

**Specific Legislation and Legislation for Discussion**  
**Board of Supervisors Legislative Committee**  
**January 26, 2024**

**Specific Legislation**

**County Initiatives**

**HB 1238** (Sickles) (Referral Pending) extends the deadline for local electoral boards to meet after an election for the purpose of certifying the election results and submitting the abstract of results to the State Board of Elections from seven days after the date of the election to 10 days after such date. (24102598D)

**HB 793** (Henson) (HTRAN) expands the current authority of any locality to reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, on highways within its boundaries that are located in a business district or residence district to include highways within the state highway system, provided that such reduced speed limit is indicated by lawfully placed signs. (24103385D)

**HB 1071** (Carr) (HTRAN) expands the current authority of any locality to reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, on highways within its boundaries that are located in a business district or residence district to include highways within the state highway system, provided that such reduced speed limit is indicated by lawfully placed signs. (24102677D)

**Historical Positions of the Board**

**SUPPORT**

**SB 41** (Peake) (SRSS) requires the Department of Corrections to compensate local jails for the actual cost, based on the rate calculated in the Compensation Board's annual Jail Cost Report, of incarcerating felons who should otherwise be confined in a state correctional facility. Current law provides for local jails to be compensated at the rate set forth in the general appropriation act. Recommend support; Board has historically supported. (24100912D)

**SB 368** (Boysko) (SCT) requires any person who possesses a firearm in a residence where such person knows that a minor under 18 years of age or a person who is prohibited by law from possessing a firearm is present to store such firearm and the ammunition for such firearm in a locked container, compartment, or cabinet that is inaccessible to such minor or prohibited person. The bill provides that a violation is a Class 4 misdemeanor. The bill exempts (i) any person in lawful possession of a firearm who carries such firearm on or about his person and (ii) the storage of antique firearms and provides that the lawful authorization of a minor to access a firearm is not a violation of the bill's provisions. The bill also requires firearm dealers to post a notice stating such firearm storage requirements and the penalty for improperly storing such firearms. Recommend support; Board has historically supported. (24104295D)

**SB 447** (Marsden) (SCT) provides that no person shall leave, place, or store a handgun in an unattended motor vehicle, as defined in the bill, when such handgun is visible to any person who is outside such motor vehicle. The bill provides that any person violating such prohibition is subject to a civil penalty of no more than \$500 and such unattended motor vehicle may be subject to removal for safekeeping. Recommend support; Board has historically supported. (24100642D)

**SB 491** (Foy) (SCT) creates standards of responsible conduct for firearm industry members and requires such members to establish and implement reasonable controls regarding the manufacture, sale, distribution, use, and marketing of the firearm industry member's firearm-related products, as those terms are defined in the bill. Such reasonable controls include reasonable procedures, safeguards, and business practices that are designed to (i) prevent the sale or distribution of a firearm-related product to a straw purchaser, a firearm trafficker, a person prohibited from possessing a firearm under state or federal law, or a person who the firearm industry member has reasonable cause to believe is at substantial risk of using a firearm-related product to harm themselves or unlawfully harm another or of unlawfully possessing or using a firearm-related product; (ii) prevent the loss of a firearm-related product or theft of a firearm-related product from a firearm industry member; (iii) ensure that the firearm industry member complies with all provisions of state and federal law and does not otherwise promote the unlawful manufacture, sale, possession, marketing, or use of a firearm-related product; and (iv) ensure that the firearm industry member does not engage in an act or practice in violation of the Virginia Consumer Protection Act. The bill also provides that a firearm industry member may not knowingly or recklessly create, maintain, or contribute to a public nuisance, as defined in the bill, through the sale, manufacturing, importing, or marketing of a firearm-related product. The bill creates a civil cause of action for the Attorney General or a local county or city attorney to enforce the provisions of the bill or for any person who has been injured as a result of a firearm industry member's violation to seek an injunction and to recover costs and damages. Recommend support; Board has historically supported. (24104526D)

**HB 318** (Helmer) (HCT) creates standards of responsible conduct for firearm industry members and requires such members to establish and implement reasonable controls regarding the manufacture, sale, distribution, use, and marketing of the firearm industry member's firearm-related products, as those terms are defined in the bill. Such reasonable controls include reasonable procedures, safeguards, and business practices that are designed to (i) prevent the sale or distribution of a firearm-related product to a straw purchaser, a firearm trafficker, a person prohibited from possessing a firearm under state or federal law, or a person who the firearm industry member has reasonable cause to believe is at substantial risk of using a firearm-related product to harm themselves or unlawfully harm another or of unlawfully possessing or using a firearm-related product; (ii) prevent the loss of a firearm-related product or theft of a firearm-related product from a firearm industry member; (iii) ensure that the firearm industry member complies with all provisions of state and federal law and does not otherwise promote the unlawful manufacture, sale, possession, marketing, or use of a firearm-related product; and (iv) ensure that the firearm industry member does not engage in an act or practice in violation of the Virginia Consumer Protection Act. The bill also provides that a firearm industry member may not knowingly or recklessly create, maintain, or contribute to a public nuisance, as defined in the bill, through the sale, manufacturing, importing, or marketing of a firearm-related product. The bill creates a civil cause of action for the Attorney General or a local county or city attorney to enforce

the provisions of the bill or for any person who has been injured as a result of a firearm industry member's violation to seek an injunction and to recover costs and damages. Recommend support; Board has historically supported. (24104492D)

**HB 791** (Henson) (HPS) makes it a Class 6 felony to possess a pneumatic gun upon (i) the property of any child day center or public, private, or religious preschool or elementary, middle, or high school, including buildings and grounds; (ii) that portion of any property open to the public and then exclusively used for school-sponsored functions or extracurricular activities while such functions or activities are taking place; or (iii) any school bus owned or operated by any such school. Recommend support; Board has historically supported. (24104704D)

