

**Specific Legislation and Legislation for Discussion**  
**Board of Supervisors Legislative Committee**  
**January 21, 2022**

**Specific Legislation**

**County Initiatives**

**HB 396** (Sullivan) (HCE) makes various changes to the pilot program for municipal net energy metering. The bill (i) provides that a municipality that contracts with a third party to own or operate an electrical generation facility may qualify as a municipal customer-generator under the pilot program; (ii) increases the cap on the amount of generating capacity of the generating facilities that are the subject of a pilot program conducted by a Phase II Utility from 25 megawatts to 500 megawatts; (iii) provides that a municipality includes park authorities; (iv) provides that the credit offset associated with an account includes 85 percent of the transmission and distribution charges and that the credit includes all applicable rate adjustment clauses and non-bypassable charges; (v) provides that municipalities are responsible for demonstrated administrative costs; and (vi) revises the current six-year duration of any pilot program approved by the Commission to six years or until July 1, 2028, whichever is later. (22103298D)

**HB 443** (Bulova) (HCE) gives park authorities created by a locality the authority to locate, operate, regulate the use of, and install signage relating to electric vehicle (EV) charging stations on property under its jurisdiction. The bill adds park authorities to the list of entities for which provision of electricity for EV charging is exempt from the definition of retail sale of electricity. The bill adds park authorities to the list of entities that the State Corporation Commission cannot regulate or prescribe the rates, charges, and fees for retail EV charging service. (22101682D)

**Historical Positions of the Board**

**SUPPORT**

**HB 1065** (Krizek) (HGL) requires the owner of a manufactured home park who offers or lists the park for sale to a third party to provide written notice of the prospective sale to the locality where the park is located. Under current law, such notice is only required to be sent to the Department of Housing and Community Development. The bill also provides that acceptance of an offer to purchase a manufactured home park is contingent upon the park owner sending written notice of the proposed sale, including certain information listed in the real estate purchase contract, to the locality where the park is located at least 90 days before the closing date. Under current law, such notice is required to be sent only to the Department of Housing and Community Development at least 60 days before the closing date. Additionally, these notices are to be provided to any tenant of the manufactured home park, in clear, understandable language and translated into the tenant's preferred language if the tenant is unable to speak or understand English adequately enough to understand the content of such notice. Recommend support; Board has historically supported. (22102276D)

**SB 165** (Peake) (SRSS) provides for local jails to be compensated for the actual cost of incarcerating convicted felons at the rate calculated in the Compensation Board's annual jail cost report. Current law provides for jails to be compensated for the cost of incarceration of convicted felons as provided for in the general appropriation act. Recommend support; Board has historically supported. Language in support of state funding for jail costs is included in the County's Legislative Program. (22102223D)

## **OPPOSE**

**HB 181** (Ransone) (HCT)/**SB 543** (DeSteph) (SJUD) repeals provisions not yet effective allowing for the automatic and petition-based sealing of police and court records for certain convictions, deferred dispositions, and acquittals and for offenses that have been nolle prossed or otherwise dismissed. Recommend oppose; Board has historically supported the concept of expungement for certain crimes, with sufficient state funding for implementation. (22102320D, 22103152D)

**SB 532** (Stuart) (SACNR) repeals the Clean Energy and Community Flood Preparedness Act and directs the Director of the Department of Environmental Quality to take all steps necessary to suspend the Commonwealth's participation in the Regional Greenhouse Gas Initiative market-based trading program. Recommend oppose; Board has historically opposed. (22101996D)

**SB 602** (DeSteph) (SLG) prohibits, except as provided, localities from (i) requiring or allowing the approval of neighbors or the neighborhood for the operation of short-term rental properties; (ii) imposing requirements or restrictions that exceed those of regular properties, including special parking and occupancy restrictions; or (iii) restricting short-term rentals by geographic location within the locality by means other than the normal general land use and zoning authority. The bill expands the current definition of short-term rental to include any house provided for such purpose. Recommend oppose; Board has historically opposed. (22102201D)

