) directs JLARC to study increasing the progressivity of Virginia's individual income tax system to make it more progressive and fair in response to economic dynamics.

HJ 578 (Price) requests DBHDS to establish a work group to study the feasibility of developing a secure, de-identified, renewable, and relational database of criminal justice, behavioral health, and other human services records to facilitate the development of more effective intervention.

SJ 285 (Edwards) continues the Joint Subcommittee to Study Barrier Crimes and Criminal History Records Checks for one additional year, through November 30, 2021.



SECTION II

FAIRFAX COUNTY
LEGISLATIVE SUMMARY

2021 GENERAL ASSEMBLY

March 2, 2021

Fairfax County Legislative Summary 2021 General Assembly

Board of Supervisors Report Key

Bill No. – Patron, (District No.) Bill Title	Committee/Floor Actions	
<p>HB 589 - Watts (39) Blue Star Memorial Highway; designating as portion of Old Keene Mill Road in Fairfax County.</p>	<p>1/10/2006 House: Referred to Committee on Transportation</p>	<p>12/5/2005</p>
<p>Initiate (067916260) Summary: Designates a portion of Old Keene Mill Road in Fairfax County a "Blue Star Memorial Highway."</p>		

Bold = Date Position taken by full Board of Supervisors
 [] = Date position taken by BOS Legislative Committee

Bold = Board Position, [] = BOS Legislative Committee Position (LD No. is version of bill on which position was taken)
Summary -- Reflects latest version of summary available on the Legislative Information System Web Site (If not noted otherwise, reflects summary as introduced)

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HB 1927 Sickles, M	Economic development authorities; Fairfax County.	
SB 1208 Barker, G	Continuity of government; extends period of time that locality may provide after disaster, etc.	
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HB 1820 Helmer, D	SNAP benefits program; eligibility for benefits, postsecondary education.	
HB 1888 VanValkenburg, S	Absentee voting; procedural and process reforms, availability and accessibility reforms, penalty.	
HB 1903 Carr, B	Local government; authority to reduce the speed limit in a business district or residence district.	
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HB 2138 Guzman, E	Identification privilege cards; authorizes DMV to issue, fee, confidentiality, penalties.
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<u>SB 1118</u> Peake, M	Voter registration; verification of social security numbers, provisional registration status.
<u>SB 1133</u> Suetterlein, D	Children's Services Act; eligibility for state pool of funds, pilot program.
<u>SB 1153</u> Suetterlein, D	Absentee voting; ballots to be sorted and results to be reported by precinct.
<u>SB 1185</u> Dunnavant, S	Assisted living facilities; residents that are auxiliary grant recipients.
<u>SB 1186</u> Hashmi, G	Landfill siting; historic preservation.
<u>SB 1191</u> Kiggans, J	School nurses; excludes positions from certain requirements, school board to employ in each school.
<u>SB 1198</u> Petersen, J	Government Data Collection and Dissemination Practices Act; license plate readers.
<u>SB 1200</u> Hashmi, G	Waste disposal; local approval.
<u>SB 1249</u> Stuart, R	Local planning commissions; review deadlines.
<u>SB 1264</u> Morrisey, J	Emergency and preliminary protective orders; expungement of orders.
<u>SB 1283</u> Morrisey, J	Criminal records, certain; establishes a process for the automatic expungement, report.

<u>SB 1372</u> Lucas, L	Criminal records; establishes a process for automatic expungement for certain convictions, report.
<u>SB 1382</u> Favola, B	Firearms; purchase, etc., following conviction for assault and battery of a family member.
<u>SB 1384</u> Surovell, S	Virginia Public Procurement Act; local arbitration agreements.
<u>SB 1419</u> Marsden, D	Project labor agreements; public interest.

Fairfax County Initiatives

*Bills Introduced
at Fairfax County's Request*

Bills	General Assembly Actions	Date of BOS Position
<p><u>HB 1919</u> - Kory (38) Local green banks; authorizes a locality, by ordinance, to establish.</p>	<p>1/10/2021 House: Referred to Committee on Counties, Cities and Towns 1/29/2021 House: Reported from Counties, Cities and Towns (13-Y 8-N) 2/3/2021 House: Read third time and passed House (55-Y 43-N) 2/4/2021 Senate: Referred to Committee on Local Government 2/5/2021 Senate: Continued to 2021 Special Session 1 in Local Government (15-Y 0-N) 2/15/2021 Senate: Reported from Local Government with substitute (8-Y 5-N) 2/17/2021 Senate: Passed Senate with substitute (25-Y 13-N) 2/19/2021 House: Senate substitute agreed to by House 21200236D-S1 (56-Y 42-N) 2/24/2021 House: Enrolled 2/24/2021 Senate: Signed by President 2/25/2021 House: Signed by Speaker 2/26/2021 House: Enrolled Bill communicated to Governor on February 26, 2021</p>	<p>1/26/2021</p>

Initiate (21102092D)

Summary: Authorizes a locality, by ordinance, to establish a green bank to promote the investment in clean energy technologies in its locality and provide financing for clean energy technologies, defined in the bill. The bill establishes certain powers and functions of a green bank, including developing rules and procedures, financing and providing loans for clean energy projects, and stimulating demand for renewable energy. The bill requires the green bank to be a public entity, quasi-public entity, depository bank, or nonprofit entity and requires the locality to hold a hearing and publish notice of the hearing in a newspaper of general circulation prior to establishing the green bank.

<p><u>HB 1927</u> - Sickles (43) Economic development authorities; Fairfax County.</p>	<p>1/10/2021 House: Referred to Committee on Counties, Cities and Towns 1/15/2021 House: Reported from Counties, Cities and Towns (20-Y 1-N) 1/20/2021 House: Read third time and passed House (98-Y 0-N) 1/21/2021 Senate: Referred to Committee on Local Government 2/1/2021 Senate: Reported from Local Government (15-Y 0-N) 2/3/2021 Senate: Passed Senate (38-Y 1-N) 2/8/2021 House: Enrolled 2/10/2021 House: Signed by Speaker 2/10/2021 Senate: Signed by President 2/11/2021 House: Enrolled Bill communicated to Governor on February 11, 2021 2/11/2021 Governor: Governor's Action Deadline 11:59 p.m., March 10, 2021 3/1/2021 Governor: Approved by Governor-Chapter 7 (effective 7/1/21)</p>	<p>1/26/2021</p>
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Initiate (21102409D)

Summary: Allows Fairfax County to appoint nine, rather than seven, commissioners to the economic development authority.

Bills	General Assembly Actions	Date of BOS Position
<p>SB 1208 - Barker (39) Continuity of government; extends period of time that locality may provide after disaster, etc.</p>	<p>1/11/2021 Senate: Referred to Committee on Local Government 1/18/2021 Senate: Reported from Local Government (14-Y 1-N) 1/21/2021 Senate: Read third time and passed Senate (39-Y 0-N) 2/2/2021 House: Referred to Committee on Counties, Cities and Towns (HCCT) 2/8/2021 House: Continued to 2021 Special Session 1 in HCCT by voice vote 2/19/2021 House: Reported from HCCT (19-Y 1-N) 2/24/2021 House: Passed House (93-Y 6-N) 2/26/2021 Senate: Enrolled 2/26/2021 House: Signed by Speaker 2/27/2021 Senate: Signed by President 3/1/2021 Senate: Enrolled Bill Communicated to Governor on March 1, 2021 3/1/2021 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021</p>	<p>1/26/2021</p>

Initiate (21102240D)

Summary: Continuity of government. Extends from six to 12 months the period of time after an enemy attack or other disaster that a locality may, by ordinance, provide for a method to assure continuity in its government and requires the ordinance to provide a method for the locality to resume normal governmental authority by the end of that 12-month period.

<p>SB 1226 - Boysko (33) Compensation Board; determining staffing and salaries for an attorney for the Commonwealth.</p>	<p>1/11/2021 Senate: Referred to Committee on Local Government 1/18/2021 Senate: Re-referred to Judiciary 1/25/2021 Senate: Reported from Judiciary (15-Y 0-N) 1/25/2021 Senate: Re-referred to Finance and Appropriations 2/2/2021 Senate: Reported from Finance and Appropriations with amendment (14-Y 2-N) 2/5/2021 Senate: Read third time and passed Senate (35-Y 4-N) 2/7/2021 House: Referred to Committee for Courts of Justice 2/8/2021 House: Continued to 2021 Special Session 1 in Courts of Justice by voice vote 2/10/2021 House: Subcommittee recommends reporting with amendments (8-Y 0-N) 2/10/2021 House: Subcommittee recommends referring to Committee on Appropriations 2/12/2021 House: Reported from Courts of Justice with amendment(s) (22-Y 0-N) 2/12/2021 House: Referred to Committee on Appropriations 2/15/2021 House: Subcommittee recommends laying on the table (8-Y 0-N) 3/1/2021 House: Left in Appropriations</p>	<p>1/26/2021</p>
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Initiate (21102115D)

Summary: Compensation Board determining staffing and salaries for an attorney for the Commonwealth. Provides that the Compensation Board shall consider workload totals comprehensively, including the use of diversion programs and specialty dockets, when determining staffing and funding levels for an attorney for the Commonwealth and the office. The provisions of the bill are contingent on funding in a general appropriation act.

Fairfax County Positions
(Oppose or Amend)

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Bills	General Assembly Actions	Date of BOS Position
<p>HB 2019 - McQuinn (70) Public elementary and secondary schools; administration of undesignated stock albuterol inhalers.</p>	<p>1/12/2021 House: Referred to Committee on Education 1/22/2021 House: Subcommittee recommends reporting (6-Y 2-N) 1/25/2021 House: Reported from Education with amendment(s) (16-Y 6-N) 1/28/2021 House: Read third time and passed House (82-Y 18-N) 1/29/2021 Senate: Referred to Committee on Education and Health 2/5/2021 Senate: Continued to 2021 Special Session 1 in Education and Health (15-Y 0-N) 2/18/2021 Senate: Reported from Education and Health with substitute (13-Y 1-N) 2/22/2021 Senate: Passed Senate with substitute (37-Y 2-N) 2/24/2021 House: Senate substitute agreed to by House 21200123D-S1 (86-Y 12-N) 2/26/2021 House: Enrolled 2/26/2021 House: Signed by Speaker 2/27/2021 Senate: Signed by President 3/1/2021 House: Enrolled Bill communicated to Governor on March 1, 2021 3/1/2021 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021</p>	<p>1/26/2021</p>

Oppose (21102599D)

Summary: Public elementary and secondary schools; possession and administration of undesignated stock albuterol inhalers and valved holding chambers. Requires each local school board to adopt and implement policies for the possession and administration of undesignated stock albuterol inhalers and valved holding chambers in every public school in the local school division, to be administered by any school nurse, employee of the school board, employee of a local governing body, or employee of a local health department who is authorized by the local health director and trained in the administration of albuterol inhalers and valved holding chambers for any student believed in good faith to be in need of such medication. The bill requires the Department of Education, in conjunction with the Department of Health, to develop and implement policies for the administration of stock albuterol in public schools. The bill has a delayed effective date of January 1, 2022.

Bold – Indicates BOS formal action
 [] Indicates BOS Legislative Committee Action

Fairfax County Positions
(Support)

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Bills	General Assembly Actions	Date of BOS Position
<p><u>HB 1810</u> - VanValkenburg (72) Voter registration; failure of online voter registration system, deadline extension.</p>	<p>1/5/2021 House: Referred to Committee on Privileges and Elections 1/13/2021 House: Reported from Privileges and Elections with amendment(s) (22-Y 0-N) 1/19/2021 House: Read third time and passed House BLOCK VOTE (98-Y 0-N) 1/20/2021 Senate: Referred to Committee on Privileges and Elections 2/5/2021 Senate: Continued to 2021 Special Session 1 in Privileges and Elections (15-Y 0-N) 2/16/2021 Senate: Reported from Privileges and Elections (13-Y 0-N 2-A) 2/19/2021 Senate: Passed Senate (34-Y 4-N) 2/24/2021 House: Enrolled 2/24/2021 Senate: Signed by President 2/25/2021 House: Signed by Speaker 2/26/2021 House: Enrolled Bill communicated to Governor on February 26, 2021</p>	<p>1/26/2021</p>
<p>Support (21101534D-E) Summary: Voter registration; failure of online voter registration system; deadline extension. Provides that in the event that a failure of the Virginia online voter registration system occurs prior to the close of registration records, the Governor has the authority to order the online voter registration system to be available for registration activities after the date for closing the registration records for a period of time equal to the amount of time during which the online voter registration system was unavailable for registration activities, rounded up to the nearest whole day, plus an additional day to allow for voter education efforts. The extension of registration activities shall apply to in-person registration and mail voter registration applications.</p>		
<p><u>HB 1813</u> - Krizek (44) Highway construction by state or local employees; limit.</p>	<p>1/6/2021 House: Referred to Committee on Transportation (HTRAN) 1/14/2021 House: Subcommittee recommends reporting with amendment (6-Y 3-N) 1/14/2021 House: Reported from HTRAN with amendment (17-Y 5-N) 1/19/2021 House: Read third time and passed House (79-Y 20-N) 1/20/2021 Senate: Referred to Committee on Transportation 2/5/2021 Senate: Continued to 2021 Special Session 1 in Transportation (15-Y 0-N) 2/11/2021 Senate: Reported from Transportation (13-Y 1-N) 2/16/2021 Senate: Passed Senate (33-Y 6-N) 2/19/2021 House: Enrolled 2/19/2021 House: Signed by Speaker 2/22/2021 Senate: Signed by President 2/24/2021 House: Enrolled Bill communicated to Governor on February 24, 2021 2/24/2021 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021</p>	<p>1/26/2021</p>
<p>Support (21102052D-E) Summary: Increases from \$600,000 to \$700,000 the value of highway maintenance and construction projects eligible to be performed by state or local employees.</p>		

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[] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
<p>HB 1820 - Helmer (40) SNAP benefits program; eligibility for benefits, postsecondary education.</p>	<p>1/6/2021 House: Referred to Committee on Health, Welfare and Institutions (HHWI) 1/20/2021 House: Subcommittee recommends reporting with substitute (6-Y 0-N) and referring to Committee on Appropriations 1/26/2021 House: Reported from HHWI with substitute (22-Y 0-N) 1/26/2021 House: Referred to Committee on Appropriations 1/27/2021 House: Subcommittee recommends reporting (7-Y 0-N) 1/27/2021 House: Reported from Appropriations (18-Y 0-N) 2/1/2021 House: Read third time and passed House BLOCK VOTE (100-Y 0-N) 2/2/2021 Senate: Referred to Committee on Rehabilitation and Social Services 2/5/2021 Senate: Continued to 2021 Special Session 1 in Rehabilitation and Social Services (14-Y 0-N) 2/12/2021 Senate: Reported from Rehabilitation and Social Services (15-Y 0-N) 2/12/2021 Senate: Re-referred to Finance and Appropriations 2/17/2021 Senate: Reported from Finance and Appropriations (16-Y 0-N) 2/18/2021 Senate: Passed Senate (38-Y 0-N) 2/18/2021 Senate: Reconsideration of Senate passage agreed to by Senate (39-Y 0-N) 2/18/2021 Senate: Passed Senate (39-Y 0-N) 2/22/2021 House: Enrolled 2/22/2021 Senate: Signed by President 2/24/2021 House: Signed by Speaker 2/25/2021 House: Enrolled Bill communicated to Governor on February 25, 2021 2/25/2021 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021</p>	<p>1/26/2021</p>

Support (21101472D)

Summary: Temporary Assistance for Needy Families; food stamp program; eligibility; postsecondary education. Adds participation in educational activities that lead to a post-secondary credential from an accredited institution of higher education or other postsecondary school licensed or certified by the Board of Education or the State Council of Higher Education for Virginia to the list of activities to which a participant in the Virginia Initiative for Education and Work may be enrolled and directs the Board of Social Services to amend the Supplemental Nutrition Assistance Program (SNAP benefits program) to (i) establish broad-based categorical eligibility, (ii) set the gross income eligibility standard at 200 percent of the federal poverty guidelines, (iii) not impose an asset limit for eligibility, and (iv) increase opportunities for self-sufficiency through postsecondary education by allowing SNAP benefits program participants to satisfy applicable employment and training requirements through enrollment in an accredited public institution of higher education or other postsecondary school licensed or certified by the Board of Education or the State Council of Higher Education for Virginia.

Bold – Indicates BOS formal action
 [] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
<p><u>HB 1888</u> - VanValkenburg (72) Absentee voting; procedural and process reforms, availability and accessibility reforms, penalty.</p>	<p>1/8/2021 House: Referred to Committee on Privileges and Elections 1/13/2021 House: Reported from Privileges and Elections with amendment(s) (13-Y 9-N) 1/19/2021 House: Read third time and passed House (55-Y 43-N) 1/20/2021 Senate: Referred to Committee on Privileges and Elections 2/5/2021 Senate: Continued to 2021 Special Session 1 in Privileges and Elections (15-Y 0-N) 2/16/2021 Senate: Reported from Privileges and Elections with substitute (9-Y 6-N) 2/19/2021 Senate: Passed Senate with substitute (21-Y 17-N) 2/23/2021 House: Senate substitute agreed to by House 21200269D-S1 (53-Y 43-N) 2/25/2021 House: Enrolled 2/25/2021 Senate: Signed by President 2/26/2021 House: Signed by Speaker 3/1/2021 House: Enrolled Bill communicated to Governor on March 1, 2021 3/1/2021 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021</p>	<p>1/26/2021</p>

Support (21101608D-E)

Summary: Absentee voting; procedural and process reforms; availability and accessibility reforms; penalty. Makes various reforms to absentee voting processes and procedures, including those related to availability and accessibility. The bill requires certain actions to be taken to process absentee ballots returned before the day of an election, including verifying the correct completion of the voter affirmation statement, and provides for an opportunity for an absentee voter to make corrections to the statement in certain circumstances. The bill requires the establishment of drop-off locations for the return of voted absentee ballots. Additionally, a central absentee voter precinct is required to be established in each locality; currently, establishment is optional. On the day of the election, officers of election are required to begin processing absentee ballots in the central absentee voter precincts prior to the close of polls, but no ballot vote counts are permitted to be transmitted outside of the central absentee voter precinct before the close of polls; a violation of such prohibition is a Class 1 misdemeanor. When reporting election results to the Department of Elections, the general registrars are required to report absentee ballots cast early in person separately from all other absentee ballots. Additionally, a voter who has applied for and received an absentee ballot may choose to instead vote at his polling place on election day, and such voter shall be entitled to cast a provisional ballot. The bill requires a ballot marking tool with screen reader assistive technology to be made available for absentee voters with a print disability. Restrictions on the availability of absentee voting for first-time voters who registered by mail are repealed. The bill contains technical amendments for organizational and readability purposes.