**HB 270** (Reid) (HPS) provides that, unless otherwise prohibited by law, any person may import, sell, transfer, manufacture, or purchase an authorized rifle, defined in the bill, in accordance with the relevant provisions of law. The bill makes it a Class 6 felony for any person to import, sell, transfer, manufacture, or purchase a restricted rifle or large-capacity firearm magazine, both defined in the bill, with certain exceptions. The bill also provides that a person is civilly liable for injuries to person or property or wrongful death of another caused by a third party if it can be shown that the civil defendant sold or transferred a restricted rifle or large-capacity firearm magazine in violation of the provisions of the bill to the person who committed the crime resulting in such injury or death. The bill also provides that no person shall sell a firearm unless at least three days have elapsed from the time the prospective purchaser completes the written consent form to have a licensed dealer obtain criminal history record information, with exceptions enumerated in the bill. The bill also directs the Department of State Police to develop policies for the establishment of uniform standards for the creation of the Virginia Firearm Buy-Back Program. The bill clarifies that participation in the Program by a local law-enforcement agency is voluntary and also directs the Department to establish the Virginia Firearm Buy-Back Fund, a nonreverting fund to be used solely for the purposes of development and implementation of the Program. Recommend support (24100015D)

### Access to Polling Places

**HB 43** (Thomas) (HPE) expands the definition of disability for purposes of providing assistance outside of a polling place to voters with disabilities to include any permanent or temporary disability. Under current law, the disability is limited to a permanent or temporary physical disability. Recommend support; Board has historically supported. (24101099D)

### Hate Crime

**HB 18** (Helmer) (HCT)/**SB 7** (Reeves) (SCT) provides that it is the policy of the Commonwealth to safeguard all individuals within the Commonwealth from unlawful discrimination in employment and in places of public accommodation because of such individual's ethnic origin. The bill also adds victims who are intentionally selected because of their ethnic origin to the categories of victims whose intentional selection for a hate crime involving assault, assault and battery, or trespass for the purpose of damaging another's property results in a higher criminal penalty for the offense. The bill also provides that no provider or user of an interactive computer service on the Internet shall be liable for any action voluntarily taken by it in good faith to restrict

access to material that the provider or user considers to be intended to incite hatred on the basis of ethnic origin. Recommend support; Board has historically supported. (24101031D; 24100086D;)

### **Taxation**

**HB 458** (Callsen) (HFIN)/ **HB 600** (Kilgore) (HFIN)/ **SB 14** (McPike) (SFIN) authorizes all counties and cities to impose an additional local sales and use tax at a rate not to exceed one percent with the revenue used only for capital projects for the construction or renovation of schools if such levy is approved in a voter referendum. Under current law, only Charlotte, Gloucester, Halifax, Henry, Mecklenburg, Northampton, Patrick, and Pittsylvania Counties and the City of Danville are authorized to impose such a tax. Recommend support; Board has historically supported. (24102900D; 24103515D; 24100982D)

### **OPPOSE**

**HB 1204** (Scott) (HHHS) directs the Department of Health to amend its regulations and each local health department and health district to amend its regulations and guidance documents to allow a mobile food unit to conduct up to 20 percent of its sanitation and food preparation activities within a 50-foot radius of the mobile food unit. Recommend oppose. (24100247D)

## **New Bills – 2024 GA**

### **FOIA**

**SB 244** (McPike) (SGL) **HB 816** (Cherry) (HGL) provides that for purposes of determining whether a quorum is physically assembled, an individual member of a public body who is a person with a disability or a caregiver, defined in the bill, and uses remote participation counts toward the quorum as if the individual was physically present. The bill also provides that the participation policy adopted by a public body, as required by the Virginia Freedom of Information Act, shall not prohibit or restrict any individual member of a public body who is participating in an all-virtual meeting or who is using remote participation from voting on matters before the public body. The bill is a recommendation of the Virginia Freedom of Information Advisory Council. Recommend support. (24104842D; 24104450D)

**HB 1040** (Bennett-Parker) (SGL) provides that the provisions for conducting a meeting by electronic means due to a state of emergency stated in the Virginia Freedom of Information Act (FOIA) are declarative of existing law since March 20, 2020, with respect to the Governor's declared state of emergency due to COVID-19. Under the bill, any meeting by a public body using electronic communication means occurring from that date until July 1, 2021, and any otherwise lawful action taken at it is validated with respect to FOIA if the body provided public notice, public access, and public comment commensurate with the requirements of existing FOIA provisions regarding electronic and closed meetings. Recommend support. (24104336D)

**SB 85** (Favola) (SGL) provides that for purposes of determining whether a quorum is physically assembled, an individual member of a public body who is a person with a disability or a caregiver, defined in the bill, and uses remote participation counts toward the quorum as if the individual was physically present. The bill also provides that the participation policy adopted by a public body, as required by the Virginia Freedom of Information Act, shall not prohibit or restrict any individual member of a public body who is participating in an all-virtual meeting or who is using remote participation from voting on matters before the public body. The bill is a recommendation of the Virginia Freedom of Information Advisory Council. Recommend support. (24101421D)

**HB 894** (Bennett-Parker) (HGL) amends the number of all-virtual public meetings that public bodies, with certain exceptions, may convene in a calendar year to no more than two times per calendar year or 50 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater. Current law limits the number of all-virtual public meetings to no more than two times per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater. The bill also provides that with respect to all-virtual public meetings, when audio-visual technology is available, a member of a public body shall, for purposes of a quorum, be considered absent from any portion of the meeting during which visual communication with the member is voluntarily disconnected or otherwise fails or during which audio communication involuntarily fails. Recommend support. (24100596D)