## **Elections**

### *Absentee Voting Restrictions*

**HB 35** (Campbell, R) (HPE) requires a registered voter to provide a reason for being absent or unable to vote at his polling place on election day in order to receive an absentee ballot to vote by mail. Registered voters offering to vote absentee in person are similarly required by the bill to provide a reason until the second Saturday immediately preceding an election, at which time an excuse is not required to vote absentee in person. The bill provides that an application for an absentee ballot is required to receive an absentee ballot by mail and to vote absentee in person before the second Saturday immediately preceding an election. The bill also repeals the permanent absentee voter list and limits the special annual application to those voters with an illness or disability. Recommend oppose; Board has historically opposed. (22102778D)

**HB 39** (Scott) (HPE) limits absentee voting in person to the two weeks immediately preceding an election. During these two weeks, the bill requires that absentee voting in person be available

Monday through Saturday, from 7:00 a.m. to 7:00 p.m. each day. Recommend oppose; Board has historically opposed. (22101282D)

**HB 178** (Bloxom) (HPE) limits absentee voting in person to the two weeks immediately preceding an election. During these two weeks, the bill requires that absentee voting in person be available Monday through Saturday, from 7:00 a.m. to 7:00 p.m. each day. Recommend oppose; Board has historically opposed. (22101653D)

**HB 310** (Ransone) (HPE) requires an applicant for an absentee ballot to provide the last four digits of his social security number on the application regardless of whether he is completing the application in person and makes the failure of the absentee voter to have a witness sign his absentee ballot envelope a material omission that renders the ballot void. The bill removes the permanent absentee voter list and reinstates the special annual application for voters with a disability or illness. The bill also removes the requirement that the absentee voter return envelope be sent to absentee voters with prepaid postage. Recommend oppose; Board has historically opposed. (22102510D)

**HB 945** (LaRock) (HPE) limits absentee voting in person to the ten days immediately preceding an election. Recommend oppose; Board has historically opposed. (22102781D)

**SB 460** (Chase) (SPE) removes the provision of law requiring an absentee ballot that is returned to the general registrar after the closing of the polls on election day to be counted if it is received before noon on the third day after the election and is postmarked on or before the date of the election to be counted if the voter is found entitled to vote. The bill does not affect the exception for a covered voter who was not sent a ballot in a timely manner and whose voted ballot arrives after the close of polls. Recommend oppose; Board has historically opposed. (22101633D)

#### *Permanent Absentee List Changes*

**HB 36** (Campbell, R) (HPE) repeals the provisions of law by which any registered voter may apply to receive absentee ballots for all elections in which he is eligible to vote and remains on the list until the voter requests in writing to be removed from the list, the voter's registration is canceled or placed on inactive status pursuant to law, or the voter moves to a different address not in the same county or city of his registration. Recommend oppose; Board has historically opposed. (22102784D)

**HB 175** (Bloxom) (HPE) removes the permanent absentee voter list and provides for an annual absentee voter list by which any eligible voter who annually files an application and is enrolled on the list receives an absentee ballot for any election in which he is eligible to vote in the ensuing calendar year. The application for the annual absentee voter list requires, at a minimum, the voter to provide his printed name, date of birth, and the last four digits of his social security number. The bill also requires an applicant for an absentee ballot to provide the last four digits of his social security number on the application, regardless of whether he is completing the application in person. Recommend oppose; Board has historically opposed. (22101651D)

**HB 196** (Webert) (HPE) repeals the provisions of law by which any registered voter may apply to receive absentee ballots for all elections in which he is eligible to vote and remains on the list until the voter requests in writing to be removed from the list, the voter's registration is canceled or placed on inactive status pursuant to law, or the voter moves to a different address not in the same county or city of his registration. Recommend oppose; Board has historically opposed. (22100301D)

**HB 198** (Webert) (HPE) requires general registrars to send, by December 15 of each year, notice to each voter enrolled on the permanent absentee voter list that the voter is currently enrolled on the permanent absentee voter list and will remain enrolled on such list unless the voter requests to be removed. The notice shall include a return card, properly addressed and postage prepaid, by which the voter may request to be removed. The bill also requires the removal of a voter enrolled on the permanent absentee voter list if such voter offers to vote absentee in person for any election. Recommend oppose; Board has historically opposed. (22103907D)