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Bills	General Assembly Actions	Date of BOS Position
<p><u>HB 1903</u> - Carr (69) Local government; authority to reduce the speed limit in a business district or residence district.</p>	<p>1/8/2021 House: Referred to Committee on Transportation 1/14/2021 House: Subcommittee recommends reporting (9-Y 0-N) 1/14/2021 House: Reported from Transportation (22-Y 0-N) 1/19/2021 House: Read third time and passed House (93-Y 6-N) 1/20/2021 Senate: Referred to Committee on Transportation 2/5/2021 Senate: Continued to 2021 Special Session 1 in Transportation (15-Y 0-N) 2/11/2021 Senate: Reported from Transportation (9-Y 5-N) 2/17/2021 Senate: Passed Senate (21-Y 17-N) 2/22/2021 House: Enrolled 2/22/2021 Senate: Signed by President 2/24/2021 House: Signed by Speaker 2/25/2021 House: Enrolled Bill communicated to Governor on February 25, 2021 2/25/2021 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021</p>	<p>1/26/2021</p>
<p>Support (21101800D) Summary: Local government authority; reduction of speed limits. Authorizes local governing bodies to reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, in a business district or residence district.</p>		
<p><u>HB 1931</u> - Levine (45) Virginia Freedom of Information Act; public body authorized to conduct electronic meetings.</p>	<p>1/11/2021 House: Referred to Committee on General Laws 1/19/2021 House: Subcommittee recommends reporting (8-Y 0-N) 1/21/2021 House: Reported from General Laws (21-Y 0-N) 1/26/2021 House: Read third time and passed House BLOCK VOTE (99-Y 0-N) 1/27/2021 Senate: Referred to Committee on General Laws and Technology 2/5/2021 Senate: Continued to 2021 Special Session 1 in General Laws and Technology (14-Y 0-N) 2/10/2021 Senate: Reported from General Laws and Technology (12-Y 2-N) 2/15/2021 Senate: Passed Senate (28-Y 11-N) 2/17/2021 House: Enrolled 2/17/2021 Senate: Signed by President 2/18/2021 House: Signed by Speaker 2/19/2021 House: Enrolled Bill communicated to Governor on February 19, 2021 2/19/2021 Governor: Governor's Action Deadline 11:59 p.m., February 26, 2021 2/25/2021 Governor: Approved by Governor-Chapter 33 (effective 7/1/21)</p>	<p>1/26/2021</p>

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Bills	General Assembly Actions	Date of BOS Position
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Support (21101369D)

Summary: Virginia Freedom of Information Act; electronic meetings. Authorizes a public body to conduct through electronic communication means a meeting for which, on or before the day of the meeting, a member of the public body holding the meeting notifies the chair that such member is unable to attend the meeting due to a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance. The bill also clarifies that participation in an electronic meeting by a member of a public body due to the inability to attend because of a personal matter is limited each calendar year to two such meetings, which is current law, or 25 percent of the meetings held that calendar year rounded up to the next whole number, whichever is greater. This bill is a recommendation of the Virginia Freedom of Information Advisory Council.

HB 1962 - Gooditis (10) Foster care; termination of parental rights, relatives and fictive kin.

1/11/2021 House: Referred to Committee on Health, Welfare and Institutions
 1/28/2021 House: Reported from Health, Welfare and Institutions with substitute (21-Y 0-N)
 2/3/2021 House: Read third time and passed House BLOCK VOTE (98-Y 0-N 1-A)
 2/3/2021 House: Reconsideration of passage agreed to by House
 2/3/2021 House: Passed House BLOCK VOTE (99-Y 0-N)
 2/4/2021 Senate: Referred to Committee on Rehabilitation and Social Services
 2/5/2021 Senate: Continued to 2021 Special Session 1 in Rehabilitation and Social Services (14-Y 0-N)
 2/12/2021 Senate: Reported from Rehabilitation and Social Services (14-Y 0-N)
 2/16/2021 Senate: Passed Senate (39-Y 0-N)
 2/19/2021 House: Enrolled
 2/19/2021 House: Signed by Speaker
 2/22/2021 Senate: Signed by President
 2/24/2021 House: Enrolled Bill communicated to Governor on February 24, 2021
 2/24/2021 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021

2/9/2021

Support (21103967D-H1)

Summary: Foster care; termination of parental rights; relatives and fictive kin. Requires local departments of social services and licensed child-placing agencies to involve in the development of a child's foster care plan the child's relatives and fictive kin who are interested in the child's welfare. The bill requires that a child 12 years of age or older be involved in the development of his foster care plan; under current law, a child's involvement is mandatory upon reaching 14 years of age. The bill contains other amendments to provisions governing foster care and termination of parental rights that encourage the placement of children with relatives and fictive kin.

Bold – Indicates BOS formal action
 [] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
<p><u>HB 1992</u> - Murphy (34) Firearms; purchase, etc., following conviction for assault and battery of a family member.</p>	<p>1/11/2021 House: Referred to Committee on Public Safety 1/19/2021 House: Subcommittee recommends reporting (5-Y 3-N) 1/22/2021 House: Reported from Public Safety (10-Y 9-N) 1/26/2021 House: Referred to Committee for Courts of Justice (HCT) 1/27/2021 House: Reported from HCT with substitute (13-Y 9-N) 2/1/2021 House: Read third time and passed House (54-Y 46-N) 2/2/2021 Senate: Referred to Committee on the Judiciary 2/5/2021 Senate: Continued to 2021 Special Session 1 in Judiciary (14-Y 0-N) 2/15/2021 Senate: Reported from Judiciary with substitute (8-Y 7-N) 2/15/2021 Senate: Re-referred to Finance and Appropriations (SFIN) 2/17/2021 Senate: Reported from SFIN with substitute (11-Y 4-N) 2/18/2021 Senate: Passed Senate with substitute (20-Y 19-N) 2/22/2021 House: Senate substitute agreed to by House (52-Y 46-N) 2/25/2021 House: Enrolled 2/25/2021 Senate: Signed by President 2/26/2021 House: Signed by Speaker 3/1/2021 House: Enrolled Bill communicated to Governor 3/1/2021 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021</p>	<p>2/9/2021</p>
<p>Support (21103651D-H1) - See also SB 1382 (Favola). Summary: Purchase, possession, or transportation of firearms following conviction for assault and battery of a family or household member; penalties. Prohibits a person who has been convicted of assault and battery of a family or household member, as defined in the bill, from purchasing, possessing, or transporting a firearm. The prohibition expires three years after the date of conviction, at which point the person's firearms rights are restored, unless he receives another disqualifying conviction. A person who violates the provisions of the bill is guilty of a Class 1 misdemeanor.</p>		
<p><u>HB 2018</u> - Mullin (93) Emergency order for adult protective services; acts of violence, etc., or financial exploitation.</p>	<p>1/12/2021 House: Referred to Committee for Courts of Justice (HCT) 1/20/2021 House: Subcommittee recommends reporting with substitute (7-Y 0-N) 1/22/2021 House: Reported from HCT with substitute (22-Y 0-N) 1/27/2021 House: Read third time and passed House BLOCK VOTE (99-Y 0-N) 1/28/2021 Senate: Referred to Committee on the Judiciary 2/5/2021 Senate: Continued to 2021 Special Session 1 in Judiciary (14-Y 0-N) 2/17/2021 Senate: Reported from Judiciary (15-Y 0-N) 2/22/2021 Senate: Passed Senate (39-Y 0-N) 2/25/2021 House: Enrolled 2/25/2021 Senate: Signed by President 2/26/2021 House: Signed by Speaker 3/1/2021 House: Enrolled Bill communicated to Governor on March 1, 2021 3/1/2021 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021</p>	<p>1/26/2021</p>

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Bills	General Assembly Actions	Date of BOS Position
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Support (21102761D) - See also SB 1297 (Obenshain).

Summary: Emergency order for adult protective services; acts of violence, force, or threat or financial exploitation; penalty. Allows the circuit court, upon a finding that an incapacitated adult has been, within a reasonable period of time, subjected to an act of violence, force, or threat or been subjected to financial exploitation, to include in an emergency order for adult protective services one or more of the following conditions to be imposed on the alleged perpetrator: (i) a prohibition on acts of violence, force, or threat or criminal offenses that may result in injury to person or property; (ii) a prohibition on such other contacts by the alleged perpetrator with the adult or the adult's family or household members as the court deems necessary for the health and safety of such persons; or (iii) such other conditions as the court deems necessary to prevent (a) acts of violence, force, or threat; (b) criminal offenses that may result in injury to persons or property; (c) communication or other contact of any kind by the alleged perpetrator; or (d) financial exploitation by the alleged perpetrator. The bill provides that any person who violates any such condition is guilty of a Class 1 misdemeanor. Also, the bill provides that hearings on emergency orders for adult protective services shall be held no earlier than 24 hours and no later than 72 hours after the notice required has been given, unless such notice has been waived by the court. Current law just requires such hearing be held no earlier than 24 hours. Lastly, the bill provides that if the court enters an order containing any of the aforementioned conditions, the primary law-enforcement agency providing service and entry of protective orders shall enter the name of the perpetrator into the Virginia Criminal Information Network and the order shall be served forthwith on the perpetrator. This bill is identical to SB 1297.

HB 2042 - Guy (83)
Trees; replacement and conservation during development, effective date.

1/12/2021 House: Referred to Committee on Counties, Cities and Towns
 1/21/2021 House: Subcommittee recommends reporting with amendments (6-Y 3-N)
 1/22/2021 House: Reported from Counties, Cities and Towns with amendment(s) (13-Y 9-N)
 1/27/2021 House: Read third time and passed House (57-Y 43-N)
 1/28/2021 Senate: Referred to Committee on Local Government
 2/5/2021 Senate: Continued to 2021 Special Session 1 in Local Government (15-Y 0-N)
 2/15/2021 Senate: Reported from Local Government with amendments (11-Y 3-N)
 2/17/2021 Senate: Passed Senate with amendments (26-Y 11-N)
 2/19/2021 House: Senate amendments agreed to by House (57-Y 43-N)
 2/24/2021 House: Enrolled
 2/24/2021 Senate: Signed by President
 2/25/2021 House: Signed by Speaker
 2/26/2021 House: Enrolled Bill communicated to Governor

1/26/2021

Support (21102573D) - See also SB 1393 (Marsden).

Summary: Replacement and conservation of trees during development; work group. Gives a locality the ability to exceed general requirements in its tree replacement and conservation ordinances in specific circumstances, including development that impacts stormwater permit requirements, recurrent flooding, formerly redlined areas, and comprehensive plan compliance. The bill also directs the Secretary of Natural Resources and Secretary of Agriculture and Forestry to convene a stakeholder work group for the purpose of developing and providing recommendations to state and local governments related to policies that encourage the conservation of mature trees and tree cover on sites being developed, increase tree canopy cover in communities, and encourage the planting of trees. The bill will not become effective unless reenacted by the 2022 Session of the General Assembly, but the stakeholder work group is effective in due course. This bill is identical to SB 1393.

Bold – Indicates BOS formal action

[] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
<p><u>HB 2081</u> - Levine (45) Polling places; prohibited activities, unlawful possession of a firearm, penalty.</p>	<p>1/12/2021 House: Referred to Committee on Privileges and Elections 1/20/2021 House: Reported from Privileges and Elections (13-Y 9-N) 1/25/2021 House: Read third time and passed House (53-Y 47-N) 1/26/2021 Senate: Referred to Committee on the Judiciary 2/5/2021 Senate: Continued to 2021 Special Session 1 in Judiciary (14-Y 0-N) 2/15/2021 Senate: Reported from Judiciary (8-Y 6-N) 2/18/2021 Senate: Passed Senate (21-Y 18-N) 2/22/2021 House: Enrolled 2/22/2021 Senate: Signed by President 2/24/2021 House: Signed by Speaker 2/25/2021 House: Enrolled Bill communicated to Governor on February 25, 2021 2/25/2021 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021</p>	<p>2/9/2021</p>
<p>Support (21102618D) Summary: Polling places; prohibited activities; unlawful possession of a firearm; penalty. Prohibits any person from knowingly possessing a firearm within 40 feet of any building, or part thereof, used as a polling place, including one hour before and one hour after its use as a polling place, except for (i) a qualified law-enforcement officer or retired law-enforcement officer, (ii) any person occupying his own private property that falls within 40 feet of the polling place, or (iii) a licensed armed security officer whose employment or performance of his duties occurs within 40 feet of the polling place. The bill further provides that no person shall knowingly possess a firearm within 40 feet of a meeting place for the local electoral board while the electoral board meets to ascertain the results of an election or any place used as the setting for a recount. A violation of the provisions of the bill is a Class 1 misdemeanor.</p>		
<p><u>HB 2113</u> - Herring (46) Criminal records; establishes a process for automatic expungement, etc., report.</p>	<p>1/12/2021 House: Referred to Committee for Courts of Justice (HCT) 1/27/2021 House: Reported from HCT with substitute (14-Y 6-N) 1/27/2021 House: Referred to Committee on Appropriations (HAPP) 1/29/2021 House: Subcommittee recommends reporting with substitute (5-Y 3-N) 1/29/2021 House: Reported from HAPP with substitute (13-Y 8-N) 2/2/2021 House: HCT substitute rejected 21103298D-H1 2/2/2021 House: HAPP substitute agreed to 21103933D-H2 2/3/2021 House: Read third time and passed House (60-Y 39-N) 2/4/2021 Senate: Referred to Committee on the Judiciary (SJUD) 2/5/2021 Senate: Continued to 2021 Special Session 1 in SJUD (14-Y 0-N) 2/17/2021 Senate: Reported from SJUD with substitute (10-Y 4-N) 2/17/2021 Senate: Re-referred to Finance and Appropriations (SFIN) 2/22/2021 Senate: Reported from SFIN (10-Y 4-N) 2/25/2021 Senate: Passed Senate with substitute (25-Y 14-N) 2/25/2021 Senate: Reconsideration of House substitute agreed to by Senate (36-Y 0-N 1-A) 2/25/2021 Senate: Passed Senate with substitute (26-Y 13-N) 2/25/2021 House: Senate substitute agreed to by House 21200347D-S1 (59-Y 39-N)</p>	<p>2/9/2021</p>

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Bills	General Assembly Actions	Date of BOS Position
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Support with Amendment (21103298D-H1) - Support concept of expungement for certain crimes; sufficient state funding for implementation is essential.

Summary: Sealing of criminal records; penalties. Establishes a process for the automatic sealing of police and court records, defined in the bill, for certain convictions, deferred dispositions, and acquittals and for offenses that have been nolle prossed or otherwise dismissed. The bill also allows a person to petition for the sealing of police and court records relating to certain convictions. The bill has staggered delayed effective dates in order to develop systems for implementing the provisions of the bill. As introduced, this bill was a recommendation of the Virginia State Crime Commission. This bill is identical to SB 1339.

HB 2131 - Lopez (49)
Alcoholic beverage control; license application, locality input.

1/12/2021 House: Referred to Committee on General Laws
 1/26/2021 House: Subcommittee recommends reporting with substitute (8-Y 0-N)
 1/28/2021 House: Reported from General Laws with substitute (22-Y 0-N)
 2/3/2021 House: Read third time and passed House BLOCK VOTE (98-Y 0-N 1-A)
 2/3/2021 House: Reconsideration of passage agreed to by House
 2/3/2021 House: Passed House BLOCK VOTE (99-Y 0-N)
 2/4/2021 Senate: Referred to Committee on Rehabilitation and Social Services
 2/5/2021 Senate: Continued to 2021 Special Session 1 in Rehabilitation and Social Services (14-Y 0-N)
 2/12/2021 Senate: Reported from Rehabilitation and Social Services (14-Y 0-N)
 2/16/2021 Senate: Passed Senate (39-Y 0-N)
 2/19/2021 House: Enrolled
 2/19/2021 House: Signed by Speaker
 2/22/2021 Senate: Signed by President
 2/24/2021 House: Enrolled Bill communicated to Governor on February 24, 2021
 2/24/2021 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021

1/26/2021

Support (21101639D)

Summary: Alcoholic beverage control; license application; locality input; corrective action. Adds the chief administrative officer of a locality to the list of persons who may be sent notice of certain license applications by the Board of Directors (the Board) of the Virginia Alcoholic Beverage Control Authority. The bill also expands the definition of criminal blight, for which the locality may require a property owner to take corrective action, to include a condition existing on real property that endangers public health or safety and is caused by (i) the regular presence on the property of persons in possession of controlled substances and (ii) the discharge of a firearm under certain conditions.

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Bills	General Assembly Actions	Date of BOS Position
<p><u>HB 2138</u> - Guzman (31) Identification privilege cards; authorizes DMV to issue, fee, confidentiality, penalties.</p>	<p>1/12/2021 House: Referred to Committee on Transportation 1/19/2021 House: Subcommittee recommends reporting with amendments (6-Y 2-N) 1/19/2021 House: Subcommittee recommends referring to Committee on Appropriations 1/21/2021 House: Reported from Transportation with amendment(s) (13-Y 8-N) 1/26/2021 House: Read third time and passed House (57-Y 43-N) 1/27/2021 Senate: Referred to Committee on Transportation 2/5/2021 Senate: Continued to 2021 Special Session 1 in Transportation (15-Y 0-N) 2/11/2021 Senate: Reported from Transportation (8-Y 7-N) 2/11/2021 Senate: Re-referred to Finance and Appropriations 2/16/2021 Senate: Reported from Finance and Appropriations (11-Y 5-N) 2/17/2021 Senate: Passed Senate (19-Y 18-N) 2/22/2021 House: Enrolled 2/22/2021 Senate: Signed by President 2/24/2021 House: Signed by Speaker 2/25/2021 House: Enrolled Bill communicated to Governor on February 25, 2021 2/25/2021 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021</p>	<p>2/9/2021</p>

Support (21102728D-E)
Summary: Identification privilege cards; fee; confidentiality; penalties. Authorizes the Department of Motor Vehicles to issue identification privilege cards to applicants who hold a citizenship or legal presence status that is eligible for a special identification card or a limited-duration special identification card and have reported income from Virginia sources or been claimed as a dependent on an individual tax return filed with the Commonwealth in the preceding 12 months. The bill provides that identification privilege cards shall be treated as special identification cards unless otherwise provided in the Code of Virginia. The bill limits the release of certain information stored by the Department. The bill has a delayed effective date of January 1, 2022.