**SB 36** (Locke) (SGL) Exempts certain public meetings from the definition of "meeting" under the Virginia Freedom of Information Act to clarify that three or more members of a public body may

appear and participate in such public meeting without violating the Act, provided that no public business is transacted or discussed. Recommend support. (24102327D)

**SB 200** (Diggs) (SLG)/ **HB 229** (Campbell) (HCCT) allows a locality to advertise legal notices on the locality's website instead of, or in addition to, publishing such notices in a newspaper having general circulation in the locality. Recommend support. (24102261D; 24102922D)

### Solar Interconnection

**HB 106** (Sullivan) (HCE)/**SB 253** (Surovell) (SCL) amends existing shared solar program provisions for Dominion Energy Virginia (Phase II Utility). The bill provides that a customer's net bill for participation in the shared solar program means the resulting amount a customer must pay the utility after the bill credit, defined in relevant law, is deducted from the customer's monthly gross utility bill. The bill requires the State Corporation Commission to establish a minimum bill, below which a subscriber's net bill cannot go, that is calculated based on the amount of kilowatt-hours billed by the utility. The bill also changes the shared solar program capacity to at least 10 percent of each utility's adjusted Virginia peak load and requires the Commission's regulations to allow for program participation by all jurisdictional and non-jurisdictional customer classes. Under the bill, co-location of two or more shared solar facilities is permitted for shared solar program participation if the facilities are located on a single parcel of land or on adjacent parcels of land for facilities up to five megawatts. The bill requires the Commission to (i) establish regulations that prohibit early termination fees and credit reporting for low-income customers, (ii) require net financial savings for subscribers relative to the subscription fee, (iii) require a customer's affirmative consent before providing customer billing and usage data to a subscriber organization, and (iv) establish customer engagement rules. Under the bill, any net crediting fee imposed by the shared solar program shall not exceed one percent of the bill credit value and shall be charged to the subscriber organization. The bill also provides that a utility is permitted to seek recovery of bill credit costs in its triennial base review only if such costs would result in the utility being unable to meet its revenue requirement after accounting for all avoided costs that can be realized by ratepayers. The bill specifies that the Commission shall update its shared solar program consistent with the requirements of the bill by January 1, 2025, and shall require each utility to file any associated tariffs, agreements, or forms necessary for implementing the program by July 1, 2025. Additionally, the bill requires the Department of Energy to convene a stakeholder work group to determine the amounts and forms of project incentives for (a) projects located on rooftops, brownfields, or landfills; (b) projects that are dual-use agricultural facilities; or (c) projects that satisfy another category as established by the Department and to submit a written report to the Chairs of the House Committee on Commerce and Energy and the Senate Committee on Commerce and Labor no later than November 30, 2024. Recommend support. (24101045D; 24102098D)

**HB 117** (Sullivan) (HLC) **SB 346** (SCL) (Subramanyam) Provides that an electric distribution company shall pay 33 cents (\$0.33) per kilowatt-hour per day for the costs of lost electricity production for any and all delays beyond the regulatory notice period required by State Corporation Commission related to net energy metering. The bill requires that, for the purposes of net energy metering, an eligible customer-generator shall bear all reasonable costs of equipment required at the eligible customer-generator's premises for the interconnection to the supplier's

electric distribution system, including commercially reasonable costs of additional controls, tests, or liability insurance. Additionally, the bill allows for cost recovery by Phase I and Phase II Utilities for electric distribution grid transformation projects that support the interconnection of generating facilities using energy derived from sunlight that are owned or contracted by eligible customer-generators, subject to the Commission finding those costs to be reasonable and prudent in accordance with existing law. (24101754D; 24104922D)

### **Firearms**

**SB 100** (Ebbin) (SCT) creates a Class 5 felony for any person who knowingly manufactures or assembles, imports, purchases, sells, transfers, or possesses any firearm that, after removal of all parts other than a major component, as defined in the bill, is not detectable as a firearm when subjected to inspection by the types of detection devices, including X-ray machines, commonly used at airports, government buildings, schools, correctional facilities, and other locations for security screening. The bill updates language regarding the types of detection devices that are used at such locations for detecting plastic firearms. Under current law, it is unlawful to manufacture, import, sell, transfer, or possess any plastic firearm and a violation is punishable as a Class 5 felony. Recommend support. (24104102D)

**SB 210** (Perry) (SCT) prohibits the manufacture, importation, sale or offer to sell, possession, transfer, or transportation of an auto sear, defined in the bill as a device made of metal or plastic designed for use in converting a firearm to shoot automatically more than one shot, without manual reloading, by a single function of the trigger. A violation is punishable as a Class 6 felony. Recommend support. (24101801D)

**SB 258** (Surovell) (SCT) provides various factors that a judge or magistrate must consider for the purpose of determining probable cause prior to issuing an emergency substantial risk order or a substantial risk order. The bill provides that such factors shall include whether the person who is subject to the order (i) committed any acts of violence or criminal offenses resulting in injury to himself or another person within the six months prior to the filing of the petition; (ii) made any threats or used any physical force against another person that resulted in injury within the six months prior to the filing of the petition; (iii) violated any provision of a protective order issued or was arrested for stalking within the six months prior to the filing of the petition; (iv) was convicted of any offense that would prohibit such person from possessing a firearm; (v) engaged in any conduct within the year prior to the filing of the petition that demonstrated a pattern of violent acts or threats to another person, including any acts or threats made against family members, neighbors, coworkers, or toward schools or students or government buildings or employees; (vi) committed any acts of violence or criminal offenses against an animal within the six months prior to the filing of the petition; or (vii) made any attempt or threat of suicide or any act, attempted act, or threat of self-harm that caused or may have caused serious bodily injury or whether evidence of recent acquisition of a firearm or ammunition by the person who is subject to the order is provided by the respondent. The bill also outlines various other factors that a judge or magistrate may consider for the purpose of issuing an emergency substantial risk order or a substantial risk order. The bill also provides that possession includes actual access or the potential to readily access a firearm for the purposes of finding if a person possesses a firearm or if such firearm shall be voluntarily relinquished. Recommend support. (24102865D)