**SB 234** (Chase) (SPE) repeals the provisions of law by which any registered voter may apply to receive absentee ballots for all elections in which he is eligible to vote and remains on the list until the voter requests in writing to be removed from the list, the voter's registration is canceled or placed on inactive status pursuant to law, or the voter moves to a different address not in the same county or city of his registration. Recommend oppose; Board has historically opposed. (22101626D)

*Drop-Off Location Repeals*

**HB 34** (Campbell, R) (HPE) repeals the provisions of law providing for the establishment of drop-off locations for the return of absentee ballots. Recommend oppose; Board has historically opposed. (22102594D)

**HB 1141** (Walker) (HPE) repeals the provisions of law providing for the establishment of drop-off locations for the return of absentee ballots. Recommend oppose; Board has historically opposed. (22103539D)

**SB 236** (Chase) (SPE) repeals the provisions of law providing for the establishment of drop-off locations for the return of absentee ballots. Recommend oppose; Board has historically opposed. (22101492D)

*Voter Photo ID*

**HB 24** (Walker) (HPE) requires presentation of a form of identification containing a photograph in order to vote. The bill repeals the provisions of law permitting a voter who does not have one of the required forms of identification to vote after signing a statement, subject to felony penalties for false statements, that he is the named registered voter he claims to be. Instead, the bill provides that such voter is entitled to cast a provisional ballot. Recommend oppose; Board has historically opposed. (22100435D)

**HB 46** (Ware) (HPE) requires presentation of a form of identification containing a photograph in order to vote. The bill repeals the provisions of law permitting a voter who does not have one of the required forms of identification to vote after signing a statement, subject to felony penalties for false statements, that he is the named registered voter he claims to be. Instead, the bill provides that such voter is entitled to cast a provisional ballot. The bill also repeals the provisions of law by which any registered voter may apply to receive absentee ballots for all elections in which he is eligible to vote and remains on the list until the voter requests in writing to be removed from the list, the voter's registration is canceled or placed on inactive status pursuant to law, or the voter moves to a different address not in the same county or city of his registration. Recommend oppose; Board has historically opposed. (22102903D)

**HB 121** (Wyatt) (HPE) requires presentation of a form of identification containing a photograph in order to vote and provides that a voter who does not have one of the required forms of identification is entitled to cast a provisional ballot. the bill repeals a provision that would permit any person who is qualified to register to vote to do so in person up to and including the day of the election and limits the persons who are entitled to register to vote after the close of registration records to members of a uniformed service of the united states on active duty, persons who are residing temporarily outside of the united states, and their spouses and dependents. the bill limits the period during which absentee voting in person is available from 45 days to the 10 days immediately preceding the date of the election, including both Saturdays. the bill requires that absentee ballots returned by mail be returned to the office of the general registrar by the close of polls on election day and be postmarked on or before the Saturday preceding the date of the election. the bill eliminates the use of drop-off locations for the return of absentee ballots. the bill requires absentee ballot applications to contain the last four digits of the applicant's social security number and provides that the failure of an absentee ballot to include a witness signature is a material omission, rendering the ballot void. Recommend oppose; Board has historically opposed. (22101554D)

**HB 779** (Williams) (HPE) requires presentation of a form of identification containing a photograph in order to vote. The bill repeals the provisions of law permitting a voter who does not have one of the required forms of identification to vote after signing a statement, subject to felony penalties for false statements, that he is the named registered voter he claims to be. Instead, the bill provides that such voter is entitled to cast a provisional ballot. The bill also limits absentee voting in person to the week immediately preceding an election. The bill repeals the provisions of law by which any registered voter may apply to receive absentee ballots for all elections in which he is eligible to vote and remains on the list until the voter requests in writing to be removed from the list, the voter's registration is canceled or placed on inactive status pursuant to law, or the voter moves to a different address not in the same county or city of his registration. The bill also removes provisions allowing absentee ballots received after the close of polls to be counted. Recommend oppose; Board has historically opposed. (22102174D)