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Bills	General Assembly Actions	Date of BOS Position
<p>HB 2161 - Tran (42) Active military or a military spouse; prohibits discrimination in public accommodations, etc.</p>	<p>1/12/2021 House: Referred to Committee on General Laws (HGL) 1/28/2021 House: Subcommittee recommends reporting with substitute (8-Y 0-N) 1/28/2021 House: Reported from HGL with substitute (20-Y 0-N) 2/2/2021 House: HGL substitute rejected 21103874D-H1 2/2/2021 House: Substitute by Delegate Tran agreed to 21104006D-H2 2/3/2021 House: Read third time and passed House (99-Y 0-N) 2/4/2021 Senate: Referred to Committee on General Laws and Technology (SGL) 2/5/2021 Senate: Continued to 2021 Special Session 1 in SGL (14-Y 0-N) 2/10/2021 Senate: Reported from SGL (14-Y 0-N) 2/15/2021 Senate: Passed Senate (39-Y 0-N) 2/19/2021 House: Enrolled 2/19/2021 House: Signed by Speaker 2/22/2021 Senate: Signed by President 2/24/2021 House: Enrolled Bill communicated to Governor 2/24/2021 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021</p>	<p>2/9/2021</p>
<p>Support (21103874D-H1) - See also SB 1410 (Bell). Summary: Prohibits discrimination in public accommodations, employment, and housing on the basis of a person's military status, defined as a member of the uniformed services of the United States or a reserve component thereof or a spouse or other dependent of the same. The bill also prohibits terms in a rental agreement in which the tenant agrees to waive remedies or rights under the federal Servicemembers Civil Relief Act prior to the occurrence of a dispute between the landlord and the tenant.</p>		
<p>HB 2206 - Filler-Corn (41) Child Care Subsidy Program; expanding Program to serve more families.</p>	<p>1/13/2021 House: Referred to Committee on Health, Welfare and Institutions (HHWI) 1/28/2021 House: Reported from HHWI with substitute (21-Y 0-N) 2/2/2021 House: Read third time and passed House (99-Y 0-N) 2/3/2021 Senate: Referred to Committee on Education and Health 2/5/2021 Senate: Continued to 2021 Special Session 1 in Education and Health (15-Y 0-N) 2/11/2021 Senate: Re-referred from Education and Health (13-Y 0-N 1-A) 2/11/2021 Senate: Re-referred to Finance and Appropriations 2/16/2021 Senate: Reported from Finance and Appropriations with substitute (16-Y 0-N) 2/17/2021 Senate: Passed Senate with substitute (37-Y 0-N) 2/19/2021 House: Senate substitute agreed to by House 21200307D-S1 (92-Y 7-N) 2/24/2021 House: Enrolled 2/24/2021 Senate: Signed by President 2/25/2021 House: Signed by Speaker 2/26/2021 House: Enrolled Bill communicated to Governor</p>	<p>2/9/2021</p>

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Bills	General Assembly Actions	Date of BOS Position
<p>Support (21103864D-H1) Summary: Child Care Subsidy Program; emergency. Provides that regulations governing the Child Care Subsidy Program (the Program) shall be amended to provide that (i) a family shall be eligible for assistance through the Program if the family's income does not exceed 85 percent of the state median income, the family includes at least one child who is five years of age or younger and has not yet started kindergarten, and the family meets all other income and eligibility requirements of the Program and (ii) job search activities shall be considered eligible activities for the purposes of the Program. The bill provides that a family determined to be eligible for assistance through the Program shall be eligible to receive assistance for a period of 12 months or until the family's household income exceeds 85 percent of the state median income, whichever occurs sooner. The Department of Social Services shall administer the program, as amended by the bill, in cooperation with the Department of Education. The bill contains an emergency clause and provides that the provisions of the bill shall be applicable to applications for assistance through the Program received prior to August 1, 2021.</p>		
<p>HB 2227 - Kory (38) Uniform Statewide Building Code; amendments, energy efficiency and conservation.</p>	<p>1/13/2021 House: Referred to Committee on General Laws 1/28/2021 House: Subcommittee recommends reporting with substitute (5-Y 3-N) 2/2/2021 House: Reported from General Laws with substitute (13-Y 8-N) 2/5/2021 House: Read third time and passed House (55-Y 45-N) 2/5/2021 Senate: Referred to Committee on General Laws and Technology 2/5/2021 Senate: Continued to 2021 Special Session 1 in General Laws and Technology (14-Y 0-N) 2/17/2021 Senate: Reported from General Laws and Technology (8-Y 4-N) 2/17/2021 Senate: Re-referred to Finance and Appropriations 2/22/2021 Senate: Reported from Finance and Appropriations (10-Y 4-N) 2/25/2021 Senate: Passed Senate (21-Y 18-N)</p>	<p>2/9/2021</p>
<p>Support (21104318D-H1) - Support as a step toward increasing green construction, which the County supports in its legislative program. Summary: Uniform Statewide Building Code; amendments; energy efficiency and conservation. Directs the Board of Housing and Community Development, upon each publication by the International Code Council of a new version of the International Energy Conservation Code (IECC), to consider adopting amendments to the Uniform Statewide Building Code to address changes in the IECC related to energy efficiency and conservation.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p>HB 2312 - Herring (46) Marijuana; legalization of simple possession, etc.</p>	<p>1/20/2021 House: Referred to Committee on General Laws (HGL) 1/30/2021 House: Subcommittee recommends reporting with substitute (6-Y 1-N) and referring to Committee for Courts of Justice (HCT) 1/30/2021 House: Incorporates HB 1815 (Heretick) 1/30/2021 House: Reported from HGL with substitute (14-Y 6-N) 1/30/2021 House: Referred to HCT 1/31/2021 House: Reported from HCT with substitute (13-Y 8-N) 1/31/2021 House: Referred to Committee on Appropriations 2/3/2021 House: Reported from Appropriations (14-Y 7-N) 2/4/2021 House: HGL substitute rejected 21104236D-H1 2/4/2021 House: HCT substitute agreed to 21104248D-H2 2/5/2021 House: Read third time and passed House (55-Y 42-N 2-A) 2/5/2021 Senate: Referred to Committee on Rehabilitation and Social Services (SRSS) 2/5/2021 Senate: Continued to 2021 Special Session 1 in SRSS (14-Y 0-N) 2/12/2021 Senate: Reported from SRSS with substitute (8-Y 6-N) 2/12/2021 Senate: Re-referred to Finance and Appropriations (SFIN) 2/12/2021 Senate: Reported from SFIN (13-Y 3-N) 2/16/2021 Senate: Passed Senate with substitute (23-Y 16-N) 2/18/2021 House: Senate substitute rejected by House (0-Y 99-N 1-A) 2/19/2021 Senate: Senate insisted on substitute (38-Y 0-N) 2/19/2021 Senate: Senate requested conference committee 2/19/2021 House: House acceded to request 2/19/2021 House: Conferees appointed by House: Delegates Herring, Mullin, Torian, Bagby, Knight 2/19/2021 Senate: Conferees appointed by Senate: Senators Ebbin, Lucas, McPike, Surovell, Dunnivant 2/27/2021 Conference: Amended by conference committee 2/27/2021 House: Conference report agreed to by House (48-Y 43-N 2-A) 2/27/2021 Senate: Conference report agreed to by Senate (20-Y 19-N)</p>	<p>2/9/2021</p>

Support with Amendment (21104236D-H1) - Support strong local government land use and taxation authority in any marijuana legalization legislation.

Summary: Marijuana; legalization; retail sales; penalties. Eliminates criminal penalties for simple possession of up to one ounce of marijuana by persons 21 years of age or older, modifies several other criminal penalties related to marijuana, and imposes limits on dissemination of criminal history record information related to certain marijuana offenses. The bill creates the Virginia Cannabis Control Authority (the Authority) and establishes a regulatory and licensing structure for the cultivation, manufacture, wholesale, and retail sale of retail marijuana and retail marijuana products, to be administered by the Authority. The bill contains social equity provisions that, among other things, provide support and resources to persons and communities that have been historically and disproportionately affected by drug enforcement. The bill has staggered effective dates and numerous provisions of the bill are subject to reenactment by the 2022 Session of the General Assembly. This bill incorporates HB 1815 and is identical to SB 1406.

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Bills	General Assembly Actions	Date of BOS Position
<p>HJ 527 - Bulova (37) Invasive plant species; DCR, et al., to study the sale and use of species.</p>	<p>1/7/2021 House: Referred to Committee on Rules 1/22/2021 House: Subcommittee recommends reporting (5-Y 0-N) 1/22/2021 House: Reported from Rules (18-Y 0-N) 1/26/2021 House: Agreed to by House BLOCK VOTE (98-Y 0-N) 1/27/2021 Senate: Referred to Committee on Rules 2/5/2021 Senate: Continued to 2021 Special Session 1 in Rules (15-Y 0-N) 2/12/2021 Senate: Reported from Rules with amendments by voice vote 2/16/2021 Senate: Agreed to by Senate with amendments by voice vote 2/18/2021 House: Senate amendments agreed to by House (98-Y 2-N)</p>	<p>1/26/2021</p>
<p>Support (21102405D) Summary: Study; Department of Conservation and Recreation and Virginia Department of Agriculture and Consumer Services; invasive plant species work group; report. Requests the Department of Conservation and Recreation, jointly with the Department of Agriculture and Consumer Services, to establish a work group to study the sale and use of invasive plant species. The resolution requests that the departments work with several state agencies, conservation nonprofits, plant industry and agriculture groups, local government associations, and other stakeholders to develop recommendations regarding statutory and regulatory changes intended to reduce or eliminate the sale and use of invasive plant species in the Commonwealth and promote the sale and use of native plants.</p>		
<p>HJ 542 - McQuinn (70) Transit equity and modernization; Department of Rail and Public Transportation to study.</p>	<p>1/11/2021 House: Referred to Committee on Rules 1/22/2021 House: Subcommittee recommends reporting (5-Y 0-N) and referring to Committee on Appropriations (HAPP) 1/22/2021 House: Reported from Rules (17-Y 1-N) 1/22/2021 House: Referred to HAPP 1/29/2021 House: Subcommittee recommends reporting with substitute (8-Y 0-N) 1/29/2021 House: Reported from HAPP with substitute (22-Y 0-N) 2/2/2021 House: Agreed to by House (77-Y 19-N) 2/3/2021 Senate: Referred to Committee on Rules 2/5/2021 Senate: Continued to 2021 Special Session 1 in Rules (15-Y 0-N) 2/12/2021 Senate: Reported from Rules by voice vote 2/12/2021 Senate: Re-referred to Finance and Appropriations (SFIN) 2/17/2021 Senate: Reported from SFIN with substitute (16-Y 0-N) 2/18/2021 Senate: Agreed to by Senate with substitute by voice vote 2/22/2021 House: Senate substitute rejected by House (0-Y 99-N) 2/23/2021 Senate: Senate insisted on substitute 2/23/2021 Senate: Senate requested conference committee 2/24/2021 House: House acceded to request 2/24/2021 House: Conferees appointed by House: Delegates McQuinn, Carr, Knight 2/25/2021 Senate: Conferees appointed by Senate: Senators Favola, Marsden, Vogel 2/25/2021 Conference: Amended by conference committee 2/25/2021 House: Conference report agreed to by House (75-Y 22-N) 2/27/2021 Senate: Conference report agreed to by Senate</p>	<p>2/9/2021</p>

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Bills	General Assembly Actions	Date of BOS Position
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Support (21102752D)

Summary: Study; Department of Rail and Public Transportation; transit equity and modernization; report. Requests the Department of Rail and Public Transportation to conduct a two-year study of transit equity and modernization in the Commonwealth, with emphasis on transit services and engagement opportunities for underserved and underrepresented communities.

SB 1148 - Kiggans (7)
Elections; date of June primary election.

1/6/2021 Senate: Referred to Committee on Privileges and Elections
 1/26/2021 Senate: Reported from Privileges and Elections (10-Y 2-N)
 2/1/2021 Senate: Read third time and passed Senate (27-Y 12-N)
 2/5/2021 House: Referred to Committee on Privileges and Elections
 2/8/2021 House: Continued to 2021 Special Session 1 in Privileges and Elections by voice vote
 2/17/2021 House: Reported from Privileges and Elections (16-Y 5-N)
 2/22/2021 House: Passed House with amendment (82-Y 18-N)
 2/23/2021 Senate: House amendment agreed to by Senate (25-Y 14-N)
 2/25/2021 Senate: Enrolled
 2/25/2021 Senate: Signed by President
 2/26/2021 House: Signed by Speaker
 3/1/2021 Senate: Enrolled Bill Communicated to Governor
 3/1/2021 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021

1/26/2021

Support (21101028D) - Board has historically supported.

Summary: Changes the date of the primary election held in June from the second Tuesday in June to the third Tuesday in June. The bill also changes candidate filing deadlines to reflect the change of date.

SB 1156 - Howell (32)
Technology Development Grant Fund; created.

1/7/2021 Senate: Referred to Committee on Finance and Appropriations (SFIN)
 1/19/2021 Senate: Reported from SFIN (15-Y 0-N)
 1/22/2021 Senate: Read third time and passed Senate (37-Y 0-N)
 2/2/2021 House: Referred to Committee on Appropriations
 2/7/2021 House: Continued to 2021 Special Session 1 in Appropriations by voice vote
 2/10/2021 House: Reported from Appropriations (22-Y 0-N)
 2/12/2021 House: Passed House (90-Y 10-N)
 2/17/2021 Senate: Enrolled
 2/17/2021 Senate: Signed by President
 2/18/2021 House: Signed by Speaker
 2/22/2021 Senate: Enrolled Bill Communicated to Governor
 2/22/2021 Governor: Governor's Action Deadline 11:59 p.m., 3/31/21

1/26/2021

Support (21102102D)

Summary: Technology Development Grant Fund created. Creates the Technology Development Grant Fund to make grant payments to a qualified technology company that makes a capital investment of at least \$64 million at a facility in Fairfax County and creates at least 1,500 new full-time jobs at the facility. A qualified technology company would be eligible for an aggregate of \$22.5 million in grants paid over four years if it meets performance parameters and complies with the terms of a memorandum of understanding agreed upon by the company, the Commonwealth, and the Virginia Economic Development Partnership Authority.

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Bills	General Assembly Actions	Date of BOS Position
<p>SB 1197 - Locke (2) Virginia housing opportunity; tax credit established.</p>	<p>1/11/2021 Senate: Referred to Committee on Finance and Appropriations 2/2/2021 Senate: Reported from Finance and Appropriations (16-Y 0-N) 2/4/2021 Senate: Passed Senate (39-Y 0-N) 2/7/2021 House: Referred to Committee on Finance 2/8/2021 House: Continued to 2021 Special Session 1 in Finance by voice vote 2/15/2021 House: Reported from Finance with amendment(s) (14-Y 8-N) 2/15/2021 House: Referred to Committee on Appropriations 2/17/2021 House: Subcommittee recommends reporting with substitute (5-Y 0-N) 2/17/2021 House: Reported from Appropriations with substitute (12-Y 8-N) 2/19/2021 House: Committee on Finance amendment agreed to 2/19/2021 House: Committee on Finance amendment reconsidered 2/19/2021 House: Committee on Finance amendment rejected 2/19/2021 House: Committee on Appropriations substitute agreed to 21200332D-H1 2/19/2021 House: Passed House with substitute (61-Y 39-N) 2/19/2021 Senate: House substitute rejected by Senate (1-Y 36-N) 2/19/2021 House: House insisted on substitute 2/19/2021 House: House requested conference committee 2/19/2021 Senate: Senate acceded to request (37-Y 0-N) 2/19/2021 Senate: Conferees appointed by Senate: Senators Locke, Lucas, Vogel 2/19/2021 House: Conferees appointed by House: Delegates Sullivan, Bourne, Fowler 2/26/2021 Conference: Amended by conference committee 2/27/2021 Senate: Conference report agreed to by Senate (39-Y 0-N) 2/27/2021 House: Conference report agreed to by House (60-Y 39-N)</p>	<p>1/26/2021</p>

Support (21102520D)
Summary: Virginia housing opportunity tax credit. Establishes, for taxable years 2021 through 2026, a Virginia housing opportunity tax credit, which is equal to the amount of the federal low-income housing tax credit allocated or allowed by the Virginia Housing Development Authority to a low-income building that is eligible for the federal credit. The credit would be nonrefundable and could be carried forward for up to five years. No more than \$15 million in credits shall be granted per calendar year.

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Bills	General Assembly Actions	Date of BOS Position
<p>SB 1206 - Barker (39) Confidentiality of juvenile court records; exceptions.</p>	<p>1/11/2021 Senate: Referred to Committee on the Judiciary (SJUD) 1/25/2021 Senate: Reported from SJUD with substitute (8-Y 7-N) 1/28/2021 Senate: Read third time and passed Senate (27-Y 11-N) 2/2/2021 House: Referred to Committee for Courts of Justice 2/8/2021 House: Continued to 2021 Special Session 1 in Courts of Justice by voice vote 2/10/2021 House: Subcommittee recommends reporting (7-Y 0-N) 2/12/2021 House: Reported from Courts of Justice (22-Y 0-N) 2/17/2021 House: Passed House BLOCK VOTE (99-Y 0-N) 2/19/2021 Senate: Enrolled 2/19/2021 House: Signed by Speaker 2/22/2021 Senate: Signed by President 2/24/2021 Senate: Enrolled Bill Communicated to Governor 2/24/2021 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021</p>	<p>1/26/2021</p>
<p>Support (21102736D) Summary: Provides that juvenile court service unit records and Department of Juvenile Justice records may be open for inspection to the Department of Social Services or any local department of social services that is providing services or care for, or has accepted a referral for family assessment or investigation and the provision of services regarding, a juvenile and these local agencies have entered into a formal agreement with the Department of Juvenile Justice to provide coordinated services to such juveniles.</p>		
<p>SB 1242 - Edwards (21) Personal appearance by two-way electronic video and audio communication; entry of plea.</p>	<p>1/11/2021 Senate: Referred to Committee on the Judiciary 1/20/2021 Senate: Reported from Judiciary (15-Y 0-N) 1/26/2021 Senate: Read third time and passed Senate (39-Y 0-N) 2/2/2021 House: Referred to Committee for Courts of Justice (HCT) 2/8/2021 House: Continued to 2021 Special Session 1 in HCT by voice vote 2/10/2021 House: Subcommittee recommends reporting with amendments (7-Y 1-N) 2/12/2021 House: Reported from HCT with amendment(s) (17-Y 5-N) 2/17/2021 House: Passed House with amendments (77-Y 22-N) 2/19/2021 Senate: House amendments agreed to by Senate (38-Y 0-N) 2/24/2021 Senate: Enrolled 2/24/2021 Senate: Signed by President 2/25/2021 House: Signed by Speaker 2/26/2021 Senate: Enrolled Bill Communicated to Governor</p>	<p>1/26/2021</p>
<p>Support (21101001D) Summary: Personal appearance by two-way electronic video and audio communication; entry of plea, nolle prosequi, or dismissal; revocation proceedings. Provides that with the consent of the court and all parties, an appearance in a court may be made by two-way electronic video and audio communication for the purpose of (i) entry of a plea of guilty or nolo contendere and the related sentencing of the defendant charged with a misdemeanor or felony, (ii) entry of a nolle prosequi or dismissal, or (iii) a revocation proceeding. As introduced, this bill was a recommendation of the Judicial Council of Virginia and the Committee on District Courts.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p><u>SB 1245</u> - Deeds (25) Absentee voting; establishment of drop-off locations preprocessing returned absentee ballots.</p>	<p>1/11/2021 Senate: Referred to Committee on Privileges and Elections 1/26/2021 Senate: Reported from Privileges and Elections with substitute (9-Y 6-N) 2/1/2021 Senate: Read third time and passed Senate (21-Y 18-N) 2/5/2021 House: Referred to Committee on Privileges and Elections 2/8/2021 House: Continued to 2021 Special Session 1 in Privileges and Elections by voice vote 2/16/2021 House: Subcommittee recommends reporting with substitute (5-Y 3-N) 2/17/2021 House: Reported from Privileges and Elections with substitute (13-Y 9-N) 2/22/2021 House: Passed House with substitute (55-Y 45-N) 2/23/2021 Senate: House substitute agreed to by Senate (21-Y 18-N) 2/25/2021 Senate: Enrolled 2/25/2021 Senate: Signed by President 2/26/2021 House: Signed by Speaker 3/1/2021 Senate: Enrolled Bill Communicated to Governor on March 1, 2021 3/1/2021 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021</p>	<p>2/23/2021 1/26/2021</p>

Support (21200180D-H1) - The bill was amended to conform with HB 1888, which the County supports.

~~**Support with Amendment** (21100967D) — Support with amendments to remove the requirement to establish the locations of satellite voter offices through local ordinances.~~

Summary: Absentee voting; establishment of drop-off locations; preprocessing of returned absentee ballots before election day; cure process; accessibility for voters with visual impairment or print disability. Requires certain actions to be taken to process absentee ballots returned before the day of an election, including verifying the correct completion of the voter affirmation statement, and provides for an opportunity for an absentee voter to make corrections to the statement in certain circumstances. The bill requires the establishment of drop-off locations. Additionally, a central absentee voter precinct is required to be established in each locality; currently, establishment is optional. On the day of the election, officers of election are required to begin processing absentee ballots in the central absentee voter precincts prior to the close of polls, but no ballot vote counts are permitted to be transmitted outside of the central absentee voter precinct prior to the close of polls; a violation of such prohibition is a Class 1 misdemeanor. The bill requires a ballot marking tool with screen reader assistive technology to be made available for absentee voters with a print disability. The Department of Elections is directed to convene a work group to consider and evaluate methods for sorting absentee ballots by precinct and reporting absentee ballot totals by precincts.