**SB 47** (Favola) (SCT) / **HB 46** (Bennett-Parker) (SCT) provides that a person who is prohibited from possessing a firearm because such person is subject to a protective order or has been convicted of an assault and battery of a family or household member may transfer a firearm owned by such prohibited person to any person who is not otherwise prohibited by law from possessing such firearm, provided that such person who is not otherwise prohibited by law from possessing such firearm is 21 years of age or older and does not reside with the person who is subject to the protective order. Under current law, there is no requirement that such transferee cannot be younger than 21 years of age and cannot reside with such prohibited person. The bill also provides that such prohibited person who transfers, sells, or surrenders a firearm pursuant to the provisions of the bill shall inform the clerk of the court of the name and address of the transferee, the federally licensed firearms dealer, or the law-enforcement agency in possession of the firearm and shall provide a copy of such form to the transferee. The bill also provides that a person who is prohibited from possessing a firearm because such person is subject to a protective order or has been convicted of an assault and battery of a family or household member shall be advised that a law-enforcement officer may obtain a search warrant to search for any firearms from such person if such law-enforcement officer has reason to believe that such person has not relinquished all firearms in his possession. Recommend support. (24104086D; 24104087D)

**SB 515** (Williams-Graves) (SCT) makes it a Class 1 misdemeanor for any person to possess in or transport into any facility that provides mental health services or developmental services in the Commonwealth, including a hospital or an emergency department or other facility rendering emergency medical care, any (i) firearm or other weapon designed or intended to propel a missile or projectile of any kind; (ii) knife, except a pocket knife having a folding metal blade of less than three inches; or (iii) other dangerous weapon, including explosives and stun weapons. The bill provides that any such firearm, knife, explosive, or weapon is subject to seizure by a law-enforcement officer and specifies exceptions to the prohibition. Recommend support. (24101827D)

**SB 99** (Ebbin) (SCT) prohibits the carrying of certain semi-automatic center-fire rifles, pistols, and shotguns on any public street, road, alley, sidewalk, or public right-of-way or in any public park or any other place of whatever nature that is open to the public. Under current law, the current prohibition on carrying certain shotguns and semi-automatic center-fire rifles and pistols applies to a narrower range of firearms, only in certain localities, and only when such firearms are loaded. Recommend support. (24100968D)

**HB 173** (Simon) (HPS) creates a Class 5 felony for any person who knowingly manufactures or assembles, imports, purchases, sells, transfers, or possesses any firearm that, after removal of all parts other than a major component, as defined in the bill, is not detectable as a firearm when subjected to inspection by the types of detection devices, including X-ray machines, commonly used at airports, government buildings, schools, correctional facilities, and other locations for security screening. The bill updates language regarding the types of detection devices that are used at such locations for detecting plastic firearms. Under current law, it is unlawful to manufacture, import, sell, transfer, or possess any plastic firearm and a violation is punishable as a Class 5 felony. Recommend support. (24104103D)



**HB 389** (Griffin) (HPS) 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. Recommend oppose. (24103283D)

**HB 183** (Simon) (HPS) requires any person who possesses a firearm in a residence where such person knows that a minor under 18 years of age or a person who is prohibited by law from possessing a firearm is present to store such firearm and the ammunition for such firearm in a locked container, compartment, or cabinet that is inaccessible to such minor or prohibited person. The bill provides that a violation is a Class 4 misdemeanor. The bill exempts (i) any person in lawful possession of a firearm who carries such firearm on or about his person and (ii) the storage of antique firearms and provides that the lawful authorization of a minor to access a firearm is not a violation of the bill's provisions. The bill also requires firearm dealers to post a notice stating such firearm storage requirements and the penalty for improperly storing such firearms. Recommend support. (24104245D)

**HB 22** (Jones) (HPS) prohibits the manufacture, importation, sale or offer to sell, possession, transfer, or transportation of an auto sear, defined in the bill as a device made of metal or plastic designed for use in converting a firearm to shoot automatically more than one shot, without manual reloading, by a single function of the trigger. A violation is punishable as a Class 6 felony. Recommend support. (24101228D)

**HB 362** (McClure) (HPS) provides that any person who knowingly and intentionally purchases, possesses, or transports any firearm following a misdemeanor conviction for an offense that occurred on or after July 1, 2024, for the offense of assault and battery against a person in a dating relationship, as defined in the bill, with the alleged offender or an offense substantially similar under the laws of any other state or of the United States is guilty of a Class 1 misdemeanor. Recommend support. (24104469D)

**HB 1119** (Seibold) (SLG) Permits localities to regulate by ordinance the location of retail sale locations established after July 1, 2024, that sell tobacco, nicotine, and hemp products. The bill provides that such ordinance may prohibit such retail sale locations within 1,000 linear feet of a public, private, or parochial school. Recommend support. (24101045D)

**SB 291** (Roem) (SFIN) directs the Department for Aging and Rehabilitative Services to develop and provide training for court-appointed guardians by July 1, 2025. The bill requires a court-appointed guardian and any skilled professional retained by such guardian to perform guardianship duties to complete the initial training developed by the Department within four months after the date of qualification of such guardian. Under the bill, guardians appointed prior to July 1, 2025, must complete such training by January 1, 2027. The bill further requires a guardian to include in his annual report to the local department of social services a statement as to whether such training has been completed. Recommend support. (24104701D)

**HB 177** (Gardner) (HHHS) Directs the Department of Medical Assistance Services to convene a work group of relevant stakeholders to assess and make recommendations related to reimbursement rates for the federal Early Intervention Program for Infants and Toddlers with