**HB 942** (LaRock) (HPE) requires presentation of a form of identification containing a photograph in order to vote. The bill repeals the provisions of law permitting a voter who does not have one of the required forms of identification to vote after signing a statement, subject to felony penalties for false statements, that he is the named registered voter he claims to be. Instead, the bill provides

that such voter is entitled to cast a provisional ballot. Recommend oppose; Board has historically opposed. (22102770D)

**HB 1090** (Webert) (HPE) requires presentation of a form of identification containing a photograph in order to vote. The bill repeals the provisions of law permitting a voter who does not have one of the required forms of identification to vote after signing a statement, subject to felony penalties for false statements, that he is the named registered voter he claims to be. Instead, the bill provides that such voter is entitled to cast a provisional ballot. Recommend oppose; Board has historically opposed. (22100305D)

*Same Day Voter Registration Repeal*

**HB 185** (Ransone) (HPE) repeals a provision that would permit any person who is qualified to register to vote to register to vote in person up to and including the day of the election, notwithstanding any deadline for the close of registration records. The repeal will limit the persons who are entitled to register to vote after the close of registration records to (i) any member of a uniformed service of the United States who is on active duty, (ii) any person residing temporarily outside of the United States, and (iii) the spouse or dependent residing with someone listed in (i) or (ii). Recommend oppose; Board has historically opposed. (22102235D)

**HB 187** (McGuire) (HPE) repeals a provision that would permit any person who is qualified to register to vote to register to vote in person up to and including the day of the election, notwithstanding any deadline for the close of registration records. The repeal will limit the persons who are entitled to register to vote after the close of registration records to (i) any member of a uniformed service of the United States who is on active duty, (ii) any person residing temporarily outside of the United States, and (iii) the spouse or dependent residing with someone listed in (i) or (ii). Recommend oppose; Board has historically opposed. (22103041D)

**HB 780** (Williams) (HPE) repeals a provision that would permit any person who is qualified to register to vote to register to vote in person up to and including the day of the election, notwithstanding any deadline for the close of registration records. The repeal will limit the persons who are entitled to register to vote after the close of registration records to (i) any member of a uniformed service of the United States who is on active duty, (ii) any person residing temporarily outside of the United States, and (iii) the spouse or dependent residing with someone listed in (i) or (ii). Recommend oppose; Board has historically opposed. (22102178D)

**HB 941** (LaRock) (HPE) repeals a provision that would permit any person who is qualified to register to vote to register to vote in person up to and including the day of the election, notwithstanding any deadline for the close of registration records. The repeal will limit the persons who are entitled to register to vote after the close of registration records to (i) any member of a uniformed service of the United States who is on active duty, (ii) any person residing temporarily outside of the United States, and (iii) the spouse or dependent residing with someone listed in (i) or (ii). Recommend oppose; Board has historically opposed. (22102622D)

**SB 235** (Chase) (SPE) repeals a provision that would permit any person who is qualified to register to vote to register to vote in person up to and including the day of the election, notwithstanding

any deadline for the close of registration records. The repeal will limit the persons who are entitled to register to vote after the close of registration records to (i) any member of a uniformed service of the United States who is on active duty, (ii) any person residing temporarily outside of the United States, and (iii) the spouse or dependent residing with someone listed in (i) or (ii). Recommend oppose; Board has historically opposed. (22101611D)

### **Firearms**

**SB 74** (Chase) (SJUD) removes the authority for a locality by ordinance to prohibit the possession or carrying of firearms, ammunition, or components or any combination thereof in (i) any building, or part thereof, owned or used by such locality for governmental purposes; (ii) any public park owned or operated by the locality; (iii) any recreation or community center facility; or (iv) any public street, road, alley, or sidewalk or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit. The bill provides that any firearm received by the locality pursuant to a buy-back program shall be offered for sale by public auction or sealed bids to a person licensed as a dealer. Current law provides that any such firearm shall be destroyed by the locality unless the person surrendering the firearm requests in writing that the firearm be offered for sale. The bill also limits the authority of localities and state governmental entities to bring lawsuits against certain firearms manufacturers and others. Recommend oppose; Board has historically opposed. (22101641D)