Bold – Indicates BOS formal action
 [] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
<p><u>SB 1271</u> - McPike (29) Virginia Freedom of Information Act; meetings held through electronic communication means.</p>	<p>1/12/2021 Senate: Referred to Committee on General Laws and Technology 1/20/2021 Senate: Reported from General Laws and Technology (15-Y 0-N) 1/26/2021 Senate: Read third time and passed Senate (39-Y 0-N) 2/2/2021 House: Referred to Committee on General Laws 2/8/2021 House: Continued to 2021 Special Session 1 in General Laws by voice vote 2/16/2021 House: Subcommittee recommends reporting (8-Y 0-N) 2/18/2021 House: Reported from General Laws (22-Y 0-N) 2/23/2021 House: Substitute by Delegate Simon agreed to 21200596D-H1 2/23/2021 House: Passed House with substitute (47-Y 44-N 1-A) 2/24/2021 Senate: House substitute rejected by Senate (0-Y 39-N) 2/25/2021 House: House insisted on substitute 2/25/2021 House: House requested conference committee 2/25/2021 Senate: Senate acceded to request (38-Y 0-N) 2/25/2021 Senate: Conferees appointed by Senate: Senators McPike, Stuart, Boysko 2/25/2021 House: Conferees appointed by House: Delegates Simon, Carr, Orrock 2/27/2021 Conference: Amended by conference committee 2/27/2021 Senate: Conference report agreed to by Senate (27-Y 12-N) 2/27/2021 House: Conference report agreed to by House (54-Y 45_N)</p>	<p>1/26/2021</p>

Support (21101309D)
Summary: Virginia Freedom of Information Act; meetings held through electronic communication means during a state of emergency. Allows a public body, or a joint meeting thereof, to meet by electronic communication means without a quorum of the public body physically assembled at one location when a locality in which the public body is located has declared a local state of emergency, provided that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to provide for the continuity of operations of the public body or the discharge of its lawful purposes, duties, and responsibilities. Under current law, public bodies may only meet in such manner when the Governor has declared a state of emergency, and only for the purpose of addressing the emergency. Finally, the bill requires public bodies meeting through electronic communication means during a local or state declaration of a state of emergency to (a) make arrangements for public access to such meeting through electronic communication means, including videoconferencing if already used by the public body, and (b) provide the public with the opportunity to comment at such meetings when public comment is customarily received.

Bold – Indicates BOS formal action
 [] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
<p>SB 1284 - Favola (31) Commonwealth Clean Energy Policy; established.</p>	<p>1/11/2021 Senate: Referred to Committee on Commerce and Labor 2/1/2021 Senate: Reported from Commerce and Labor with substitute (12-Y 3-N) 2/1/2021 Senate: Re-referred to Finance and Appropriations (SFIN) 2/3/2021 Senate: Reported from SFIN (11-Y 4-N 1-A) 2/5/2021 Senate: Read third time and passed Senate (21-Y 18-N) 2/7/2021 House: Referred to Committee on Labor and Commerce 2/8/2021 House: Continued to 2021 Special Session 1 in Labor and Commerce by voice vote 2/15/2021 House: Subcommittee recommends reporting (6-Y 4-N) 2/16/2021 House: Reported from Labor and Commerce (13-Y 9-N) 2/19/2021 House: Passed House (55-Y 45-N) 2/24/2021 Senate: Enrolled 2/24/2021 Senate: Signed by President 2/25/2021 House: Signed by Speaker 2/26/2021 Senate: Enrolled Bill Communicated to Governor</p>	<p>2/9/2021</p>
<p>Support (21103831D-S1) Summary: Commonwealth Clean Energy Policy. Establishes the Commonwealth Clean Energy Policy, replacing the Commonwealth Energy Policy. The bill sets out the energy policy and objectives of the Commonwealth Clean Energy Policy, which include: (i) the Commonwealth recognizes that effectively addressing climate change and enhancing resilience will advance the health, welfare, and safety of the residents of the Commonwealth and that addressing climate change requires reducing greenhouse gas emissions across the Commonwealth's economy sufficient to reach net-zero emission by 2045 in all sectors, including the electric power, transportation, industrial, agricultural, building, and infrastructure sectors; (ii) the Commonwealth recognizes the need to promote environmental justice and ensure that it is carried out throughout the Commonwealth and the need to address and prevent energy inequities in historically economically disadvantaged communities; and (iii) the Commonwealth must continue to prioritize economic competitiveness and workforce development in an equitable manner.</p>		
<p>SB 1297 - Obenshain (26) Emergency order for adult protective services; acts of violence, etc., or financial exploitation.</p>	<p>1/11/2021 Senate: Referred to Committee on Rehabilitation and Social Services (SRSS) 1/22/2021 Senate: Reported from SRSS (15-Y 0-N) 1/27/2021 Senate: Read third time and passed Senate (39-Y 0-N) 2/2/2021 House: Referred to Committee for Courts of Justice 2/8/2021 House: Continued to 2021 Special Session 1 in Courts of Justice by voice vote 2/12/2021 House: Reported from Courts of Justice with substitute (22-Y 0-N) 2/17/2021 House: Passed House with substitute BLOCK VOTE (99-Y 0-N) 2/19/2021 Senate: House substitute agreed to by Senate (38-Y 0-N) 2/24/2021 Senate: Enrolled 2/24/2021 Senate: Signed by President 2/25/2021 House: Signed by Speaker 2/26/2021 Senate: Enrolled Bill Communicated to Governor</p>	<p>2/9/2021</p>

Bold – Indicates BOS formal action

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Bills	General Assembly Actions	Date of BOS Position
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Support (21102422D) - See also HB 2018 (Mullin).

Summary: Emergency order for adult protective services; acts of violence, force, or threat or financial exploitation; penalty. Allows the circuit court, upon a finding that an incapacitated adult has been, within a reasonable period of time, subjected to an act of violence, force, or threat or been subjected to financial exploitation, to include in an emergency order for adult protective services one or more of the following conditions to be imposed on the alleged perpetrator: (i) a prohibition on acts of violence, force, or threat or criminal offenses that may result in injury to person or property; (ii) a prohibition on such other contacts by the alleged perpetrator with the adult or the adult's family or household members as the court deems necessary for the health and safety of such persons; or (iii) such other conditions as the court deems necessary to prevent (a) acts of violence, force, or threat; (b) criminal offenses that may result in injury to persons or property; (c) communication or other contact of any kind by the alleged perpetrator; or (d) financial exploitation by the alleged perpetrator. The bill provides that any person who violates any such condition is guilty of a Class 1 misdemeanor. Also, the bill provides that hearings on emergency orders for adult protective services shall be held no earlier than 24 hours and no later than 72 hours after the notice required has been given, unless such notice has been waived by the court. Current law just requires such hearing be held no earlier than 24 hours. Lastly, the bill provides that if the court enters an order containing any of the aforementioned conditions, the primary law-enforcement agency providing service and entry of protective orders shall enter the name of the perpetrator into the Virginia Criminal Information Network and the order shall be served forthwith on the perpetrator. This bill is identical to HB 2018.

SB 1309 - Ebbin (30)
Local stormwater assistance; flood mitigation and protection.

1/12/2021 Senate: Referred to Committee on Local Government
1/18/2021 Senate: Reported from Local Government with substitute (14-Y 0-N 1-A)
1/21/2021 Senate: Read third time and passed Senate (39-Y 0-N)
2/2/2021 House: Referred to Committee on Counties, Cities and Towns
2/8/2021 House: Continued to 2021 Special Session 1 in Counties, Cities and Towns by voice vote
2/12/2021 House: Reported from Counties, Cities and Towns (22-Y 0-N)
2/17/2021 House: Passed House BLOCK VOTE (99-Y 0-N)
2/19/2021 Senate: Enrolled
2/19/2021 House: Signed by Speaker
2/22/2021 Senate: Signed by President
2/24/2021 Senate: Enrolled Bill Communicated to Governor on February 24, 2021
2/24/2021 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021

1/26/2021

Support (21103219D-S1)

Summary: Authorizes grants from a local Stormwater Management Fund to be used for flood mitigation and protection measures that are part of a comprehensive flood mitigation and protection plan adopted by the locality, and requires such grants, where practicable, to prioritize projects that include nature-based practices. Current law allows such funds to be used only for the construction, improvement, or repair of a stormwater management facility or for erosion and sediment control.

Bold – Indicates BOS formal action
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Bills	General Assembly Actions	Date of BOS Position
<p><u>SB 1328</u> - Mason (1) State-Funded Kinship Guardianship Assistance program; created.</p>	<p>1/12/2021 Senate: Referred to Committee on Rehabilitation and Social Services 1/15/2021 Senate: Reported from Rehabilitation and Social Services with substitute (14-Y 0-N) 1/15/2021 Senate: Re-referred to Finance and Appropriations 1/26/2021 Senate: Reported from Finance and Appropriations with amendments (16-Y 0-N) 1/29/2021 Senate: Read third time and passed Senate (37-Y 0-N) 2/2/2021 House: Referred to Committee on Health, Welfare and Institutions 2/8/2021 House: Continued to 2021 Special Session 1 in Health, Welfare and Institutions by voice vote 2/16/2021 House: Subcommittee recommends reporting (6-Y 0-N) 2/16/2021 House: Subcommittee recommends referring to Committee on Appropriations 2/16/2021 House: Reported from Health, Welfare and Institutions (22-Y 0-N) 2/16/2021 House: Referred to Committee on Appropriations 2/17/2021 House: Subcommittee recommends reporting (8-Y 0-N) 2/17/2021 House: Reported from Appropriations (20-Y 0-N) 2/22/2021 House: Passed House BLOCK VOTE (98-Y 0-N) 2/24/2021 Senate: Enrolled 2/24/2021 Senate: Signed by President 2/25/2021 House: Signed by Speaker 3/1/2021 Senate: Enrolled Bill Communicated to Governor on March 1, 2021 3/1/2021 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021</p>	<p>1/26/2021</p>

Support (21101857D)

Summary: State-Funded Kinship Guardianship Assistance program. Creates the State-Funded Kinship Guardianship Assistance program (the program) to facilitate child placements with relatives, including fictive kin, and ensure permanency for children. The bill sets forth eligibility criteria for the program, payment allowances to kinship guardians, and requirements for kinship guardianship assistance agreements.

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Bills	General Assembly Actions	Date of BOS Position
<p>SB 1339 - Surovell (36) Criminal records; sealing of records, Sealing Fee Fund created, penalties, report.</p>	<p>1/12/2021 Senate: Referred to Committee on the Judiciary (SJUD) 2/1/2021 Senate: Incorporates SB 1283 (Morrissey) 2/1/2021 Senate: Incorporates SB 1372 (Lucas) 2/1/2021 Senate: Reported from SJUD with substitute (9-Y 3-N 3-A) 2/1/2021 Senate: Re-referred to Finance and Appropriations (SFIN) 2/3/2021 Senate: Reported from SFIN with substitute (13-Y 3-N) 2/4/2021 Senate: SJUD substitute rejected 21103918D-S1 2/4/2021 Senate: SFIN substitute rejected 21104284D-S2 2/4/2021 Senate: Substitute by Senator Surovell agreed to 21104416D-S3 2/5/2021 Senate: Read third time and passed Senate (21-Y 17-N) 2/5/2021 Senate: Reconsideration of passage agreed to by Senate (38-Y 0-N) 2/5/2021 Senate: Passed Senate (21-Y 18-N) 2/7/2021 House: Referred to Committee for Courts of Justice 2/8/2021 House: Continued to 2021 Special Session 1 in Courts of Justice by voice vote 2/20/2021 House: Reported from Courts of Justice with substitute (14-Y 8-N) 2/20/2021 House: Referred to Committee on Appropriations 2/22/2021 House: Subcommittee recommends reporting (5-Y 2-N) 2/22/2021 House: Reported from Appropriations (12-Y 7-N) 2/24/2021 House: Passed House with substitute (58-Y 41-N) 2/25/2021 Senate: House substitute agreed to by Senate (25-Y 14-N)</p>	<p>2/9/2021</p>

Support with Amendment (21100793D) - Support concept of expungement for certain crimes; sufficient state funding for implementation is essential.

Summary: Sealing of criminal records; penalties. Establishes a process for the automatic sealing of police and court records, defined in the bill, for certain convictions, deferred dispositions, and acquittals and for offenses that have been nolle prossed or otherwise dismissed. The bill also allows a person to petition for the sealing of police and court records relating to certain convictions. The bill has staggered delayed effective dates in order to develop systems for implementing the provisions of the bill. This bill incorporates SB 1283 and SB 1372 and is identical to HB 2113.

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Bills	General Assembly Actions	Date of BOS Position
<p><u>SB 1366</u> - Barker (39) Aging services; economic and social need.</p>	<p>1/13/2021 Senate: Referred to Committee on Rehabilitation and Social Services 1/22/2021 Senate: Reported from Rehabilitation and Social Services with substitute (9-Y 4-N 2-A) 1/29/2021 Senate: Committee on Rehabilitation and Social Services substitute rejected 21103044D-S1 1/29/2021 Substitute by Senator Barker agreed to 21103857D-S2 2/1/2021 Senate: Read third time and passed Senate (23-Y 16-N) 2/5/2021 House: Referred to Committee on Health, Welfare and Institutions 2/8/2021 House: Continued to 2021 Special Session 1 in Health, Welfare and Institutions by voice vote 2/11/2021 House: Reported from Health, Welfare and Institutions with substitute (14-Y 6-N) 2/16/2021 House: Passed House with substitute (58-Y 41-N) 2/18/2021 Senate: House substitute rejected by Senate (3-Y 36-N) 2/19/2021 House: House insisted on substitute 2/19/2021 House: House requested conference committee 2/23/2021 Senate: Senate acceded to request (39-Y 0-N) 2/23/2021 Senate: Conferees appointed by Senate: Senators Barker, Favola, Reeves 2/24/2021 House: Conferees appointed by House: Delegates Adams, D.M., Cole, J.G., Coyner 2/27/2021 Conference: Amended by conference committee 2/27/2021 House: Conference report agreed to by House (57-Y 42-N) 2/27/2021 Senate: Conference report agreed to by Senate (23-Y 16-N)</p>	<p>2/9/2021</p>

Support (21103857D-S2)

Summary: Aging services; social need. Requires the Department for Aging and Rehabilitative Services, in providing aging services, to use available resources to provide services to older persons with the greatest economic or social needs. The bill defines "economic need" as need resulting from an income level at or below the poverty line. The bill defines "social need" as need caused by noneconomic factors, including (i) physical and mental disabilities, which include developmental disabilities and human immunodeficiency virus; (ii) language barriers; and (iii) cultural, social, or geographic isolation, including that which is related to a history of discrimination for factors such as racial or ethnic status, gender identity, gender expression, or sexual orientation that can affect an individual's ability to perform normal daily tasks or threatens such individual's capacity to live independently.

Bills	General Assembly Actions	Date of BOS Position
<p><u>SB 1393</u> - Marsden (37) Trees; replacement and conservation during development, effective date.</p>	<p>1/13/2021 Senate: Referred to Committee on Local Government 1/25/2021 Senate: Reported from Local Government with substitute (12-Y 3-N) 2/1/2021 Senate: Read third time and passed Senate (26-Y 13-N) 2/5/2021 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources 2/8/2021 House: Continued to 2021 Special Session 1 in Agriculture, Chesapeake and Natural Resources by voice vote 2/10/2021 House: Reported from Agriculture, Chesapeake and Natural Resources with amendment(s) (14-Y 7-N) 2/15/2021 House: Passed House with amendments (56-Y 43-N) 2/17/2021 Senate: House amendments agreed to by Senate (31-Y 8-N) 2/19/2021 Senate: Enrolled 2/19/2021 House: Signed by Speaker 2/22/2021 Senate: Signed by President 2/24/2021 Senate: Enrolled Bill Communicated to Governor on February 24, 2021 2/24/2021 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021</p>	<p>1/26/2021</p>

Support (21102865D) - See also HB 2042 (Guy).

Summary: Replacement and conservation of trees during development; work group. Gives a locality the ability to exceed general requirements in its tree replacement and conservation ordinances in specific circumstances, including development that impacts stormwater permit requirements, recurrent flooding, formerly redlined areas, and comprehensive plan compliance. The bill also directs the Secretary of Natural Resources and Secretary of Agriculture and Forestry to convene a stakeholder work group for the purpose of developing and providing recommendations to state and local governments related to policies that encourage the conservation of mature trees and tree cover on sites being developed, increase tree canopy cover in communities, and encourage the planting of trees. The bill will not become effective unless reenacted by the 2022 Session of the General Assembly, but the stakeholder work group is effective in due course. This bill is identical to HB 2042.

Bills	General Assembly Actions	Date of BOS Position
<p>SB 1406 - Ebbin (30) Marijuana; legalization of simple possession, penalties.</p>	<p>1/13/2021 Senate: Referred to Committee on Rehabilitation and Social Services (SRSS) 1/22/2021 Senate: Reported from SRSS with substitute (8-Y 7-N) 1/22/2021 Senate: Re-referred to Judiciary (SJUD) 1/25/2021 Senate: Incorporates SB 1243 (Morrissey) 2/1/2021 Senate: Reported from SJUD with substitute (9-Y 5-N 1-A) 2/1/2021 Senate: Re-referred to Finance and Appropriations (SFIN) 2/3/2021 Senate: Reported from SFIN with amendments (11-Y 4-N) 2/4/2021 Senate: SRSS substitute rejected 21103366D-S1 2/4/2021 Senate: SFIN amendments agreed to 2/4/2021 Senate: SJUD substitute agreed to 21104160D-S2 2/5/2021 Senate: Read third time and passed Senate (23-Y 15-N) 2/7/2021 House: Referred to Committee on General Laws (HGL) 2/8/2021 House: Continued to 2021 Special Session 1 in HGL by voice vote 2/11/2021 House: Reported from HGL with substitute (15-Y 6-N) 2/16/2021 House: Passed House with substitute (56-Y 40-N 2-A) 2/16/2021 House: Reconsideration of House passage agreed to by House 2/16/2021 House: Passed House (54-Y 42-N 2-A) 2/18/2021 Senate: House substitute rejected by Senate (0-Y 39-N) 2/19/2021 House: House insisted on substitute 2/19/2021 House: House requested conference committee 2/19/2021 Senate: Senate acceded to request (27-Y 10-N) 2/19/2021 Senate: Conferees appointed by Senate: Senators Ebbin, Lucas, McPike, Surovell, Dunnavant 2/19/2021 House: Conferees appointed by House: Delegates Herring, Mullin, Torian, Bagby, Knight 2/27/2021 Conference: Amended by conference committee 2/27/2021 House: Conference report agreed to by House (47-Y 44-N 1-A) 2/27/2021 Senate: Conference report agreed to by Senate (20-Y 19-N)</p>	<p>2/9/2021</p>

Support with Amendment (21103366D-S1) - Support strong local government land use and taxation authority in any marijuana legalization legislation.

Summary: Marijuana; legalization; retail sales; penalties. Eliminates criminal penalties for simple possession of up to one ounce of marijuana by persons 21 years of age or older, modifies several other criminal penalties related to marijuana, and imposes limits on dissemination of criminal history record information related to certain marijuana offenses. The bill creates the Virginia Cannabis Control Authority (the Authority) and establishes a regulatory and licensing structure for the cultivation, manufacture, wholesale, and retail sale of retail marijuana and retail marijuana products, to be administered by the Authority. The bill contains social equity provisions that, among other things, provide support and resources to persons and communities that have been historically and disproportionately affected by drug enforcement. The bill has staggered effective dates and numerous provisions of the bill are subject to reenactment by the 2022 Session of the General Assembly. This bill incorporates SB 1243 and is identical to HB 2312.