Disabilities. The bill requires the work group to report its recommendations to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by November 1, 2024. Recommend support. (24101244D)

**SB 231** (Hashmi) (SEH) **HB 970** (Tran) (HED) directs the Department of Medical Assistance Services (the Department) to establish a program to provide state-funded comprehensive health care coverage for individuals in the Commonwealth who (i) are under 19 years of age, (ii) are not covered under a group health plan or health insurance coverage, and (iii) but for their immigration status would be eligible for medical assistance services through the Commonwealth's program of medical assistance services established pursuant to Title XIX or XXI of the Social Security Act. The bill also requires the Department to ensure that all program information is made available in a manner that is accessible to individuals with limited English proficiency and individuals with disabilities through the provision of language access services, including oral interpretation and written translations, free of charge and to ensure that information obtained by the program remains confidential and is not disclosed for any purpose not related to the administration of the program or any purpose related to civil immigration enforcement unless the subject of the information consents to such disclosure or the requesting agency presents a valid judicial order, subpoena, or warrant. Recommend support. (24104864D; 24104867D)

**HB 1336** (Sickles) (HHHS)/**SB 568** (Deeds) (SEH) Permits facilities licensed by the Department of Behavioral Health and Developmental Services that provide crisis stabilization services to maintain a stock of Schedules II through VI controlled substances necessary for immediate treatment of patients admitted to such facility. Under current law, maintenance of a stock of Schedule VI controlled substances is allowed under certain conditions, but a stock of Schedules II through V controlled substances may be maintained only if authorized by federal law and Board of Pharmacy regulations. The bill also allows automated drug dispensing systems and remote dispensing systems to be used by state facilities established pursuant to Title 37.2 (Behavioral Health and Developmental Services), facilities that provide crisis stabilization services, nursing homes, and other facilities authorized by the Board of Pharmacy that meet certain conditions. The bill contains an emergency clause and directs the Board of Pharmacy to adopt emergency regulations to implement the provisions of the bill. Recommend support. (24101061D; 24102020D)

**HB 577** (Runion) (HHHS)/**SB 610** (Suetterlein) (SEH) directs the Department of Medical Assistance Services and the Department of Behavioral Health and Developmental Services to amend their regulations to allow for support coordinators to request and subsequently obtain approval of consecutive waiver slot-retention requests for a period of 365 calendar days for individuals who have been assigned a Developmental Disability waiver slot. Current regulations allow for four consecutive 30-day slot-retention extensions. The bill sunsets on June 30, 2026. Recommend support (24104893D; 24105008D)

### **Access to Polling Places**

**HB 441** (Bennett-Parker) (HPE) amends the definition of "person with a disability" for purposes of the Elections title to mean any person who has a physical or mental impairment that substantially limits one or more of his major life activities or who has a record of such impairment. The bill

provides that any qualified voter who is a person with a disability shall be eligible for assistance outside of the polling place and makes technical amendments for consistency. The bill requires the training required for all officers of election to include specific training on voting outside of a polling place and directs the Department of Elections to incorporate into guidance documents for election officials the processes and procedures for voting outside of the polling place, including best practices for providing assistance for voters with disabilities. Recommend support. (24100437D)

**SB 605** (Subramanyam) (SPE) expands the definition of "disability" for purposes of providing assistance outside of a polling place for voters with disabilities to include any permanent or temporary disability. Under current law, such definition of "disability" is limited to a permanent or temporary physical disability. The bill requires the training required for all officers of election to include specific training on voting outside of a polling place and directs the Department of Elections to incorporate into guidance documents for election officials the processes and procedures for voting outside of the polling place, including best practices for providing assistance for voters with disabilities. Recommend support. (24104168D)

### Land Use

**SB 49** (Locke) (SLG) expands the current provisions of law allowing for the establishment of a community revitalization fund for the purpose of preventing neighborhood deterioration to apply to all localities. Currently, only the City of Richmond is authorized to establish such a fund. This bill is a recommendation of the Virginia Housing Commission. Recommend support. (24100699D)

**HB 1222** (Higgins) (HCCT) adds the City of Richmond to the list of localities with authority to provide for an affordable housing dwelling unit program. Recommend support. (24102665D)

**SB 304** (Salim) (SLG) requires a locality to include in its zoning ordinances for residential zoning districts accessory dwelling units, or ADUs, as defined in the bill, as a permitted accessory use. The bill requires a person to seek a permit for an ADU from the locality, requires the locality to issue such permit if the person meets certain requirements enumerated in the bill, and restricts the fee for such permit to \$100 or less. The bill prohibits the locality from requiring (i) dedicated parking for the ADU; (ii) lot sizes or setbacks for the ADU greater than that of the primary dwelling; (iii) consanguinity or affinity between the occupants of the ADU and the primary dwelling; (iv) owner occupancy of the ADU or the primary dwelling; and (v) redundant water, sewer, or septic capacity for the ADU. The bill has a delayed effective date of January 1, 2025. Recommend oppose. (24100831D)

**HB 900** (Srinivasan) (HCCT) requires a locality to include in its zoning ordinances for single-family residential zoning districts accessory dwelling units, or ADUs, as defined in the bill, as a permitted accessory use. The bill requires a person to seek a permit for an ADU from the locality, requires the locality to issue such permit if the person meets certain requirements enumerated in the bill, and restricts the fee for such permit to \$100 or less. The bill prohibits the locality from requiring (i) dedicated parking for the ADU; (ii) lot sizes or setbacks for the ADU greater than that

of the primary dwelling; (iii) consanguinity or affinity between the occupants of the ADU and the primary dwelling; and (iv) redundant water, sewer, or septic capacity for the ADU. The bill has a delayed effective date of January 1, 2025. Recommend oppose. (24100886D)