**SB 364** (Reeves) (SJUD) removes the prohibition on any person who is not a licensed firearms dealer from purchasing more than one handgun in a 30-day period. Current law makes it a Class 1 misdemeanor for a violation of this provision, subject to certain exemptions. Recommend oppose; Board has historically opposed. (22103162D)

### **Taxation**

**HB 75** (Ware) (HFIN) restricts localities from imposing a transient occupancy tax at a rate that exceeds five percent and provides that any tax revenues from a rate of greater than two percent but less than five percent shall be spent solely for tourism-related and travel-related purposes. The bill also lowers the amount of food and beverage tax that counties can impose from six percent to a total of four percent. Under the bill, a county is able to impose a food and beverage tax at up to two percent without restriction, but that would require approval via a referendum in order to impose the tax at four percent. Recommend oppose; Board has historically opposed. (22101468D)

**HB 380** (Freitas) (HFIN) prohibits any county, city, or town from imposing any license tax or fee in any taxable year beginning on or after January 1, 2023. The bill does not apply to any severance tax that is levied as a license tax. Recommend oppose; Board has historically opposed. (22100093D)

**SB 385** (McDougle) (SFIN) prohibits a locality from imposing a license tax on a director of a bank or trust company that is subject to the bank franchise tax. Recommend oppose; Board has historically opposed. (22102974D)

**AMEND**

**SJ 19** (Reeves) (SPE) authorizes the General Assembly to exempt from tax the real property of a surviving spouse of a member of the armed forces who died in the line of duty while performing official military activities. The amendment provides that such exemption is only available when the death of such member of the armed forces did not result from criminal conduct. The current Constitution exempts the real property of a surviving spouse of a member of the armed forces who was killed in action, a disabled veteran, and the surviving spouse of a disabled veteran. Recommend amend. Amend to support as a state tax credit; Board has historically recommended amendment. (22101963D)

**MONITOR**

**SB 450** (Boysko) (STRAN) adds traffic incident management vehicles, defined in the bill, operated by persons who meet certain training requirements to a list of vehicles exempt from certain traffic regulations at or en route to the scene of a traffic accident or similar incident. The bill also allows such vehicles to be equipped with sirens and flashing red or red and white secondary warning lights. Recommend monitor; Board has historically monitored. (22100453D)

## **New Bills – 2022 GA**

### **Administration of Government**

**SB 132** (Edwards) (SLG) allows localities to designate smoking areas within 100 feet of sports fields, recreation centers, and playgrounds in outdoor parks. The bill requires signs regarding designated smoking areas to be posted at the entrances to such parks. Recommend support with amendment. Amend to include Park Authority property. (22102261D)

**SB 417** (Stanley) (SRUL) directs the Virginia Code Commission to convene a work group to review requirements throughout the Code of Virginia for localities to provide public notice for intended actions and events, including (i) the varying frequency for publishing notices in newspapers and other print media, (ii) the number of days required to elapse between the publications of notices, and (iii) the amount of information required to be contained in each notice, and make recommendations for uniformity and efficiency. The bill requires the Commission to submit a report to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology summarizing the work and any recommendations of the work group by November 1, 2022. Recommend monitor. (22102649D)

### **Courts**

**SB 149** (Norment) (Reported from SJUD) provides that a juvenile, the parent, guardian, or other custodian of the juvenile, and counsel for the juvenile may inspect a law-enforcement record concerning such juvenile if (i) no other law requires or allows withholding of the record; (ii) the parent, guardian, or other custodian requesting the record is not a suspect, offender, or person of interest in the record; and (iii) any identifying information of any other involved juveniles is redacted. Recommend support. (22103601D)

**SB 208** (Petersen) (SJUD) provides that a person in a civil action shall be deemed to have standing if that person has a cognizable interest in the outcome of the matter, which may be represented by the ownership of an affected property interest or the suffering of an injury unique to that individual. Recommend oppose. (22102186D)