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Bills	General Assembly Actions	Date of BOS Position
<p><u>SB 1410</u> - Bell (13) Active military or a military spouse; prohibits discrimination in public accommodations, etc.</p>	<p>1/13/2021 Senate: Referred to Committee on General Laws and Technology 1/27/2021 Senate: Reported from General Laws and Technology with substitute (13-Y 0-N) 2/2/2021 Senate: Read third time and passed Senate (39-Y 0-N) 2/5/2021 House: Referred to Committee on General Laws 2/8/2021 House: Continued to Special Session 1 in General Laws by voice vote 2/11/2021 House: Reported from General Laws with substitute (22-Y 0-N) 2/16/2021 House: Passed House with substitute BLOCK VOTE (99-Y 0-N) 2/18/2021 Senate: House substitute agreed to by Senate (39-Y 0-N) 2/22/2021 Senate: Enrolled 2/22/2021 Senate: Signed by President 2/24/2021 House: Signed by Speaker 2/25/2021 Senate: Enrolled Bill Communicated to Governor 2/25/2021 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021</p>	<p>2/9/2021</p>
<p>Support (21200027D-H1) - See also HB 2161 (Tran). Summary: Active military or a military spouse; prohibits discrimination in public accommodations, etc. Prohibits discrimination in public accommodations, employment, and housing on the basis of a person's military status, defined as a member of the uniformed services of the United States or a reserve component thereof or a spouse or other dependent of the same. The bill also prohibits terms in a rental agreement in which the tenant agrees to waive remedies or rights under the federal Servicemembers Civil Relief Act prior to the occurrence of a dispute between the landlord and the tenant. This bill is identical to HB 2161.</p>		
<p><u>SB 1457</u> - Surovell (36) Historic sites; urban county executive form of gov't. (Fairfax County), provisions in its ordinance.</p>	<p>1/20/2021 Senate: Referred to Committee on Local Government 1/25/2021 Senate: Reported from Local Government with amendments (15-Y 0-N) 1/28/2021 Senate: Read third time and passed Senate (38-Y 0-N) 2/2/2021 House: Referred to Committee on Counties, Cities and Towns 2/8/2021 House: Continued to 2021 Special Session 1 in Counties, Cities and Towns by voice vote 2/12/2021 House: Reported from Counties, Cities and Towns (21-Y 0-N) 2/17/2021 House: Passed House BLOCK VOTE (99-Y 0-N) 2/19/2021 Senate: Enrolled 2/19/2021 House: Signed by Speaker 2/22/2021 Senate: Signed by President 2/24/2021 Senate: Enrolled Bill Communicated to Governor 2/24/2021 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021</p>	<p>2/9/2021 1/26/2021</p>

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Bills	General Assembly Actions	Date of BOS Position
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Support (21102678D-E) - The bill has been amended as the County requested. ~~**Support with Amendment** (21102678D) – Support with amendment to clarify language for implementation.~~
Summary: Preservation of historic sites. Provides that any locality utilizing the urban county executive form of government (Fairfax County) may include a provision in its historic preservation ordinance that would allow public access to an historic area, landmark, building, or structure, or land pertaining thereto, or providing that no subdivision shall occur within any historic district unless approved by the review board or, on appeal, by the governing body of the locality as being compatible with the historic nature of such area, landmarks, buildings, or structures therein with regard to any parcel or parcels that collectively are (i) adjacent to a navigable river and a national park, and (ii) in part or as a whole subject to an easement granted to the National Park Service or Virginia Outdoors Foundation granted on or after January 1, 1973.

<p>SB 1472 - Suetterlein (19) Individuals w/ intellectual & developmental disabilities; DMAS to study use of virtual support, etc.</p>	<p>1/22/2021 Senate: Referred to Committee on Rehabilitation and Social Services 1/29/2021 Senate: Reported from Rehabilitation and Social Services with substitute (14-Y 0-N) 2/2/2021 Senate: Passed Senate (39-Y 0-N) 2/5/2021 House: Referred to Committee on Health, Welfare and Institutions 2/8/2021 House: Continued to 2021 Special Session 1 in Health, Welfare and Institutions by voice vote 2/11/2021 House: Reported from Health, Welfare and Institutions with substitute (22-Y 0-N) 2/16/2021 House: Passed House with substitute BLOCK VOTE (99-Y 0-N) 2/18/2021 Senate: House substitute agreed to by Senate (39-Y 0-N) 2/22/2021 Senate: Enrolled 2/22/2021 Senate: Signed by President 2/24/2021 House: Signed by Speaker 2/25/2021 Senate: Enrolled Bill Communicated to Governor on February 25, 2021 2/25/2021 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021</p>	<p>2/9/2021</p>
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Support (21101385D)
Summary: Directs the Department of Medical Assistance Services to study and develop recommendations for the permanent use of virtual supports and increasing access to virtual supports and services for individuals with intellectual and developmental disabilities by promoting access to assistive technology and environmental modifications. The bill requires the Department to report its findings and recommendations to the Governor and the General Assembly by November 1, 2021.

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Bills	General Assembly Actions	Date of BOS Position
<p><u>SJ 293</u> - Spruill, Sr. (5) Assisted living and auxiliary grants; Joint Commission on Health Care to study available data.</p>	<p>1/13/2021 Senate: Referred to Committee on Rules 1/29/2021 Senate: Reported from Rules with amendments by voice vote 2/3/2021 Senate: Read third time and agreed to by Senate by voice vote 2/5/2021 House: Referred to Committee on Rules 2/8/2021 House: Continued to 2021 Special Session 1 in Rules by voice vote 2/19/2021 House: Reported from Rules (18-Y 0-N) 2/24/2021 House: Agreed to by House BLOCK VOTE (95-Y 0-N)</p>	<p>1/26/2021</p>
<p>Support (21102328D) Summary: Study; Joint Commission on Health Care; assisted living and auxiliary grants; report. Requests the Joint Commission on Health Care to study available data regarding assisted living and auxiliary grants and develop a blueprint for implementing recommendations that will allow the Commonwealth to provide a more realistic system of addressing housing and care needs.</p>		
<p><u>SJ 294</u> - Lewis, Jr. (6) JLARC; costs of education, report.</p>	<p>1/13/2021 Senate: Referred to Committee on Rules 1/22/2021 Senate: Reported from Rules with amendments by voice vote 1/27/2021 Senate: Read third time and agreed to by Senate by voice vote 2/2/2021 House: Referred to Committee on Rules 2/8/2021 House: Continued to 2021 Special Session 1 in Rules by voice vote 2/19/2021 House: Reported from Rules (18-Y 0-N) 2/24/2021 House: Agreed to by House BLOCK VOTE (95-Y 0-N)</p>	<p>2/9/2021</p>
<p>Support (21102747D-E) Summary: Study; JLARC; costs of education; report. Directs the Joint Legislative Audit and Review Commission to study the true cost of education in the Commonwealth and provide an accurate assessment of the costs to implement the Standards of Quality.</p>		

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Fairfax County Positions
(Monitor)

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Bills	General Assembly Actions	Date of BOS Position
<p>HB 1778 - Ward (92) Removal of clutter from property; definition, civil penalty.</p>	<p>12/29/2020 House: Referred to Committee on Counties, Cities and Towns (HCCT) 1/21/2021 House: Subcommittee recommends reporting (6-Y 2-N) 1/29/2021 House: Reported from HCCT (12-Y 9-N) 2/3/2021 House: Read third time and passed House (55-Y 43-N) 2/4/2021 Senate: Referred to Committee on Local Government (SLG) 2/5/2021 Senate: Continued to 2021 Special Session 1 in SLG (15-Y 0-N) 2/15/2021 Senate: Reported from SLG with amendments (8-Y 6-N) 2/17/2021 Senate: Defeated by Senate (19-Y 20-N) 2/17/2021 Senate: Reconsideration of defeated action agreed to by Senate (38-Y 0-N) 2/18/2021 Senate: Passed Senate with amendments (21-Y 18-N) 2/22/2021 House: Senate amendments agreed to by House (52-Y 43-N) 2/25/2021 House: Enrolled 2/25/2021 Senate: Signed by President 2/26/2021 House: Signed by Speaker 3/1/2021 House: Enrolled Bill communicated to Governor 3/1/2021 Governor: Governor's Action Deadline 11:59 p.m., 3/31/21</p>	<p>2/9/2021</p>
<p>Monitor (21101674D) Summary: Removal of clutter from property; civil penalty. Provides that a locality may by ordinance require the removal of clutter from property, except on land zoned for or in active farming operation, or may, whenever the governing body deems it necessary, after reasonable notice, have such clutter removed by its own agents or employees, in which event the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the locality as taxes are collected. The bill defines "clutter" as including mechanical equipment, household furniture, containers, and similar items that may be detrimental to the well-being of a community when they are left in public view for an extended period or are allowed to accumulate. Violations of the bill are subject to the existing civil penalty applicable to violations of provisions relating to the removal of trash, garbage, refuse, litter, and similar substances from property.</p>		
<p>HB 1841 - Keam (35) Crosswalk design; Dept. of Transportation to convene work group to determine model policies.</p>	<p>1/7/2021 House: Referred to Committee on Transportation 1/19/2021 House: Subcommittee recommends reporting with substitute with amendments (8-Y 0-N) 1/21/2021 House: Reported from Transportation with substitute (21-Y 0-N) 1/26/2021 House: Read third time and passed House (99-Y 0-N) 1/27/2021 Senate: Referred to Committee on Transportation 2/5/2021 Senate: Continued to 2021 Special Session 1 in Transportation (15-Y 0-N) 2/18/2021 Senate: Reported from Transportation (15-Y 0-N) 2/23/2021 Senate: Passed Senate (39-Y 0-N) 2/26/2021 House: Enrolled 2/26/2021 House: Signed by Speaker 2/27/2021 Senate: Signed by President 3/1/2021 House: Enrolled Bill communicated to Governor 3/1/2021 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021</p>	<p>1/26/2021</p>

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Bills	General Assembly Actions	Date of BOS Position
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Monitor (21103284D-H1)

Summary: Commissioner of Highways; crosswalk design. Directs the Commissioner of Highways to convene a working group to determine whether there should be model policies for crosswalk design and installation and, if so, establish recommendations for such model policies. The bill directs the working group to monitor and provide input to the U.S. Department of Transportation and the Federal Highway Administration as updates to crosswalk designs in the Manual on Uniform Traffic Control Devices for Streets and Highways are considered. The working group shall submit to the Governor and the General Assembly a report on its findings and recommendations by November 1, 2021.

HB 1874 - Coyner (62)
Behavioral health; assessments in local correctional facilities, report.

1/8/2021 House: Referred to Committee on Health, Welfare and Institutions (HHWI)
1/19/2021 House: Subcommittee recommends reporting with amendments (7-Y 0-N)
1/21/2021 House: Reported from HHWI with substitute (20-Y 0-N)
1/26/2021 House: Read third time and passed House (100-Y 0-N)
1/27/2021 Senate: Referred to Committee on Rehabilitation and Social Services (SRSS)
2/5/2021 Senate: Continued to 2021 Special Session 1 in SRSS (14-Y 0-N)
2/19/2021 Senate: Reported from SRSS (14-Y 0-N)
2/23/2021 Senate: Passed Senate (39-Y 0-N)
2/26/2021 House: Enrolled
2/26/2021 House: Signed by Speaker
2/27/2021 Senate: Signed by President
3/1/2021 House: Enrolled Bill communicated to Governor
3/1/2021 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021

2/23/2021
2/9/2021

Monitor (21102895D-H1) - The bill has been amended to narrow the focus and its potential impact on the CSB. ~~**Oppose Unless Amended** (21102895D) - Oppose unless amended to delay enactment until sufficient state funds are in place for implementation.~~

Summary: Behavioral health services in local correctional facilities. Requires the Board of Local and Regional Jails (the Board) to include in its minimum standards for behavioral health services in local correction facilities requirements for (i) referral of individuals committed to local correctional facilities for whom a behavioral health screening indicates reason to believe the person may have mental illness to a behavioral health service provider for a behavioral health assessment and (ii) in cases in which there is reason to believe an individual is experiencing acute mental health distress or is at risk for suicide, (a) staff of the local correctional facility to consult with the behavioral health service provider to implement immediate interventions and to provide ongoing monitoring to ensure the safety of the individual and (b) the behavioral health assessment to be completed within 72 hours of completion of the behavioral health screening unless the 72-hour period ends on a Saturday, Sunday, or legal holiday, in which case the assessment shall be completed by the close of business on the next working day. The bill requires the Board to (1) review the behavioral health screening and assessment process for individuals committed to local correctional facilities, (2) identify barriers to ensuring that all behavioral health assessments are completed within 72 hours of the behavioral health screening, (3) develop recommendations for addressing such barriers, and (4) report its findings and recommendations to the Secretary of Public Safety and Homeland Security and the Chairmen of the House Committees on Health, Welfare and Institutions and Public Safety and the Senate Committee on Rehabilitation and Social Services by October 1, 2021.

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Bills	General Assembly Actions	Date of BOS Position
<p><u>HB 1890</u> - Price (95) Discrimination; prohibited in voting and elections administration, etc.</p>	<p>1/8/2021 House: Referred to Committee on Privileges and Elections 1/22/2021 House: Subcommittee recommends reporting with substitute (4-Y 2-N) 1/27/2021 House: Reported from Privileges and Elections with substitute (13-Y 9-N) 2/1/2021 House: Read third time and passed House (55-Y 45-N) 2/2/2021 Senate: Referred to Committee on Privileges and Elections 2/5/2021 Senate: Continued to 2021 Special Session 1 in Privileges and Elections (15-Y 0-N) 2/16/2021 Senate: Reported from Privileges and Elections (8-Y 5-N) 2/16/2021 Senate: Re-referred to Finance and Appropriations 2/22/2021 Senate: Reported from Finance and Appropriations (10-Y 4-N) 2/25/2021 Senate: Passed Senate (21-Y 18-N)</p>	<p>2/9/2021</p>

Monitor (21103495D-H1) - See also SB 1395 (McClellan).

Summary: Elections; prohibited discrimination in voting and elections administration; required process for enacting certain covered practices; civil causes of action. Prohibits any voting qualification or any standard, practice, or procedure related to voting from being imposed or applied in a manner that results in the denial or abridgment of the right of any United States citizen to vote based on his race or color or membership in a language minority group. The bill further prohibits at-large methods of election from being imposed or applied in a locality in a manner that impairs the ability of a protected class, defined in the bill, to elect candidates of its choice or to influence the outcome of an election, by diluting or abridging the rights of voters who are members of a protected class. Prior to enacting or administering a covered practice, defined in the bill, the governing body of a locality is required to publish the proposed covered practice and accept public comment for a minimum of 30 days on the proposed covered practice; after the public comment period, a 30-day waiting period is required. During this period, any person who will be subject to or affected by the covered practice may challenge the covered practice as (i) having the purpose or effect of denying or abridging the right to vote on the basis of race or color or membership in a language minority group or (ii) resulting in the retrogression in the position of members of a racial or ethnic group with respect to their effective exercise of the electoral franchise. The bill permits the local governing body to instead submit the proposed covered practice to the Office of the Attorney General for issuance of a certification of no objection and, once such certification is issued, to enact or administer the covered practice. Certain unlawful actions, including knowingly communicating false information to voters, that are currently subject to criminal penalties will create civil causes of action under the bill. The bill authorizes the Attorney General to commence civil actions when there is reasonable cause to believe that a violation of an election law has occurred and the rights of any voter or group of voters have been affected by the violation. Civil penalties assessed as a result of such action are payable to the Voter Education and Outreach Fund, established by the bill. Current provisions related to language minority accessibility are moved to a newly created chapter relating to the rights of voters.

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Bills	General Assembly Actions	Date of BOS Position
<p><u>HB 2071</u> - Convirs-Fowler (21) Transportation funding; statewide prioritization process, resiliency.</p>	<p>1/12/2021 House: Referred to Committee on Transportation 1/21/2021 House: Subcommittee recommends reporting with substitute (6-Y 3-N) 1/26/2021 House: Reported from Transportation with substitute (15-Y 5-N) 1/29/2021 House: Read third time and passed House (64-Y 35-N) 2/1/2021 Senate: Referred to Committee on Transportation 2/5/2021 Senate: Continued to 2021 Special Session 1 in Transportation (15-Y 0-N) 2/11/2021 Senate: Reported from Transportation with amendment (14-Y 0-N) 2/16/2021 Senate: Passed Senate with amendment (39-Y 0-N) 2/18/2021 House: Senate amendment agreed to by House (83-Y 17-N) 2/22/2021 House: Enrolled 2/22/2021 Senate: Signed by President 2/24/2021 House: Signed by Speaker 2/25/2021 House: Enrolled Bill communicated to Governor on February 25, 2021 2/25/2021 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021</p>	<p>1/26/2021</p>

Monitor (21103472D) - See also SB 1350 (Lewis).
Summary: Transportation projects; resiliency. Requires the Commonwealth Transportation Board to determine whether a project has been designed to be or the project sponsor has committed that the design will be resilient when evaluating projects for the Six-Year Improvement Program and consider resiliency when establishing the Statewide Transportation Plan. The bill also requires the Commissioner of Highways to ensure resiliency is incorporated into the design standards for new construction projects. This bill is identical to SB 1350.

Bills	General Assembly Actions	Date of BOS Position
<p><u>HB 2117</u> - VanValkenburg (72) Children's Services Act; funds expended special education programs.</p>	<p>1/12/2021 House: Referred to Committee on Health, Welfare and Institutions (HHWI) 1/19/2021 House: Referred from HHWI by voice vote 1/19/2021 House: Referred to Committee on Education (HED) 1/25/2021 House: Subcommittee recommends reporting with substitute (7-Y 0-N) 1/27/2021 House: Incorporates HB 2211 (Plum) 1/27/2021 House: Reported from HED with substitute (20-Y 2-N) 1/27/2021 House: Referred to Committee on Appropriations 1/29/2021 House: Subcommittee recommends reporting (8-Y 0-N) 1/29/2021 House: Reported from Appropriations (22-Y 0-N) 2/3/2021 House: Read third time and passed House (97-Y 2-N) 2/4/2021 Senate: Referred to Committee on Education and Health 2/5/2021 Senate: Continued to 2021 Special Session 1 in Education and Health (15-Y 0-N) 2/11/2021 Senate: Reported from Education and Health with substitute (14-Y 0-N) 2/11/2021 Senate: Re-referred to Finance and Appropriations (SFIN) 2/17/2021 Senate: Reported from SFIN (15-Y 0-N) 2/18/2021 Senate: Passed Senate with substitute (38-Y 0-N) 2/18/2021 Senate: Reconsideration of Senate passage agreed to by Senate (39-Y 0-N) 2/18/2021 Senate: Passed Senate with substitute (39-Y 0-N) 2/22/2021 House: Senate substitute agreed to by House (95-Y 3-N) 2/25/2021 House: Enrolled 2/25/2021 Senate: Signed by President 2/26/2021 House: Signed by Speaker 3/1/2021 House: Enrolled Bill communicated to Governor 3/1/2021 Governor: Governor's Action Deadline 11:59 p.m., 3/31/21</p>	<p>2/23/2021 2/9/2021</p>

Monitor (21200042D-S1) - The bill has been amended to minimize the County's concerns and provide new options to use CSA funding. Language establishing a work group has been further improved. See also SB 1313 (Mason). ~~**Amend** (21103572D-H1) - Support provisions that allow CSA funding for transitional services from private special education schools to public schools, and requirements that private special education schools be licensed to receive CSA funds. Also support retaining language in the legislation requiring a comprehensive study prior to moving administration of CSA funds from OCS to DOE, as that could potentially impact state sum sufficiency funding for CSA, which is a top County priority. See also SB 1313 (Mason).~~

Summary: Children's Services Act; special education programs. Requires that funds expended for private special education services under the Children's Services Act only be expended on educational programs that are licensed by the Board of Education or an equivalent out-of-state licensing agency. The bill also provides that as of July 1, 2022, such funds may only be expended for programs that the Office of Children's Services certify as having reported their tuition rates. The bill adds children and youth previously placed in approved private school educational programs for at least six months who will receive transitional services in a public school setting to the target population for eligibility for the state pool of funds. The bill provides that state funds shall be allocated for no longer than 12 months for transitional services. The bill requires the Secretaries of Education and Health and Human Resources, in conjunction with the Office of Children's Services and the Department of Education, to establish a work group with appropriate stakeholders to develop a detailed plan to direct the transfer of Children's Services Act funds currently reserved for children requiring an educational placement in a private special education day school or residential facility to the Department of Education, as well as several other topics. The bill requires that the work group submit its plan and recommendations to the Chairmen of the House Committee on Appropriations and Senate Committee on Finance and Appropriations by November 1, 2021, as well as a final plan and recommendations by November 1, 2022. This bill is identical to SB 1313.