**SB 544** (Bagby) (SLG) prohibits a locality from barring the use of or requiring that a special exception, special use, or conditional use permit be obtained for the use of an accessory dwelling unit for a short-term rental in an area zoned for residential use where the primary dwelling unit on the site is occupied by the property owner. Recommend oppose. (24104353D)

**HB 377** (Owen) (HCCT) prohibits a locality from requiring a local traffic impact statement as a condition for approval of a rezoning application that involves multifamily residential use of fewer than 50 residential units. Recommend oppose. (24103317D)

**SB 305** (Salim) (SLG) /**HB 644** (Sullivan) (HCCT) provides that any locality may by ordinance prohibit or regulate the use of gas-powered leaf blowers. The bill provides that the ordinance may include provisions for a civil penalty and that the funds from such civil penalties may be used by the locality to assist with the purchase of nonprohibited leaf blowers by residents and local businesses. Recommend support. (24102210D; 24101764D)

### Miscellaneous

**HB 1017** (Wilt) (HED) /**SB 575** (Obenshain) provides that prior to the discharge of any minor or individual who has been admitted to inpatient treatment and is a student at a public elementary or secondary school, a copy of such minor's or individual's discharge plan shall be provided to the division superintendent and the division safety official in the local school division in which such minor or individual attends such school. Recommend monitor. (24100255D; 24100254D)

## **Legislation Provided for Discussion**

### **Health and Human Services**

**HB 570** (Delaney) (HHHS)/**SB 274** (Deeds) (SEH) establishes the Prescription Drug Affordability Board for the purpose of protecting the citizens of the Commonwealth and other stakeholders within the health care system from the high costs of prescription drug products. The bill directs the Governor to appoint the members and alternate members of the Board and requires the Board to meet in open session at least four times annually, with certain exceptions and requirements enumerated in the bill. Members of the Board are required to disclose any conflicts of interest, as described in the bill. The bill also creates a stakeholder council for the purpose of assisting the Board in making decisions related to drug cost affordability. The bill tasks the Board with identifying prescription, generic, and other drugs, as defined in the bill, that are offered for sale in the Commonwealth and, at the Board's discretion, conducting an affordability review of any prescription drug product. The bill lists factors for the Board to consider that indicate an affordability challenge for the health care system in the Commonwealth or high out-of-pocket costs for patients. The bill also provides that any person aggrieved by a decision of the Board may request an appeal of the Board's decision and that the Attorney General shall have authority to enforce the provisions of the bill. (24100122D; 24101144D)

### **FOIA**

**SB 324** (Roem) (SGL) prohibits a public body from charging a requester for any costs incurred during the first two hours spent accessing or searching for requested records when such requester has made four or fewer individual record requests to such public body within 31 consecutive days. The bill provides that for any additional time spent accessing or searching for such records, or when such requester makes five or more individual record requests to such public body within any 31-consecutive-day period, the public body shall not charge an hourly rate for accessing or searching for the records exceeding the lesser of the hourly rate of pay of the lowest-paid individual capable of fulfilling the request or \$33 per hour. The bill allows a public body to petition the appropriate court for relief from the \$33 per hour fee cap upon showing by a preponderance of the evidence that there is no qualified individual capable of fulfilling the request for \$33 per hour or less and requires such petition to be heard within seven days of when the petition is made, provided that the public body has sent and the requester has received a copy of the petition at least three working days prior to filing. The bill also provides that in certain instances a hearing on any petition shall be given precedence on a circuit court's docket over all cases that are not otherwise given precedence by law and that the time period the public body has to respond to a record request shall be tolled between the requester's receipt of the petition and the final disposition of the court. Finally, the bill prohibits a public body from charging a requester for any court costs or fees resulting from a petition. (24106023D-S1)

### **Collective Bargaining**

**HB 1001** (Tran) (HLC)/ **SB 374** (Boysko) (SLC) the bill creates the Public Employee Relations Board, which shall determine appropriate bargaining units and provide for certification and decertification elections for exclusive bargaining representatives of state employees and local

government employees. The bill requires public employers and employee organizations that are exclusive bargaining representatives to meet at reasonable times to negotiate in good faith with respect to wages, hours, and other terms and conditions of employment. The bill repeals a provision that declares that, in any procedure providing for the designation, selection, or authorization of a labor organization to represent employees, the right of an individual employee to vote by secret ballot is a fundamental right that shall be guaranteed from infringement. (24102581D; 24105023D)

### **Environment**

**SB 243**(McPike) (SACNR) /**HB 1085** (Rasoul) (HAG) requires the owner or operator of a publicly owned treatment works to monitor PFAS levels, as defined in the bill, in effluent, influent, and biosolids at least quarterly and report all such monitoring data on an applicable discharge monitoring report required by federal regulations. The bill requires the Department of Environmental Quality (the Department), in certain circumstances, to develop a PFAS action plan to identify and address sources of certain PFAS detected in a public water system's raw water source, perform outreach efforts regarding PFAS contamination, report annually on its activities, and work with certain entities in developing its PFAS action plans. The bill requires certain facilities that manufacture or use PFAS to report the use of such chemicals to the Department and to monitor such PFAS at least quarterly unless at another frequency at the direction of the Director of the Department. The bill also directs the Department and the Virginia Department of Health to jointly establish a PFAS Advisory Committee to assist with PFAS-related activities and appoint such committee's members to include legislative members and a wide range of nonlegislative citizen members and to report annually to the Governor and the General Assembly on the Committee's activities and recommendations. (24104761D; 24105105D)