### **Transportation**

**HB 450** (Bennett-Parker) (HTRAN) prohibits a person from parking a vehicle not capable of receiving an electric charge in a space reserved for charging electric vehicles. A violation is subject to a civil penalty of not less than \$100 nor more than \$250, and the vehicle may be towed or impounded. Recommend support. (22102584D)

**SB 278** (Ebbin) (Passed Senate) prohibits a person from parking a vehicle not capable of receiving an electric charge in a space reserved for charging electric vehicles. A violation is subject to a civil penalty of not less than \$100 nor more than \$250, and the vehicle may be towed or impounded. Recommend support. (22101360D-E)

**HB 456** (Bennett-Parker) (HTRAN) makes mandatory instead of discretionary the provisions that the members of the Virginia Passenger Rail Authority selected by the Governor to represent the Northern Virginia Transportation District and the Potomac-Rappahannock Transportation District be selected from lists recommended by the Northern Virginia Transportation Commission and the Potomac and Rappahannock Transportation Commission, respectively. The bill requires such lists to include at least six persons. Recommend support. (22102832D)

**SB 246** (Surovell) (STRAN) provides that the operator of a motor vehicle, trailer, or semitrailer that has stopped on the signal of any law-enforcement officer shall exhibit his registration card, learner's permit, or temporary driver's permit for the purpose of establishing his identity upon being advised of the purpose of the stop within a reasonable time by the law-enforcement officer. Current law requires that such materials be exhibited upon the law-enforcement officer's request. Recommend monitor. (22103627D)

**SB 251** (Surovell) (SLG) requires the Northern Virginia Transportation Authority (NVTA) to dedicate certain funds to projects that improve pedestrian or bicyclist safety or infrastructure. Recommend oppose. (22104193D)

**SB 281** (Ebbin) (STRAN) exempts a manufacturer, factory branch, distributor, distributor branch, or factory or distributor representative engaged in the manufacture or distribution of transit buses from the requirements of obtaining a license from the Department of Motor Vehicles to engage in business. The bill also exempts transit buses from dealer's license plate and temporary license plate requirements. Recommend support. (22100708D)

**SB 339** (Barker) (SLG) repeals a provision of the 2018 mass transit funding legislation that requires the Commonwealth Transportation Board to withhold certain funding from the Washington Metropolitan Area Transit Authority if alternate directors of the Authority participate in or take action at a meeting at which the primary directors are present. Recommend support. (22101758D)

#### *Gas Tax*

**HB 297** (McNamara) (HFIN) suspends the imposition of any regional fuels tax in the Commonwealth on and after July 1, 2022, but before July 1, 2023. Recommend oppose. (22101106D)

**HB 1059** (Cordoza) (HFIN) suspends the imposition and collection of the state and regional taxes on gasoline and diesel fuel until July 1, 2023. The bill contains an emergency clause. Recommend oppose. (22102010D)

**HB 1144** (Webert) (HFIN) lowers the rate of tax on gasoline and diesel fuel on July 1, 2022, from 26.2 cents per gallon to 21.2 cents per gallon on gasoline and from 27 cents per gallon to 20.2 cents per gallon on diesel fuel, the rates that were in effect before July 1, 2021. The bill provides that the rate of tax on gasoline and diesel fuel will return to 26.2 and 27 cents per gallon, respectively, on July 1, 2023, and will be indexed based on the change in the United States Average

Consumer Price Index; thereafter, the rate will be indexed annually. Recommend oppose. (22101053D)

**SB 541** (Peake) (SFIN) lowers the rate of tax on gasoline and diesel fuel on July 1, 2022, from 26.2 cents per gallon to 21.2 cents per gallon on gasoline and from 27 cents per gallon to 20.2 cents per gallon on diesel fuel, the rates that were in effect before July 1, 2021. The bill provides that the rate of tax on gasoline and diesel fuel will return to 26.2 and 27 cents per gallon, respectively, on July 1, 2023, and will be indexed based on the change in the United States Average Consumer Price Index; thereafter, the rate will be indexed annually. Recommend oppose. (22101054D)