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Bills	General Assembly Actions	Date of BOS Position
<p>HB 2191 - Leftwich (78) Social services, local departments of; investigations and family assessments, etc.</p>	<p>1/13/2021 House: Referred to Committee on Health, Welfare and Institutions (HHWI) 1/20/2021 House: Subcommittee recommends reporting with substitute (5-Y 0-N) and referring to Committee on Appropriations 1/26/2021 House: Reported from HHWI with substitute (21-Y 0-N) 1/29/2021 House: Read third time and passed House (99-Y 0-N) 2/1/2021 Senate: Referred to Committee on Rehabilitation and Social Services (SRSS) 2/5/2021 Senate: Continued to 2021 Special Session 1 in SRSS (14-Y 0-N) 2/16/2021 Senate: Reported from SRSS with substitute (14-Y 0-N) 2/16/2021 Senate: Re-referred to Finance and Appropriations 2/22/2021 Senate: Reported from Finance and Appropriations (15-Y 0-N) 2/25/2021 Senate: Passed Senate with substitute (39-Y 0-N) 2/25/2021 House: Senate substitute agreed to by House (99-Y 0-N)</p>	<p>2/9/2021</p>

Monitor (21103371D-EH1)

Summary: Local departments of social services; investigations and family assessments; disclosure of child's location. Requires local departments of social services, when conducting investigations or family assessments, to disclose to the child's parent or guardian, upon request, the location of the child, provided that (i) the investigation or family assessment has not been completed and a report has not been transmitted; (ii) the parent or guardian requesting disclosure of the child's location has not been the subject of a founded report of child abuse or neglect; (iii) the parent or guardian requesting disclosure of the child's location has legal custody of the child and provides to the local department of social services any records or other information necessary to verify such custody; (iv) the local department is not aware of any court order, and has confirmed with the child's other parent or guardian or other person responsible for the care of the child that no court order has been issued, that prohibits or limits contact by the parent or guardian requesting disclosure of the child's location with the child, the child's other parent or guardian or other person responsible for the care of the child, or any member of the household in which the child is located; and (v) disclosure of the child's location to the parent or guardian will not compromise the safety of the child, the child's other parent or guardian, or any other person responsible for the care of the child.

<p>HB 2262 - Hurst (12) Bicycles; traffic regulations, report.</p>	<p>1/13/2021 House: Referred to Committee on Transportation 1/25/2021 House: Subcommittee recommends reporting (8-Y 2-N) 1/28/2021 House: Reported from Transportation (16-Y 5-N) 2/2/2021 House: Read third time and passed House (75-Y 24-N) 2/3/2021 Senate: Referred to Committee on Transportation 2/5/2021 Senate: Continued to 2021 Special Session 1 in Transportation (15-Y 0-N) 2/11/2021 Senate: Reported from Transportation (9-Y 5-N) 2/17/2021 Senate: Substitute by Senator Deeds agreed to (22-Y 17-N) 2/17/2021 Senate: Passed Senate with substitute (21-Y 18-N) 2/19/2021 House: Senate substitute agreed to by House 21200276D-S1 (69-Y 30-N) 2/24/2021 House: Enrolled 2/24/2021 Senate: Signed by President 2/25/2021 House: Signed by Speaker 2/26/2021 House: Enrolled Bill communicated to Governor</p>	<p>2/9/2021</p>
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Bills	General Assembly Actions	Date of BOS Position
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Monitor (21101122D)
Summary: Traffic regulation; bicycles; report. Requires the driver of a motor vehicle to change lanes when overtaking a bicycle or certain other vehicles when the lane of travel is not wide enough for the overtaking motor vehicle to pass at least three feet to the left of the overtaken vehicle. The bill also removes the limitations on riding bicycles and certain other vehicles two abreast. The Department of State Police is directed to convene a work group to review issues related to allowing bicyclists to treat stop signs as yield signs, and to report any recommendations to the chairmen of the House and Senate Committees on Transportation.

<p>HB 2322 - Herring (46) Opioid Abatement Authority; established, report.</p>	<p>1/21/2021 House: Referred to Committee on General Laws (HGL) 1/28/2021 House: Subcommittee recommends reporting (7-Y 1-N) 1/28/2021 House: Subcommittee recommends referring to Committee on Appropriations (HAPP) 1/28/2021 House: Reported from HGL with substitute (20-Y 2-N) 1/28/2021 House: Referred to HAPP 2/1/2021 House: Subcommittee recommends reporting with substitute (8-Y 0-N) 2/1/2021 House: Reported from HAPP with substitute (22-Y 0-N) 2/3/2021 House: HGL substitute rejected 21103991D-H1 2/3/2021 House: HAPP substitute agreed to 21104247D-H2 2/4/2021 House: Read third time and passed House (97-Y 3-N) 2/5/2021 Senate: Referred to Committee on General Laws and Technology 2/5/2021 Senate: Continued to 2021 Special Session 1 in General Laws and Technology (14-Y 0-N) 2/17/2021 Senate: Reported from General Laws and Technology with substitute (12-Y 0-N) 2/17/2021 Senate: Re-referred to Finance and Appropriations 2/22/2021 Senate: Reported from Finance and Appropriations (14-Y 0-N) 2/25/2021 Senate: Amendment by Senator Barker agreed to 2/25/2021 Senate: Passed Senate with substitute with amendment (37-Y 0-N 2-A) 2/25/2021 Senate: Reconsideration of Senate passage agreed to by Senate (39-Y 0-N) 2/25/2021 Senate: Passed Senate with substitute with amendment (36-Y 0-N 3-A) 2/25/2021 House: Senate substitute with amendment agreed to by House 21200424D-S1 (94-Y 5-N)</p>	<p>2/9/2021</p>
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Monitor (21103485D) - See also SB 1469 (Barker).
Summary: Establishes the Opioid Abatement Authority. The Authority, with the assistance of the Office of the Attorney General, would administer the Opioid Abatement Fund, which would receive moneys from settlements, judgments, verdicts, and other court orders relating to claims regarding the manufacturing, marketing, distribution, or sale of opioids and any other funds received on the fund's behalf that would be used to provide grants and loans to Virginia agencies and certain localities for the purpose of treating, preventing, or reducing opioid use disorder and the misuse of opioids or otherwise abating or remediating the opioid epidemic in the Commonwealth. This bill is identical to HB 2322.

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Bills	General Assembly Actions	Date of BOS Position
<p>SB 1274 - Marsden (37) Wildlife corridors; various agencies to consider and incorporate.</p>	<p>1/12/2021 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources 1/19/2021 Senate: Reported from Agriculture, Conservation and Natural Resources with amendment (12-Y 3-N) 1/25/2021 Senate: Read third time and passed Senate (29-Y 10-N) 2/2/2021 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources 2/8/2021 House: Continued to 2021 Special Session 1 in Agriculture, Chesapeake and Natural Resources by voice vote 2/17/2021 House: Subcommittee recommends reporting with amendments (8-Y 0-N) 2/17/2021 House: Reported from Agriculture, Chesapeake and Natural Resources with amendment(s) (21-Y 1-N) 2/22/2021 House: Passed House with amendments (89-Y 10-N) 2/23/2021 Senate: House amendments agreed to by Senate (33-Y 6-N) 2/25/2021 Senate: Enrolled 2/25/2021 Senate: Signed by President 2/26/2021 House: Signed by Speaker 3/1/2021 Senate: Enrolled Bill Communicated to Governor on March 1, 2021 3/1/2021 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021</p>	<p>2/9/2021 1/26/2021</p>
<p>Monitor (21101399D-E) - Additional clarification has determined that there will be no direct impact on the County's comprehensive plan. Amend (21101399D) – Amend to make optional for localities. Fairfax County has extensive environmental planning that has been successful.</p> <p>Summary: Government planning; wildlife corridors. Directs various agencies to consider and incorporate, where applicable, wildlife corridors and any recommendation of the Wildlife Corridor Action Plan. The bill directs the Department of Wildlife Resources to publish the Plan and subsequent updates on its website and to assist state agencies and political subdivisions, and by request any federal agency, in considering and incorporating, where applicable, wildlife corridors and the recommendations of the Plan when developing any governmental strategic plan, map, or action.</p>		
<p>SB 1303 - Dunnivant (12) Local school divisions; availability of virtual and in-person learning to all students.</p>	<p>1/12/2021 Senate: Referred to Committee on Education and Health 1/28/2021 Senate: Reported from Education and Health (8-Y 7-N) 2/2/2021 Senate: Read third time and passed Senate (26-Y 13-N) 2/5/2021 House: Referred to Committee on Education 2/8/2021 House: Continued to 2021 Special Session 1 in Education by voice vote 2/19/2021 House: Subcommittee recommends reporting with substitute (8-Y 0-N) 2/22/2021 House: Reported from Education with substitute (17-Y 3-N) 2/24/2021 House: Passed House with substitute (88-Y 9-N) 2/25/2021 Senate: House substitute agreed to by Senate (36-Y 3-N)</p>	<p>2/23/2021</p>

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Bills	General Assembly Actions	Date of BOS Position
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Monitor (21200203D)
Summary: School boards; in-person instruction. Requires each school board to offer in-person instruction to each student enrolled in the local school division in a public elementary and secondary school for at least the minimum number of required instructional hours and to each student enrolled in the local school division in a public school-based early childhood care and education program for the entirety of the instructional time provided pursuant to such program. The bill contains certain exceptions to the abovementioned requirement. The bill requires each school board to provide such in-person instruction in a manner in which it adheres, to the maximum extent practicable, to any currently applicable mitigation strategies for early childhood care and education programs and elementary and secondary schools to reduce the transmission of COVID-19 that have been provided by the federal Centers for Disease Control and Prevention. The bill requires the Department of Education to establish benchmarks for successful virtual learning and guidelines for providing interventions to students who fail to meet such benchmarks and for transitioning such students back to in-person instruction. The bill also requires all teachers and school staff to be offered access to receive an approved COVID-19 vaccination through their relevant local health district. The bill has an expiration date of August 1, 2022.

<p>SB 1304 - McPike (29) Community services boards; discharge planning.</p>	<p>1/12/2021 Senate: Referred to Committee on Education and Health 1/28/2021 Senate: Reported from Education and Health with amendments (14-Y 0-N) 2/2/2021 Senate: Read third time and passed Senate (39-Y 0-N) 2/5/2021 House: Referred to Committee on Health, Welfare and Institutions (HHWI) 2/8/2021 House: Continued to 2021 Special Session 1 in Health, Welfare and Institutions by voice vote 2/16/2021 House: Subcommittee recommends reporting (5-Y 1-N) 2/16/2021 House: Reported from HHWI (22-Y 0-N) 2/19/2021 House: Passed House BLOCK VOTE (100-Y 0-N) 2/24/2021 Senate: Enrolled 2/24/2021 Senate: Signed by President 2/25/2021 House: Signed by Speaker 2/26/2021 Senate: Enrolled Bill Communicated to Governor on February 26, 2021</p>	<p>2/23/2021 1/26/2021</p>
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Monitor (21102367D-E) - The bill has been amended to minimize the County's concerns. ~~**Oppose**~~ (21102367D)
Summary: Community services boards; discharge planning. Reduces from within 30 days to within 72 hours of an individual's identification as ready for discharge the time by which a community services board must document its disagreement with the determination that an individual is ready for discharge from a state hospital or training center. The bill also directs the Commissioner of Behavioral Health and Developmental Services to establish a work group with representatives of the Virginia Association of Community Services Boards to (i) review the current process for discharging patients from state mental health hospitals, including the current assigned responsibilities of state hospital staff and community services board staff, as well as the barriers to timely discharge for patients clinically ready to discharge, and (ii) develop potential options to expedite the discharge process for individuals who can be safely discharged back into the community. The bill directs the work group to develop a plan that includes recommendations for expediting the discharge process and identify the necessary funding to ensure that individuals receive essential services upon discharge and that discharges are timely. The bill requires the work group to report its findings and conclusions and its plan to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by September 1, 2021.

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Bills	General Assembly Actions	Date of BOS Position
<p>SB 1313 - Mason (1) Children's Services Act; funds expended special education programs.</p>	<p>1/12/2021 Senate: Referred to Committee on Education and Health (SEH) 1/21/2021 Senate: Incorporates SB 1099 (Stuart) 1/21/2021 Senate: Incorporates SB 1114 (Peake) 1/21/2021 Senate: Reported from SEH with substitute (14-Y 0-N) 1/21/2021 Senate: Re-referred to Finance and Appropriations 2/3/2021 Senate: Reported from Finance and Appropriations with substitute (15-Y 0-N) 2/4/2021 Senate: SEH substitute rejected 21103505D-S1 2/4/2021 Senate: Committee on Finance and Appropriations substitute agreed to 21104193D-S2 2/4/2021 Senate: Passed Senate (39-Y 0-N) 2/7/2021 House: Referred to Committee on Education 2/8/2021 House: Continued to 2021 Special Session 1 in Education by voice vote 2/15/2021 House: Subcommittee recommends reporting (8-Y 0-N) 2/17/2021 House: Reported from Education (21-Y 1-N) 2/22/2021 House: Passed House (97-Y 2-N) 2/24/2021 Senate: Enrolled 2/24/2021 Senate: Signed by President 2/25/2021 House: Signed by Speaker 3/1/2021 Senate: Enrolled Bill Communicated to Governor 3/1/2021 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021</p>	<p>2/23/2021 2/9/2021</p>

Monitor (21104193D-S2) - The bill has been amended to minimize the County's concerns and provide new options to use CSA funding. Language establishing a work group has been further improved. See also HB 2117 (VanValkenburg). ~~**Amend** (21103505D-S1) - Support provisions that allow CSA funding for transitional services from private special education schools to public schools, and requirements that private special education schools be licensed to receive CSA funds. Also support retaining language in the legislation requiring a comprehensive study prior to moving administration of CSA funds from OCS to DOE, as that could potentially impact state sum sufficiency funding for CSA, which is a top County priority. See also HB 2117 (VanValkenburg).~~

Summary: Children's Services Act; special education programs. Requires that funds expended for private special education services under the Children's Services Act only be expended on educational programs that are licensed by the Board of Education or an equivalent out-of-state licensing agency. The bill also provides that as of July 1, 2022, such funds may only be expended for programs that the Office of Children's Services certify as having reported their tuition rates. The bill adds children and youth previously placed in approved private school educational programs for at least six months who will receive transitional services in a public school setting to the target population for eligibility for the state pool of funds. The bill provides that state funds shall be allocated for no longer than 12 months for transitional services. The bill requires the Secretaries of Education and Health and Human Resources, in conjunction with the Office of Children's Services and the Department of Education, to establish a work group with appropriate stakeholders to develop a detailed plan to direct the transfer of Children's Services Act funds currently reserved for children requiring an educational placement in a private special education day school or residential facility to the Department of Education, as well as several other topics. The bill requires that the work group submit its plan and recommendations to the Chairmen of the House Committee on Appropriations and Senate Committee on Finance and Appropriations by November 1, 2021, as well as a final plan and recommendations by November 1, 2022. This bill is identical to HB 2117.

Bold – Indicates BOS formal action
 [] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
<p><u>SB 1350</u> - Lewis, Jr. (6) Transportation funding; statewide prioritization process, resiliency.</p>	<p>1/13/2021 Senate: Referred to Committee on Transportation 1/21/2021 Senate: Reported from Transportation with substitute (12-Y 0-N 2-A) 1/21/2021 Senate: Re-referred to Finance and Appropriations (SFIN) 2/2/2021 Senate: Reported from SFIN (16-Y 0-N) 2/5/2021 Senate: Read third time and passed Senate (39-Y 0-N) 2/7/2021 House: Referred to Committee on Transportation 2/8/2021 House: Continued to 2021 Special Session 1 in Transportation by voice vote 2/11/2021 House: Reported from Transportation with amendment(s) (15-Y 6-N) 2/16/2021 House: Passed House with amendment (81-Y 18-N) 2/18/2021 Senate: House amendment agreed to by Senate (39-Y 0-N) 2/22/2021 Senate: Enrolled 2/22/2021 Senate: Signed by President 2/24/2021 House: Signed by Speaker 2/25/2021 Senate: Enrolled Bill Communicated to Governor 2/25/2021 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021</p>	<p>1/26/2021</p>

Monitor (21101744D) - See also HB 2071 (Convirs-Fowler).

Summary: Transportation projects; resiliency. Requires the Commonwealth Transportation Board to determine whether a project has been designed to be or the project sponsor has committed that the design will be resilient when evaluating projects for the Six-Year Improvement Program and consider resiliency when establishing the Statewide Transportation Plan. The bill also requires the Commissioner of Highways to ensure resiliency is incorporated into the design standards for new construction projects. This bill is identical to HB 2071.

<p><u>SB 1385</u> - Surovell (36) Underground utility facilities; Fairfax County.</p>	<p>1/12/2021 Senate: Referred to Committee on Local Government 2/1/2021 Senate: Reported from Local Government with substitute (13-Y 0-N 1-A) 2/4/2021 Senate: Read third time and passed Senate (33-Y 6-N) 2/7/2021 House: Referred to Committee on Counties, Cities and Towns 2/8/2021 House: Continued to 2021 Special Session 1 in Counties, Cities and Towns by voice vote 2/19/2021 House: Reported from Counties, Cities and Towns with amendment(s) (11-Y 10-N) 2/25/2021 House: Passed House with amendments (57-Y 39-N) 2/25/2021 Senate: House amendments rejected by Senate (0-Y 38-N) 2/25/2021 House: House insisted on substitute 2/25/2021 House: House requested conference committee 2/25/2021 Senate: Senate acceded to request (36-Y 2-N) 2/25/2021 Senate: Conferees appointed by Senate: Senators Surovell, Spruill, Reeves 2/25/2021 House: Conferees appointed by House: Delegates Krizek, Kory, Webert 2/27/2021 Conference: Amended by conference committee 2/27/2021 House: Conference report agreed to by House (55-Y 42-N) 2/27/2021 Senate: Conference report agreed to by Senate (32-Y 7-N)</p>	<p>1/26/2021</p>
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Bold – Indicates BOS formal action
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Bills	General Assembly Actions	Date of BOS Position
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Monitor (21102804D)

Summary: Underground utility facilities; Fairfax County. Removes the sunset on a pilot program allowing a locality that has adopted the urban county executive form of government (Fairfax County) to request an electric utility to place underground electric distribution lines as part of a transportation infrastructure improvement project and changes a number of provisions in the program including (i) expanding the scope to include electric cooperatives, telecommunications providers, cable providers, and other utilities; (ii) expanding the scope to include all underground facilities; (iii) placing additional limits on the levy to fund the project and the types of projects for which it may be imposed; and (iv) authorizing the locality to secure necessary permits on behalf of the utility or provider.

SB 1395 - McClellan (9)
Discrimination; prohibited in voting and elections administration, etc.