**HB 245** (Bulova) (HAG) requires all facilities that have engaged since January 1, 2021, in the manufacture of or knowing use in the production process of one or more chemicals listed as PFAS target analytes to produce a one-time report on the use of such chemicals. The report shall be limited to facilities that discharge to (i) a surface water under a Virginia Pollutant Discharge Elimination System permit issued by the Department of Environmental Quality (the Department) or (ii) a publicly owned treatment works under an industrial pretreatment program permit or other written authorization issued by a local permit control authority. The report shall be submitted to the Department and, if such facility discharges to a publicly owned treatment works, also to the local permit control authority no later than October 1, 2024. The bill also requires certain facilities to perform a limited PFAS discharge characterization during the one-year period from October 1, 2024, to September 30, 2025, for each waterway discharge outfall consisting of representative quarterly monitoring using the applicable laboratory test method, as specified in the bill. Such facilities shall report results to the Department and, if the facility discharges to a publicly owned treatment works, also to the local permit control authority, within 30 days after the end of each quarter. (24101337D)

### **Casino**

**SB 675** (Marsden) adds Fairfax County to the list of localities eligible to host a casino in the Commonwealth and provides that any proposed site for a casino gaming establishment considered by Fairfax County shall be (i) located within one-quarter of a mile of an existing station on the

Metro Silver Line, (ii) part of a coordinated mixed-use project development, (iii) outside of the Dulles airport flight path, (iv) within two miles of a major shopping destination containing not less than 1.5 million square feet of gross building area, and (v) outside of the Interstate 495 Beltway. The bill also requires an eligible host locality in selecting a preferred casino gaming operator to consider and give substantial weight to the proposer's history of or commitment to (a) paying or contracting for the payment of prevailing wages to those individuals providing construction labor during the initial construction of the casino gaming establishment and any hospitality facilities on the premises, and (b) entering into labor peace agreements with labor organizations that are actively engaged in representing or seeking to represent employees in the gaming or hospitality industries in the Commonwealth. The bill also requires an eligible host locality to provide with its submission of its preferred casino gaming operator to the Virginia Lottery an executed agreement with its preferred casino gaming operator certifying that such casino gaming operator and any subcontractor or sublessee responsible for the performance of casino gaming or hospitality operations at the proposed casino gaming establishment will enter into a labor peace agreement with each labor organization actively engaged in representing or seeking to represent employees in the gaming or hospitality industries in the Commonwealth that requests such labor peace agreement, and evidence of all such signed labor peace agreements. (24105928D-S1)

### **License Plate Readers**

**HB 775** (Herring) (HTECH) / **SB 503** (Surovell) (STRAN) provides requirements for the use of license plate reader systems, defined in the bill, by law-enforcement agencies. The bill limits the use of such systems to scanning, detecting, and recording data about vehicles and license plate numbers for the purpose of identifying a vehicle that is (i) associated with a wanted, missing, or endangered person or human trafficking; (ii) stolen; (iii) involved in an active law-enforcement investigation; or (iv) in the vicinity of a recent crime and may be connected to that crime. The bill authorizes and requires the Commonwealth Transportation Board to establish a permitting process for installing and using such systems in state highway rights-of-way. (24102759D)

**HB 920** (Shin) (HPS) / **SB 539** (Bagby) (STRAN) provides requirements for the use of license plate readers, defined in the bill, by law-enforcement agencies. The bill requires such agencies to enter into an agreement with the license plate reader owner or other responsible non-law-enforcement entity to operate a data trust, defined in the bill, to store the data collected by a license plate reader and requires any such law-enforcement agency to apply to the data trust for access to such data. The bill limits the use of license plate readers to scanning, detecting, and identifying license plate numbers for the purpose of identifying vehicles involved in certain crimes. (24101949D)

**HB 1037** (Bloxom) (HTRAN) / **SB 206** (Diggs) (STRAN) authorizes the Department of State Police or the chief law-enforcement officer of a locality to install devices for law-enforcement purposes in the right-of-way of highways under state jurisdiction. The bill defines law-enforcement purposes as an active felony investigation, an effort to prevent a targeted act of violence, or an attempt to locate missing, endangered, or wanted persons by law enforcement through the identification of a motor vehicle and excludes from the definition the enforcement of speed limits, traffic laws, tolling requirements, or high-occupancy vehicle requirements. The bill authorizes

entering into agreements with private entities for the maintenance and operation of such devices. The bill requires the data collected to be maintained for no more than 30 days following its collection and limits the data and information collected to data and information about (i) the make, model, condition, location, and color of a vehicle and the information on the vehicle's license plate and (ii) the date and time the data and information was collected. (24103098D; 24103025D)

### **Speed Cameras**

**HB 20** (Jones) (HTECH) authorizes the governing body of any county, city, or town to provide by ordinance for the placement and operation of photo speed monitoring devices in any location deemed necessary by the locality for the purposes of recording violations resulting from the operation of a vehicle in excess of the speed limit. The bill provides the same requirements for such devices, information collected from such devices, and any enforcement actions resulting from information collected from such devices as current law applies to the use of such devices in school crossing zones and highway work zones. The bill requires that two signs, rather than one, be placed warning of such device if the device is placed somewhere other than a school crossing zone or highway work zone. (24101210D)

**HB 461** (Runion) (HTECH) requires a pole-mounted speed display sign, defined in the bill, to be placed between 250 and 1,000 feet from any photo speed monitoring device that is in use. (24101767D)

**HB 521** (Laufer) (HTECH) authorizes any locality to authorize, by ordinance, its local law-enforcement agency to place and operate photo speed monitoring devices in certain locations named in the ordinance, provided that (i) the highway has a posted speed limit of 35 miles per hour or greater; (ii) the ordinance identifies the locality-designated speeding offense to be enforced by the photo speed monitoring device; (iii) speeding, crash, or fatality data supports the need for stronger enforcement against speeding; and (iv) in counties and towns whose roads are subject to the control and jurisdiction of the Department of Transportation, the locality-designated highway segment is in the secondary state highway system or is designated as a Virginia byway. The bill directs the locality to also identify the speeding violations that may be enforced by photo speed monitoring device. Current law authorizes the use of photo speed monitoring devices in highway work zones and school crossing zones. (24102481D)