### **Elections**

**HB 68** (Anderson) (HPE) provides that a member of a uniformed service who is on active duty with permanent orders stationing him in the Commonwealth shall be presumed to have established domicile for purposes of satisfying the residency requirements for voter registration, if he has also established physical presence and a place of abode in the Commonwealth, unless he expressly states otherwise. The bill provides for the same presumption for his spouse and any dependent residing with him. The bill defines "uniformed service," the same way the term is defined in the Uniform Military and Overseas Voter Act, as the (i) active and reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States; (ii) Merchant Marine, commissioned corps of the Public Health Service, or commissioned corps of the National Oceanic and Atmospheric Administration of the United States; or (iii) Virginia National Guard. Recommend support. (22101715D)

**HB 441** (Sewell) (HPE)/**SB 306** (Deeds) (SPE) includes in the definition of "voting system" on-demand ballot printing systems and ballot marking devices used to manufacture or mark ballots to be cast by voters on electronic voting and counting machines. The bill also requires general registrars to report to the Department of Election the number and results of absentee ballots cast by voters assigned to each precinct in the registrar's locality. The Department will establish standards for ascertaining and reporting such information. Recommend support. (22102652D, 22103836D)

### *Absentee Voting*

**HB 15** (Ware) (HPE) allows local electoral boards and general registrars to defer providing a response to a request received under the Freedom of Information Act on or after the first day of in-person absentee voting for any election and before the tenth day following the local electoral board's certification of such election. The bill requires that notice of the deferment be provided to the requestor. Recommend support. (22100306D)

**HB 54** (Greenhalgh) (HPE)/**HB 398** (Freitas) (HPE)/**HB 927** (Robinson) (HPE)/**SB 3** (Suetterlein) (SPE) 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. Recommend amend.

Amend to remove requirements to separate ballots by precinct. Conform language to HB 441/SB 306. (22102608D, 22103206D, 22101352D, 22100577D)

**HB 76** (Ware) (HPE) requires the General Assembly to establish in the general appropriation act a reimbursement plan to reimburse counties and cities, fully and annually, for the cost of conducting absentee voting in the locality. Recommend amend. Amend to add clarifying language that safeguards local control over absentee voting operations and access. (22102196D)

### *Election Security*

**SB 133** (Chase) (SPE) requires any printer or vendor supplying ballots in an election for state or federal office to be ISO 27001 certified, ISO 17025 certified, or ISO 9001:2015 certified. The bill also requires any ballot used in an election for state or federal office to include a unique bar code or quick response code that is accessible only to the voter and that tracks the voter's ballot as it is processed and to include the use of at least two other ballot fraud security measures from a list of approved measures. Recommend oppose. (22101678D)

**SB 605** (Chase) (SPE) provides for the conduct of a forensic audit of an election in a county or city upon the request of certain officials or upon the petition of a group of residents of the locality in question. The purpose of an audit is to determine the accuracy and legality of the election in question. The bill provides that an audit includes a review of all materials, equipment, and procedures used during any part of the election, including ballots, pollbooks, voting machines, and routers. The bill requires that the audit be open to the public and states that the auditing process may include participation by residents. The results of the audit are to be presented to a jury of local residents who have the power to declare the election valid or invalid. The bill also gives the State Inspector General the power and duty to conduct an audit of the 2020 general election and requires him to produce a report of his finding. Recommend oppose. (22104062D)

### **Environment and Energy**

**SB 13** (Favola) (SGL) requires the acquisition of a roofing subcontractor through competitive negotiation if a contracting entity enters into an energy performance-based contract that involves roof replacement. Current law prohibits the inclusion of a roof replacement project as part of an energy performance-based contract. Recommend support. (22101604D)

### **Health and Human Services**

**SB 148** (Norment) (SJUD) expands immunity provided to health care providers responding to a disaster to include actions or omissions taken by the provider as directed by any order of public health in response to such disaster when a local emergency, state of emergency, or public health emergency has been declared. Recommend support. (22102585D)