1/13/2021 Senate: Referred to Committee on Privileges and Elections (SPE)
1/26/2021 Senate: Reported from SPE with substitute (9-Y 6-N)
1/26/2021 Senate: Re-referred to Finance and Appropriations (SFIN)
2/3/2021 Senate: Reported from SFIN with substitute (10-Y 4-N 2-A)
2/4/2021 Senate: SPE substitute rejected 21103648D-S1
2/4/2021 Senate: SFIN substitute agreed to 21103866D-S2
2/5/2021 Senate: Read third time and passed Senate (21-Y 17-N)
2/7/2021 House: Referred to Committee on Privileges and Elections (HPE)
2/8/2021 House: Continued to 2021 Special Session 1 in HPE
2/10/2021 House: Reported from HPE (13-Y 9-N)
2/15/2021 House: Passed House (55-Y 45-N)
2/17/2021 Senate: Enrolled
2/17/2021 Senate: Signed by President
2/18/2021 House: Signed by Speaker
2/22/2021 Senate: Enrolled Bill Communicated to Governor
2/22/2021 Governor: Governor's Action Deadline 11:59 p.m., 3/31/21

2/9/2021

Monitor (21103648D-S1) - See also HB 1890 (Price).

Summary: Elections; prohibited discrimination in voting and elections administration; required process for enacting certain covered practices; civil causes of action. Prohibits any voting qualification or any standard, practice, or procedure related to voting from being imposed or applied in a manner that results in the denial or abridgment of the right of any United States citizen to vote based on his race or color or membership in a language minority group. The bill further prohibits at-large methods of election from being imposed or applied in a locality in a manner that impairs the ability of a protected class, defined in the bill, to elect candidates of its choice or to influence the outcome of an election, by diluting or abridging the rights of voters who are members of a protected class. Prior to enacting or administering a covered practice, defined in the bill, the governing body of a locality is required to publish the proposed covered practice and accept public comment for a minimum of 30 days on the proposed covered practice; after the public comment period, a 30-day waiting period is required. During this period, any person who will be subject to or affected by the covered practice may challenge the covered practice as (i) having the purpose or effect of denying or abridging the right to vote on the basis of race or color or membership in a language minority group or (ii) resulting in the retrogression in the position of members of a racial or ethnic group with respect to their effective exercise of the electoral franchise. The bill permits the local governing body to instead submit the proposed covered practice to the Office of the Attorney General for issuance of a certification of no objection and, once such certification is issued, to enact or administer the covered practice. Certain unlawful actions, including knowingly communicating false information to voters, that are currently subject to criminal penalties will create civil causes of action under the bill. The bill authorizes the Attorney General to commence civil actions when there is reasonable cause to believe that a violation of an election law has occurred and the rights of any voter or group of voters have been affected by the violation. Civil penalties assessed as a result of such action are payable to the Voter Education and Outreach Fund, established by the bill. Current provisions related to language minority accessibility are moved to a newly created chapter relating to the rights of voters.

Bold – Indicates BOS formal action
[] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
<p><u>SB 1404</u> - Lewis, Jr. (6) Stormwater Local Assistance Fund; grants awarded for projects related to Chesapeake Bay.</p>	<p>1/13/2021 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources (SACNR) 2/4/2021 Senate: Reported from SACNR (15-Y 0-N) 2/5/2021 Senate: Passed Senate (38-Y 0-N) 2/7/2021 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources (HAG) 2/8/2021 House: Continued to 2021 Special Session 1 in HAG by voice vote 2/10/2021 House: Reported from HAG (21-Y 0-N) 2/15/2021 House: Passed House BLOCK VOTE (100-Y 0-N) 2/17/2021 Senate: Enrolled 2/17/2021 Senate: Signed by President 2/18/2021 House: Signed by Speaker 2/22/2021 Senate: Enrolled Bill Communicated to Governor on February 22, 2021 2/22/2021 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021</p>	<p>1/26/2021</p>

Monitor (21102801D)

Summary: Stormwater Local Assistance Fund; grant requirements. Authorizes grants from the Stormwater Local Assistance Fund awarded for projects related to Chesapeake Bay total maximum daily load (TMDL) requirements to take into account total phosphorus reductions or total nitrogen reductions. The bill authorizes grants awarded for eligible projects in localities with high or above average fiscal stress as reported by the Commission on Local Government to account for more than 50 percent of the costs of a project.

<p><u>SB 1468</u> - Surovell (36) Victims of crime; certifications for victims of qualifying criminal activity.</p>	<p>1/22/2021 Senate: Referred to Committee on the Judiciary 1/27/2021 Senate: Reported from Judiciary with substitute (8-Y 3-N) 2/2/2021 Senate: Read third time and passed Senate (22-Y 17-N) 2/5/2021 House: Referred to Committee for Courts of Justice 2/8/2021 House: Continued to 2021 Special Session 1 in Courts of Justice by voice vote 2/17/2021 House: Subcommittee recommends reporting with amendments (7-Y 1-N) 2/20/2021 House: Reported from Courts of Justice with amendment(s) (19-Y 3-N) 2/24/2021 House: Passed House with amendments (80-Y 19-N) 2/25/2021 Senate: House amendments agreed to by Senate (21-Y 18-N)</p>	<p>2/23/2021</p>
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Monitor (21103854D-S1)

Summary: Certifications for victims of qualifying criminal activity. Establishes a process for a state or local law-enforcement agency, an attorney for the Commonwealth, the Attorney General, or any other agency or department employing law-enforcement officers to complete a certification form or declaration that is required by federal immigration law certifying that a person is a victim of qualifying criminal activity.

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Bills	General Assembly Actions	Date of BOS Position
<p><u>SB 1469</u> - Barker (39) Opioid Abatement Authority; established, Fund created, report, membership.</p>	<p>1/22/2021 Senate: Referred to Committee on General Laws and Technology 1/27/2021 Senate: Reported from General Laws and Technology (13-Y 0-N) 1/27/2021 Senate: Re-referred to Finance and Appropriations 2/3/2021 Senate: Reported from Finance and Appropriations with substitute (14-Y 0-N 2-A) 2/5/2021 Senate: Read third time and passed Senate (36-Y 0-N 2-A) 2/7/2021 House: Referred to Committee on General Laws 2/8/2021 House: Continued to 2021 Special Session 1 in General Laws by voice vote 2/11/2021 House: Reported from General Laws with substitute (20-Y 2-N) 2/16/2021 House: Passed House with substitute (91-Y 7-N) 2/18/2021 Senate: House substitute rejected by Senate (0-Y 38-N 1-A) 2/19/2021 House: House insisted on substitute 2/19/2021 House: House requested conference committee 2/23/2021 Senate: Senate acceded to request (39-Y 0-N) 2/23/2021 Senate: Conferees appointed by Senate: Senators Barker, Pillion, Hashmi 2/24/2021 House: Conferees appointed by House: Delegates Herring, Tyler, Bloxom 2/27/2021 Conference: Amended by conference committee 2/27/2021 Senate: Conference report agreed to by Senate (36-Y 0-N 3-A) 2/27/2021 House: Conference report agreed to by House (90-Y 7-N)</p>	<p>2/9/2021</p>

Monitor (21103486D) - See also HB 2322 (Herring).
Summary: Establishes the Opioid Abatement Authority. The Authority, with the assistance of the Office of the Attorney General, would administer the Opioid Abatement Fund, which would receive moneys from settlements, judgments, verdicts, and other court orders relating to claims regarding the manufacturing, marketing, distribution, or sale of opioids and any other funds received on the fund's behalf that would be used to provide grants and loans to Virginia agencies and certain localities for the purpose of treating, preventing, or reducing opioid use disorder and the misuse of opioids or otherwise abating or remediating the opioid epidemic in the Commonwealth. This bill is identical to SB 1469.

Fairfax County Positions

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Legislation

No Longer Under Consideration

(Failed to Report, Incorporated into other Legislation, Tabled, etc.)

Bills	General Assembly Actions	Date of BOS Position
<p>HB 1736 - Adams (68) School nurses; nursing services in a public elementary or secondary school.</p>	<p>8/17/2020 House: Referred to Committee on Education 1/18/2021 House: Subcommittee recommends reporting with substitute (6-Y 2-N) 1/20/2021 House: Reported from Education with substitute (13-Y 8-N) 1/25/2021 House: Read third time and passed House (68-Y 31-N 1-A) 1/26/2021 Senate: Referred to Committee on Education and Health 2/5/2021 Senate: Continued to 2021 Special Session 1 in Education and Health (15-Y 0-N) 2/18/2021 Senate: Failed to report (defeated) in Education and Health (6-Y 8-N)</p>	<p>2/9/2021 1/26/2021</p>
<p>Monitor (21102518D-H1) - The bill has been amended to address County's concerns. Oppose (21100241D) - Board has historically opposed. Potential fiscal impact to Fairfax County is approximately \$11.5 million. Summary: School nurses; nomenclature. Prohibits any individual who provides nursing services in a public elementary or secondary school as a school board employee or through a contract with the local health department from using the title of school nurse unless such individual is a registered nurse who possesses an active license to practice in the Commonwealth.</p>		
<p>HB 1757 - McGuire, III (56) Firearm-free zones designated by the Commonwealth or a locality; waiver of sovereign immunity.</p>	<p>12/17/2020 House: Referred to Committee for Courts of Justice 2/5/2021 House: Left in Courts of Justice</p>	<p>1/26/2021</p>
<p>Oppose (21101679D) Summary: Provides that if (i) the Commonwealth designates any property owned by it as a firearm-free zone or (ii) any locality designates such locality or any part of such locality as a firearm-free zone, the Commonwealth or such locality waives its sovereign immunity as it relates to any injuries sustained by persons lawfully present in such firearm-free zone.</p>		
<p>HB 1773 - Freitas (30) Carrying a concealed handgun; permit not required.</p>	<p>12/28/2020 House: Referred to Committee on Public Safety 1/26/2021 House: Subcommittee recommends passing by indefinitely (6-Y 2-N) 2/5/2021 House: Left in Public Safety</p>	<p>1/26/2021</p>
<p>Oppose (21100642D) Summary: Allows any person who is otherwise eligible to obtain a concealed handgun permit to carry a concealed handgun without a permit anywhere he may lawfully carry a handgun openly within the Commonwealth.</p>		
<p>HB 1793 - Davis (84) Concealed handgun permit; local control of firearms.</p>	<p>1/2/2021 House: Referred to Committee on Public Safety 1/26/2021 House: Subcommittee recommends passing by indefinitely (5-Y 3-N) 2/5/2021 House: Left in Public Safety</p>	<p>1/26/2021</p>

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Bills	General Assembly Actions	Date of BOS Position
<p>Oppose (21101843D) Summary: Local control of firearms; concealed handgun permit. Provides that any local ordinance that prohibits the possession, carrying, or transportation of any firearms, ammunition, or components or combination thereof on specified public property shall not apply to a person who has a valid concealed handgun permit.</p>		
<p>HB 1857 - Subramanyam (87) Virginia Public Procurement Act; architectural and professional engineering term contracting.</p>	<p>1/7/2021 House: Referred to Committee on General Laws 2/5/2021 House: Left in General Laws</p>	<p>1/26/2021</p>
<p>Support (21101307D) Summary: Virginia Public Procurement Act; architectural and professional engineering term contracting; certain localities. Exempts any locality with a population in excess of 400,000 from the limitations on architectural and professional engineering contract single-project fees for environmental, location, design, and inspection work regarding highways and bridges. Current law exempts the Commissioner of Highways from such limitations and the exemption is continued in the bill.</p>		
<p>HB 1880 - Krizek (44) Illegal gambling; skill games, temporary exemption for truck stops.</p>	<p>1/8/2021 House: Referred to Committee on General Laws 2/5/2021 House: Left in General Laws</p>	<p>2/9/2021</p>
<p>Monitor (21102510D) Summary: Illegal gambling; skill games; temporary exemption for truck stops and alcoholic beverage control retail licensees. Delays by one additional year, from July 1, 2021, to July 1, 2022, the prohibition on the play or offering for play of skill games that was instituted in the 2020 Regular Session. The bill extends the one-year phase-out of existing skill games by one additional year to July 1, 2022, but decreases to 90 percent the total number of machines that a distributor may provide for play to truck stops and Virginia Alcoholic Beverage Control Authority retail licensees (ABC retail licensees) relative to the number of machines such distributor previously reported to the Virginia Alcoholic Beverage Control Authority (the Authority) on July 1, 2020. The bill caps the total number of skill games that persons operating truck stops and ABC retail licensees may make available for play to no more than 20 and six, respectively. The bill extends the prohibition on distributors offering new skill games for play. The bill keeps oversight authority over skill games with the Authority. The bill extends the requirement that each distributor pay a monthly tax of \$1,200 for each skill game provided for play during the previous month. Revenues will accrue one percent to the Problem Gambling Treatment and Support Fund, three percent to the Authority for the purposes of implementing the bill, 33 percent to the localities in which the skill games are located, one percent to the Family and Children's Trust Fund, two percent to the Virginia Breeders Fund, and 60 percent to the Commonwealth Transportation Fund. The bill extends the requirement that distributors report monthly to the Authority the number of skill games provided for play. Finally, the bill prohibits persons younger than 21 years of age from playing skill games or redeeming the evidence of winnings for them.</p>		

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Bills	General Assembly Actions	Date of BOS Position
HB 1883 - VanValkenburg (72) Elections; preclearance of certain covered practices required.	1/8/2021 House: Referred to Committee on Privileges and Elections 2/5/2021 House: Left in Privileges and Elections	2/9/2021
<p>Monitor (21102660D) Summary: Requires the governing body of a covered jurisdiction, prior to enacting or seeking to administer any voting qualification or prerequisite to voting, or any standard, practice, or procedure with respect to voting, to either (i) institute an action in the Circuit Court of the City of Richmond for a declaratory judgment that the covered practice neither has the purpose or effect of denying or abridging the right to vote on account of race or color or membership in a language minority group nor will result in the retrogression in the position of members of a racial or ethnic group with respect to their effective exercise of the electoral franchise or (ii) submit such covered practice to the Office of the Attorney General for issuance of a certification of no objection. No covered practice can be given effect until the Circuit Court of the City of Richmond has entered such judgment or the Attorney General has issued such certification. The bill permits certain persons to institute an action to compel the governing body of a covered jurisdiction to institute an action in the Circuit Court of the City of Richmond or to seek issuance of a certification of no objection and provides for appeals by the governing body or certain persons to decisions made by the Attorney General. A covered jurisdiction is defined by the bill as any county or city that is determined by the Attorney General using annual American Community Survey data to have a voting age population that contains two or more racial or ethnic groups, each constituting at least 20 percent of its voting age population, but excludes any county or city that, on or after January 1, 2008, was exempt from the preclearance requirements of § 5 of the Voting Rights Act of 1965, as amended, pursuant to a declaratory jurisdiction issued by the United States District Court for the District of Columbia under § 4 of that Act.</p>		
HB 1917 - Mugler (91) Local planning and zoning; publication of certain notices on locality's website.	1/10/2021 House: Referred to Committee on Counties, Cities and Towns 1/29/2021 House: Reported from Counties, Cities and Towns with amendment(s) (13-Y 7-N) 2/3/2021 House: Re-referred to Counties, Cities and Towns 2/5/2021 House: Left in Counties, Cities and Towns	1/26/2021
<p>Support (21100328D) - Board has historically supported. Summary: Publication of certain notices on locality's website. Provides that in any instance in which a locality is required to publish certain notices related to local planning and zoning in a newspaper having general circulation in the locality, the locality may instead choose to meet such requirement by publishing the notice on the locality's website.</p>		
HB 1996 - Murphy (34) Va Public Procurement Act; determination of responsibility, etc.	1/11/2021 House: Referred to Committee on General Laws 1/19/2021 House: Subcommittee recommends reporting (5-Y 3-N) 1/21/2021 House: Reported from General Laws (14-Y 8-N) 1/26/2021 House: Read third time and passed House (56-Y 44-N) 1/27/2021 Senate: Referred to Committee on General Laws and Technology (SGL) 2/5/2021 Senate: Continued to 2021 Special Session 1 in SGL (14-Y 0-N) 2/17/2021 Senate: Passed by indefinitely in SGL (9-Y 6-N)	2/9/2021
<p>Support (21101375D) Summary: Virginia Public Procurement Act; determination of responsibility; local option to include criteria in Invitation to Bid. Allows localities to include in the Invitation to Bid criteria that may be used in determining whether any bidder, not just any bidder who is not prequalified by the Virginia Department of Transportation as under current law, is a responsible bidder.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p><u>HB 2050</u> - Bourne (71) Virginia housing opportunity; tax credit established starting in taxable year 2021.</p>	<p>1/12/2021 House: Referred to Committee on Finance 1/22/2021 House: Subcommittee recommends laying on the table (7-Y 1-N) 2/5/2021 House: Left in Finance</p>	<p>1/26/2021</p>
<p>Support (21102648D) Summary: Virginia housing opportunity tax credit. Establishes, starting in taxable year 2021, a Virginia housing opportunity tax credit, which is equal to the amount of the federal low-income housing tax credit allocated or allowed by the Virginia Housing Development Authority to a low-income building that is eligible for the federal credit. The credit would be nonrefundable and could be carried forward for up to five years.</p>		
<p><u>HB 2074</u> - Simonds (94) Environmental justice; interagency working group.</p>	<p>1/12/2021 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources 1/27/2021 House: Subcommittee recommends reporting with substitute (7-Y 1-N) 1/27/2021 House: Subcommittee recommends referring to Committee on Appropriations 1/27/2021 House: Reported from Agriculture, Chesapeake and Natural Resources with substitute (16-Y 6-N) 1/27/2021 House: Referred to Committee on Appropriations 2/2/2021 House: Subcommittee recommends reporting with substitute (5-Y 3-N) 2/3/2021 House: Reported from Appropriations with substitute (13-Y 9-N) 2/4/2021 House: Committee on Agriculture, Chesapeake and Natural Resources substitute rejected 21103839D-H1 2/4/2021 House: Committee on Appropriations substitute agreed to 21104161D-H2 2/5/2021 House: Read third time and passed House (56-Y 44-N) 2/5/2021 Senate: Referred to Committee on General Laws and Technology 2/5/2021 Senate: Continued to 2021 Special Session 1 in General Laws and Technology (14-Y 0-N) 2/17/2021 Senate: Reported from General Laws and Technology with substitute (8-Y 4-N 1-A) 2/17/2021 Senate: Re-referred to Finance and Appropriations 2/22/2021 Senate: Reported from Finance and Appropriations (10-Y 4-N) 2/25/2021 Senate: Passed Senate with substitute (21-Y 18-N) 2/25/2021 House: Senate substitute agreed to by House 21200425D-S1 (55-Y 43-N) 2/25/2021 House: Reconsideration of Senate substitute agreed to by House 2/25/2021 House: Senate substitute rejected by House (1-Y 97-N) 2/25/2021 Senate: Senate insisted on substitute (36-Y 2-N) 2/25/2021 Senate: Senate requested conference committee 2/25/2021 House: House acceded to request 2/25/2021 House: Conferees appointed by House: Delegates Simonds, Keam, Hodges 2/25/2021 Senate: Conferees appointed by Senate: Senators Hashmi, Vogel, Mason 3/1/2021 House: No further action taken; failed to pass</p>	<p>2/23/2021 1/26/2021</p>