**HB 533** (Seibold) (HTECH) authorizes the governing body of any county, city, or town to provide by ordinance for the placement and operation of photo speed monitoring devices on any highway in such locality with a speed limit of 45 miles per hour or less that is located in a priority pedestrian corridor as identified by the Department of Transportation in the statewide Pedestrian Safety Action Plan or other high-risk pedestrian corridor as designated by the Commissioner of Highways for the purposes of recording violations resulting from the operation of a vehicle in excess of the speed limit. The bill provides the same requirements for such devices, information collected from such devices, and any enforcement actions resulting from information collected from such devices as current law applies to the use of such devices in school crossing zones and highway work zones. The bill requires that two signs, rather than one, be placed warning of such device if the device is placed somewhere other than a school crossing zone or highway work zone. (24100852D)



**HB 905** (Shin) (HTECH) authorizes the governing body of any county, city, or town to provide by ordinance for the placement and operation of photo speed monitoring devices in any location deemed necessary by the locality for the purposes of recording violations resulting from the operation of a vehicle in excess of the speed limit. The bill provides the same requirements for such devices, information collected from such devices, and any enforcement actions resulting from information collected from such devices as current law applies to the use of such devices in school crossing zones and highway work zones. The bill requires that two signs, rather than one, be placed warning of such device if the device is placed somewhere other than a school crossing zone or highway work zone. (24102336D)

**SB 336** (Roem) (STRAN) permits a state or local law-enforcement agency to place and operate a photo speed monitoring device at a high-risk intersection segment, defined in the bill, located within the locality for the purpose of recording violations resulting from the operation of a vehicle in excess of the speed limit, provided that such law-enforcement agency certifies that a traffic fatality has occurred since January 1, 2014, in such segment. The bill provides the same requirements for such devices, information collected from such devices, and any enforcement actions resulting from information collected from such devices as current law applies to the use of such devices in school crossing zones and highway work zones. (24105033D)

**SB 73** (Craig) (STRAN) allows a locality to employ a retired sworn law-enforcement officer, as defined in the bill, to review photographs, microphotographs, videotape, or other recorded images produced by the locality's traffic light signal violation monitoring system or traffic control device violation monitoring system. The bill allows such review to serve as prima facie evidence of the facts contained therein. (24101768D)

### **Towing**

**HB 421** (McQuinn) (HTRAN) creates the Commonwealth Trespass Towing Rate-Setting Advisory Panel to advise the General Assembly and the Governor on statewide trespass towing fees and related ancillary fees. The bill increases from \$150 to \$190 the maximum statewide hookup and initial towing fee of any passenger car, from \$30 to \$65 the maximum ancillary fee for towing a vehicle between 7:00 p.m. and 8:00 a.m., and from \$30 to \$35 the maximum ancillary fee for towing a vehicle on a Saturday, Sunday, or holiday. The bill clarifies that such limitations on fees do not include any reasonable credit card fees. The bill requires localities to set their own towing rates to at least the amounts of the maximum statewide rates and removes requirements specific to Planning Districts 8 and 16 regarding localities setting their own towing rates. (24101500D)

**HB 959** (Lopez) (HTRAN) provides that violations of current law regarding tow truck drivers and towing and recovery operators are subject to the Virginia Consumer Protection Act. The bill repeals the \$150 civil penalty for certain towing violations in Planning District 8. (24101550D)

**HB 925** (Shin) (HTRAN) requires a landlord that owns the parking lot of a multifamily dwelling unit, defined in the bill, to provide 48 hours' notice to a resident prior to removing or requesting the removal of a resident's vehicle, defined in the bill, from such parking lot of the multifamily dwelling unit for an expired registration or expired vehicle inspection sticker and to provide a copy of such notice to any towing operator with whom the landlord has contracted to enforce towing in such parking lot. The bill provides that if a landlord fails to provide such notice or does not wait the required 48 hours before removing or requesting the removal of the vehicle, he shall be subject to a civil penalty not to exceed \$250. The bill also prohibits towing operators, having such notice, from towing such vehicle until after the 48 hours have passed. (24105001D)

**HB 1287** (McClure) clarifies that the provisions of existing law authorizing localities in Planning District 8 to require towing companies that tow from the county to a storage or release location outside of the locality to obtain a permit to do so do not restrict or modify the authority of the locality to require that towing companies that tow and store or release vehicles within the county, city, or town to obtain from the locality a permit to do so. (24104248D)

**SB 66** (Peake) (STRAN) decreases the maximum hookup and initial towing fee of any passenger car towed without the consent of its owner from \$150 to \$50. The bill also prohibits an ordinance made by a governing body of any locality for limiting towing fees from setting such limit for hookup and initial towing fee higher than statewide limits and removes the minimum fee limit for hookup and initial towing fees for such ordinance made by localities in Planning District 8 and Planning District 16. (24100895D)

### **Washington Metropolitan Area Transit Authority**

**(HB 1201)** (HAPP) (Obenshain)/**SB 617** (Obenshain) (STRAN) provides that payments and obligations arising from or related to any contract pertaining to employee compensation and work conditions under the normal operation of the Washington Metropolitan Area Transit Authority (WMATA) may be included in the calculation of a WMATA budget increase for purposes of the cap of such budget increase. Current law provides that any payment or obligation of any kind arising from or related to legal disputes or proceedings between or among WMATA and any other person or entity shall not be used in calculating a WMATA budget increase. (24105088D; 24105089D)

**SJ 28** (Ebbin) (SRUL) directs the Joint Legislative Audit and Review Commission to study long-term, sustainable, dedicated funding and cost-containment controls and strategies to ensure the Washington Metropolitan Area Transit Authority, Virginia Railway Express, and all Northern Virginia transit systems meet the growing needs of public transit in the region. (24104157D)