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Bills	General Assembly Actions	Date of BOS Position
<p>Monitor (21104161D-H2) - Bill was amended to limit comprehensive plan reviews to once every five years. Amend (21102822D) — Amend to state that localities may consider environmental justice strategy during each review of their comprehensive plans. Summary: Establishes the Interagency Environmental Justice Working Group as an advisory council in the executive branch of state government to further environmental justice in the Commonwealth and directs each of the Governor's Secretaries to designate at least one environmental justice coordinator to represent the secretariat as a member of the Working Group. The bill directs the Working Group to focus its work during its first year on the environmental justice of current air quality monitoring practices in Virginia and provides that the Working Group shall expire on July 1, 2031.</p>		
<p>HB 2114 - Ransone (99) Public hearings; notice submitted by localities to newspapers.</p>	<p>1/12/2021 House: Referred to Committee on Counties, Cities and Towns 1/21/2021 House: Subcommittee recommends reporting (8-Y 0-N) 1/22/2021 House: Reported from Counties, Cities and Towns (17-Y 4-N) 1/26/2021 House: Re-referred to Committee on Counties, Cities and Towns 1/29/2021 House: Reported from Counties, Cities and Towns (13-Y 8-N) 2/3/2021 House: Re-referred to Counties, Cities and Towns 2/5/2021 House: Left in Counties, Cities and Towns</p>	<p>2/9/2021</p>
<p>Support (21100430D) Summary: Hearing notice by localities. Expands from only localities in Planning District 23 to all localities a provision that provides that in any instance in which a locality has submitted a timely notice of public hearing to a newspaper published or having general circulation in the locality and the newspaper fails to publish the notice, such locality shall be deemed to have met certain notice requirements so long as the notice was published in the next available edition. Under current law, this provision that was created by the 2020 Regular Session and only applies to localities in Planning District 23 will expire on July 1, 2022. The provision in the bill as it applies to all localities will also expire on July 1, 2022.</p>		
<p>HB 2237 - McQuinn (70) Virginia Public Procurement Act; project labor agreements, transportation projects.</p>	<p>1/13/2021 House: Referred to Committee on General Laws 2/5/2021 House: Left in General Laws</p>	<p>1/26/2021</p>
<p>Oppose (21102029D) Summary: Virginia Public Procurement Act; project labor agreements; transportation projects. Requires every public body, prior to requiring bidders, offerors, contractors, subcontractors, or operators on contracts for the design or construction of a road, highway, bridge, or similar transportation improvement to enter into, become or remain signatories to, or adhere to project labor agreements, to make a written determination that requiring such bidders, offerors, contractors, subcontractors, or operators to enter into, become or remain signatories to, or adhere to such project labor agreements advances the public's interests based on objective criteria established by the public body by regulation or ordinance, such as cost, efficiency, quality, safety, timeliness, maintenance of a skilled labor force, labor stability, or advancing minority-owned and women-owned business participation in the project.</p>		

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<p>HB 2239 - Robinson (27) Absentee voting; ballots to be processed before election day and sorted and counted.</p>	<p>1/13/2021 House: Referred to Committee on Privileges and Elections 1/26/2021 House: Subcommittee recommends laying on the table (4-Y 2-N) 2/5/2021 House: Left in Privileges and Elections</p>	<p>1/26/2021</p>
<p>Oppose (21101712D) - The bill creates a substantial workload and logistical challenges. Summary: Elections; absentee voting; ballots to be processed before election day and sorted and counted by precinct. Requires certain actions to be taken to process absentee ballots that are returned by mail before election day. The general registrar is required to examine the ballot envelopes to verify completion of the required voter affirmation; mark the pollbook, or the absentee voter applicant list if the pollbook is not available, that the voter has voted; and open the sealed ballot envelopes and insert the ballots in optical scan counting equipment or other secure ballot container without initiating any ballot count totals. Current law requires only that the general registrar undertake at least one such activity before election day. So that ballots can be separated from ballot envelopes and scanned, the bill requires that the office of the general registrar be used as a central absentee voter precinct. The bill requires that absentee ballots processed at any central absentee voter precinct be sorted by the precinct to which the voter who cast the absentee ballot is assigned and that the resulting vote totals from such ballots be reported separately for each voter precinct.</p>		
<p>HJ 556 - Lopez (49) Constitutional amendment; environmental justice (first reference).</p>	<p>1/12/2021 House: Referred to Committee on Privileges and Elections 2/5/2021 House: Left in Privileges and Elections</p>	<p>2/9/2021</p>
<p>Monitor (21101762D) - Support concept of environmental justice; maintaining local authority to develop innovative approaches is essential. Summary: Constitutional amendment (first reference); environmental justice. Establishes that it is the policy of the Commonwealth to follow the principles of environmental justice in the development, implementation, and enforcement of environmental laws, regulations, and policies and to ensure that no population, especially minority, low-income, or historically economically disadvantaged communities, faces higher levels or greater impacts of pollution and climate change than other populations.</p>		
<p>SB 1118 - Peake (22) Voter registration; verification of social security numbers, provisional registration status.</p>	<p>12/21/2020 Senate: Referred to Committee on Privileges and Elections 1/26/2021 Senate: Passed by indefinitely in Privileges and Elections (9-Y 6-N)</p>	<p>1/26/2021</p>
<p>Oppose (21101474D) - Board has historically opposed. Summary: Voter registration; verification of social security numbers; provisional registration status. Requires the general registrars to verify that the name, date of birth, and social security number provided by an applicant on the voter registration application match the information on file in the Social Security Administration database or other database approved by the State Board of Elections (the State Board) before registering such applicant. If the information provided by the applicant does not match the information in such database, the</p>		

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applicant (i) is provisionally registered to vote and notified as to what steps are needed to be fully registered to vote and (ii) is permitted to vote by provisional ballot but such ballot shall not be counted until the voter presents certain information. The bill also requires the general registrars to verify annually no later than August 1 that the name, date of birth, and social security number in the registration record of each registered voter in the registrar's jurisdiction match the information on file with the Social Security Administration or other database approved by the State Board and, in accordance with current law, to initiate the cancellation of the registration of any voter whose registration record information does not match the database information. The State Board is authorized to approve the use of any government database to the extent required to enable each general registrar to carry out the provisions of this bill and to promulgate rules for the use of such database. The Department of Elections is required to provide to the general registrars access to the Social Security Administration database and any other database approved by the State Board. The Department of Elections is further required to enter into any agreement with any federal or state agency to facilitate such access. The bill has a delayed effective date of July 1, 2023.

<p>SB 1133 - Suetterlein (19) Children's Services Act; eligibility for state pool of funds, pilot program.</p>	<p>12/31/2020 Senate: Referred to Committee on Education and Health 1/21/2021 Senate: Reported from Education and Health with substitute (8-Y 6-N) 1/21/2021 Senate: Re-referred to Finance and Appropriations 2/3/2021 Senate: Passed by indefinitely in Finance and Appropriations (14-Y 1-N)</p>	<p>2/9/2021</p>
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Amend (21103477D-S1) - Support provisions that allow CSA funding for transitional services from private special education schools to public schools, and requirements that private special education schools be licensed to receive CSA funds. Also support retaining language in the legislation requiring a comprehensive study prior to moving administration of CSA funds from OCS to DOE, as that could potentially impact state sum sufficiency funding for CSA, which is a top County priority.

Summary: Children's Services Act; eligibility for state pool of funds; pilot program related to educational placement transition for certain students with disabilities. Expands eligibility for use of the state pool of funds under the Children's Services Act to services that are provided in a public school setting and requires that private day schools be approved and licensed by the Department of Education or an equivalent out-of-state licensing agency to be eligible for the state pool of funds. The bill requires the Department of Education and relevant local school boards to develop and implement a pilot program for up to four years in two to eight local school divisions in the Commonwealth. In developing the pilot, the Department is required to partner with the appropriate school board employees in each such local school division to (i) identify the resources, services, and supports required by each student who resides in each such local school division and who is educated in a private school setting pursuant to his Individualized Education Program; (ii) study the feasibility of transitioning each such student from his private school setting to an appropriate public school setting in the local school division and providing the identified resources, services, and supports in such public school setting; and (iii) recommend a process for redirecting federal, state, and local funds, including funds provided pursuant to the Children's Services Act, provided for the education of each such student to the local school division for the purpose of providing the identified resources, services, and supports in the appropriate public school setting. The bill requires the Department of Education to make a report to the Governor, the Senate Committees on Education and Health and Finance and Appropriations, and the House Committees on Education and Appropriations on the findings of each pilot program after two and four years.

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<p><u>SB 1153</u> - Suetterlein (19) Absentee voting; ballots to be sorted and results to be reported by precinct.</p>	<p>1/7/2021 Senate: Referred to Committee on Privileges and Elections 2/4/2021 Senate: Reported from Privileges and Elections (14-Y 1-N) 2/5/2021 Senate: Passed Senate (37-Y 1-N) 2/7/2021 House: Referred to Committee on Privileges and Elections 2/8/2021 House: Continued to 2021 Special Session 1 in Privileges and Elections by voice vote 2/16/2021 House: Subcommittee recommends laying on the table (5-Y 3-N) 3/1/2021 House: Left in Privileges and Elections</p>	<p>1/26/2021</p>
<p>Oppose (21101986D) - The bill creates a substantial workload and logistical challenges. Summary: Elections; absentee voting; ballots to be sorted and results to be reported by precinct. Provides that absentee ballots processed at a central absentee precinct must be sorted by the precinct to which the voter who cast the absentee ballot is assigned and that the resulting vote totals from such ballots must be reported separately for each voter precinct.</p>		
<p><u>SB 1185</u> - Dunnivant (12) Assisted living facilities; residents that are auxiliary grant recipients.</p>	<p>1/8/2021 Senate: Referred to Committee on Rehabilitation and Social Services 1/22/2021 Senate: Reported from Rehabilitation and Social Services with amendments (15-Y 0-N) 1/22/2021 Senate: Re-referred to Finance and Appropriations 2/3/2021 Senate: Passed by indefinitely in Finance and Appropriations (15-Y 0-N)</p>	<p>1/26/2021</p>
<p>Oppose Unless Amended (21101560D) - Oppose unless amended to direct state to assume increased payment rate over current rate, thereby removing added local costs. Summary: Auxiliary grants; assisted living facilities. Directs the Commissioner for Aging and Rehabilitative Services to adopt regulations that allow an assisted living facility in which 30 percent or more of the residents are auxiliary grant recipients to receive 200 percent of the auxiliary grant rate.</p>		
<p><u>SB 1186</u> - Hashmi (10) Landfill siting; historic preservation.</p>	<p>1/10/2021 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources 2/4/2021 Senate: Passed by indefinitely in Agriculture, Conservation and Natural Resources (13-Y 2-N)</p>	<p>1/26/2021</p>
<p>Oppose (21100531D) Summary: Prohibits the construction of any new municipal solid waste landfill within three miles of any designated historic district, building, structure, object, or site.</p>		
<p><u>SB 1191</u> - Kiggans (7) School nurses; excludes positions from certain requirements, school board to employ in each school.</p>	<p>1/11/2021 Senate: Referred to Committee on Education and Health 1/14/2021 Senate: Reported from Education and Health with amendment (12-Y 1-N 1-A) 1/14/2021 Senate: Re-referred to Finance and Appropriations 1/27/2021 Senate: Passed by indefinitely in Finance and Appropriations (16-Y 0-N)</p>	<p>1/26/2021</p>
<p>Oppose (21102426D) - Board has historically opposed. Potential fiscal impact to Fairfax County is approximately \$11.5 million.</p>		

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Summary: School personnel; school nurses. Excludes school nurse positions from requirements for student support positions and instead requires each local school board to employ at least one full-time equivalent school nurse position in each elementary school, middle school, and high school in the local school division. The bill also requires the Department of Education to establish and administer a waiver process for local school boards for which the requirements of the bill create an undue hardship.

<p>SB 1198 - Petersen (34) Government Data Collection and Dissemination Practices Act; license plate readers.</p>	<p>1/11/2021 Senate: Referred to Committee on General Laws and Technology 1/27/2021 Senate: Reported from General Laws and Technology with amendments (8-Y 4-N 3-A) 2/4/2021 Senate: Read third time and passed Senate (28-Y 11-N) 2/7/2021 House: Referred to Committee on Public Safety 2/8/2021 House: Continued to Special Session 1 in Public Safety by voice vote 2/11/2021 House: Subcommittee recommends reporting (4-Y 3-N) 2/12/2021 House: Reported from Public Safety with substitute (18-Y 4-N) 2/23/2021 House: Referred to Committee on Communications, Technology and Innovation 3/1/2021 House: Left in Communications, Technology and Innovation</p>	<p>2/23/2021 1/26/2021</p>
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Monitor (21200129D-H1) - The bill was amended to study the issue. ~~**Oppose** (21100940D) - Retention period in bill is insufficient.~~

Summary: Directs the Secretary of Public Safety and Homeland Security to establish a work group to review the use of license plate readers as used by law-enforcement agencies and report the findings and recommendations of the work group to the House Committee on Public Safety and the Senate Committee on the Judiciary by December 1, 2021.

<p>SB 1200 - Hashmi (10) Waste disposal; local approval.</p>	<p>1/11/2021 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources 2/4/2021 Senate: Passed by indefinitely in Agriculture, Conservation and Natural Resources (13-Y 1-N 1-A)</p>	<p>1/26/2021</p>
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Oppose (21101204D)
Summary: Requires any application (i) to store, provide treatment for, or dispose of hazardous waste or (ii) for a new solid waste management facility permit, except for a noncaptive industrial landfill, to include certification from the governing body for each locality within a five-mile radius of the facility, other than the locality in which the facility is or will be located, granting approval of the facility or activity.

<p>SB 1249 - Stuart (28) Local planning commissions; review deadlines.</p>	<p>1/11/2021 Senate: Referred to Committee on Local Government 1/25/2021 Senate: Passed by indefinitely in Local Government (14-Y 0-N)</p>	<p>1/26/2021</p>
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Oppose (21100584D)
Summary: Adds rezoning or generalized development plans, special use permits, and special exception applications to various review deadlines and requirements for local planning commissions.

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Bills	General Assembly Actions	Date of BOS Position
<p>SB 1264 - Morrissey (16) Emergency and preliminary protective orders; expungement of orders.</p>	<p>1/11/2021 Senate: Referred to Committee on the Judiciary 2/1/2021 Senate: Passed by indefinitely in Judiciary with letter (15-Y 0-N)</p>	<p>1/26/2021</p>
<p>Oppose (21101089D) Summary: Expungement of emergency and preliminary protective orders. Provides that a person against whom an emergency or preliminary protective order has been issued may petition to have police and court records relating to such order expunged if the order expires, is dissolved by the issuing court, or if a hearing for the issuance of a permanent protective order is scheduled or held and such permanent protective order is subsequently not issued.</p>		
<p>SB 1283 - Morrissey (16) Criminal records, certain; establishes a process for the automatic expungement, report.</p>	<p>1/11/2021 Senate: Referred to Committee on the Judiciary 2/1/2021 Senate: Incorporated by Judiciary (SB 1339-Surovell) (13-Y 0-N)</p>	<p>2/9/2021</p>
<p>Support with Amendment (21102250D) - Support concept of expungement for certain crimes; sufficient state funding for implementation is essential. Summary: Automatic expungement of criminal records. Establishes a process for the automatic expungement of criminal records for misdemeanors, certain felony convictions, deferred dispositions, and acquittals and for offenses that have been nolle prossed or otherwise dismissed. The bill also provides a process for the automatic expungement of criminal records for charges arising from mistaken identity or the unauthorized use of identifying information. The bill has staggered delayed effective dates in order to develop systems for implementing the provisions of the bill.</p>		
<p>SB 1372 - Lucas (18) Criminal records; establishes a process for automatic expungement for certain convictions, report.</p>	<p>1/13/2021 Senate: Referred to Committee on the Judiciary 2/1/2021 Senate: Incorporated by Judiciary (SB 1339-Surovell) (14-Y 0-N)</p>	<p>2/9/2021</p>
<p>Support with Amendment (21102017D) - Support concept of expungement for certain crimes; sufficient state funding for implementation is essential. Summary: Automatic expungement of criminal records. Establishes a process for the automatic expungement, defined in the bill, of criminal records for certain convictions, deferred dispositions, and acquittals and for offenses that have been nolle prossed or otherwise dismissed. The bill also provides a process for the automatic expungement of criminal records for charges arising from mistaken identity or the unauthorized use of identifying information. The bill has staggered delayed effective dates in order to develop systems for implementing the provisions of the bill.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p><u>SB 1382</u> - Favola (31) Firearms; purchase, etc., following conviction for assault and battery of a family member.</p>	<p>1/12/2021 Senate: Referred to Committee on the Judiciary 1/27/2021 Senate: Reported from Judiciary (8-Y 5-N) 1/27/2021 Senate: Re-referred to Finance and Appropriations 2/3/2021 Senate: Reported from Finance and Appropriations (8-Y 7-N) 2/5/2021 Senate: Read third time and defeated by Senate (16-Y 22-N)</p>	<p>1/26/2021</p>

Support (21102782D) - See also HB 1992 (Murphy).
Summary: Purchase, possession, or transportation of firearms following conviction for assault and battery of a family or household member; penalties. Prohibits a person who has been convicted of assault and battery of a family or household member from purchasing, possessing, or transporting a firearm. A person who violates this provision is guilty of a Class 3 misdemeanor.

<p><u>SB 1384</u> - Surovell (36) Virginia Public Procurement Act; local arbitration agreements.</p>	<p>1/12/2021 Senate: Referred to Committee on General Laws and Technology 1/27/2021 Senate: Reported from General Laws and Technology (8-Y 7-N) 2/4/2021 Senate: Substitute by Senator Surovell agreed to 21104413D-S3 2/5/2021 Senate: Read third time and passed Senate (20-Y 17-N 1-A) 2/7/2021 House: Referred to Committee on General Laws 2/8/2021 House: Continued to 2021 Special Session 1 in General Laws by voice vote 2/16/2021 House: Subcommittee recommends reporting (5-Y 2-N) 2/16/2021 House: Reported from General Laws (12-Y 9-N) 2/16/2021 House: Referred to Committee for Courts of Justice 2/19/2021 House: Subcommittee failed to recommend reporting (4-Y 4-N) 3/1/2021 House: Left in Courts of Justice</p>	<p>2/9/2021</p>
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Support with Amendment (21102806D) - Support the concept for contracts that bind the public to terms and conditions that the County negotiates and amend legislation to improve implementation.
Summary: Allows a participating locality, for any procurement solicitation or contract exceeding \$10,000 for goods and services, to require the bidder or offeror to disclose certain information regarding pre-dispute arbitration clauses, defined in the bill, in employment, civil rights, and consumer disputes, and provides that a locality may consider the policies and practices related to arbitration of each bidder and offeror. The bill also provides that a participating locality shall require the bidder or offeror to provide written or electronic submissions to allow the locality to ascertain (i) whether the bidder or offeror requires persons with whom it is in a work relationship or prospective work relationship to sign or otherwise enter into a contract containing a pre-dispute arbitration clause that would cover an employment or civil rights dispute and (ii) whether the bidder or offeror requires consumers to sign or otherwise enter into a contract containing a pre-dispute arbitration clause that would cover a consumer or civil rights dispute as a condition of purchasing products or services, downloading mobile applications, or using websites. The bill authorizes a participating locality to cancel, terminate, or suspend, in whole or in part, the contract of any contractor that has violated a provision of the bill and to declare the contractor ineligible for further contracts with such locality for up to five years.

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Bills	General Assembly Actions	Date of BOS Position
<p><u>SB 1419</u> - Marsden (37) Project labor agreements; public interest.</p>	<p>1/13/2021 Senate: Referred to Committee on General Laws and Technology 1/20/2021 Senate: Re-referred to Commerce and Labor 2/6/2021 Senate: Left in Commerce and Labor</p>	<p>1/26/2021</p>

Oppose (21102268D)
Summary: Requires that for contracts requiring the design or construction of a road, highway, bridge, or similar transportation improvement, a public body wishing to enter into a project labor agreement shall first determine by written finding that participation in such project labor agreement advances the public interest, based on objective criteria established by the public body by regulation, ordinance, or resolution that may include cost, efficiency, quality, safety, timeliness, maintenance of a skilled labor force, labor stability, or advancing minority-owned or women-owned business participation in the project.