**SB 189** (Chase) (SCL) prohibits an employer from requiring its employees to receive a vaccine for the prevention of COVID-19. The bill prohibits an employer from discrimination against an employee because the employee has or has not received a vaccine for the prevention of COVID-19. The bill also provides for civil penalties not to exceed \$10,000 by an employer with fewer than

100 employees or \$50,000 by an employer with 100 or more employees for each violation of the bill's provisions. Recommend oppose. (22103782D)

**SB 458** (Chase) (SEH) prohibits any locality, institution of higher education, employer, school board, division superintendent, school principal, or private school from adopting, implementing, or enforcing any policy, rule, or order related to COVID-19 that requires individuals to wear a face covering. Recommend oppose. (22104211D)

**SB 456** (Locke) (SEH) requires all practitioners licensed by the Board of Medicine to complete two hours of continuing education in each biennium on topics related to implicit bias and cultural competency. Recommend support. (22103132D)

### Land Use

**HB 437** (Bulova) (HCCT) allows a locality the option to request a public meeting in the locality during the planning phase of a public facilities state project from the state agency or institution of higher education responsible for such project. Recommend support. (22101502D)

**SB 206** (Petersen) (SLG) provides that the filing of a historic designation application shall stay a locality from issuing any permit to raze or demolish a proposed historic landmark, building, or structure until 30 days after the rendering of the final decision of the governing body of the locality. The bill also specifies that the affected property owner, the applicant, or any resident of the locality who provided public input on the locality's historic district plan may appeal to the circuit court for review of any final decision of the governing body pursuant to such application. Recommend oppose. (22100941D)

**SB 255** (Bell) (SLG) provides that in its consideration of certain communications infrastructure applications, a locality shall not disapprove an application if (i) the proposed new structure provides additional wireless coverage or capacity for first responders or (ii) the proposed tower is not within a four-mile radius of an existing tower that is part of the applicant's network. Additional changes in the bill provide that a locality shall not be prohibited from disapproving certain applications for any zoning approval required for non-administrative review-eligible projects on the basis of the fact that the proposed height of any wireless support structure, wireless facility, or wireless support structure with attached wireless facilities exceeds 200 feet above ground level. Current law sets the limit at 50 feet above ground level. Recommend oppose. (22103784D)

**SB 537** (Marsden) (SACNR) expands to all localities provisions that currently only allow certain localities to adopt an ordinance providing for the planting and replacement of trees during the development process. The bill adds more flexibility for implementation and management of tree canopy banks, tree canopy credits, and tree canopy requirements. The bill changes and updates standards, reference documents, and published reference texts. The bill expands options for localities to disburse funds to charitable organizations. The bill adds percentage specifications for ordinances related to cemeteries. The bill removes the prohibition of invalidating local ordinances adopted before July 1, 1990, the allowance of 10-year minimum requirements for pre-1990 ordinances, and the inability to invalidate an ordinance adopted pursuant to the section relating to the replacement of trees during development process in certain localities. The bill provides

guidelines for the Stakeholder Advisory Group, established by the bill to provide recommendations on the provisions of the bill, and its meetings; exemptions from the Administrative Process Act, section-specific definitions for public comment; and the Virginia Freedom of Information Act. The main provisions of the bill have a delayed enactment date of January 1, 2023; the remaining provisions are effective in due course. Recommend amend. Amend to remove the impact to Fairfax County ordinances. (22102580D)

### **Education/Schools**

**SB 415** (DeSteph) (SEH) requires each school board to enter into a collaborative agreement with the local law-enforcement agency to employ at least one school resource officer in each public elementary and secondary school in the local school division. The bill provides that no school board shall be granted any full or partial waiver from such staffing requirements and that no school board that fails to fully comply with such staffing requirements is eligible for any grant or waiver from the Commonwealth, Board of Education, or Department of Education. The bill also requires each division superintendent to include on the threat assessment team established for each public elementary and secondary school in the local school division at least one school resource officer employed in the school. Recommend oppose. Cost to the County is likely to exceed \$19 million. (22104064D)

### **Public Safety/Criminal Justice**

**SB 102** (Hanger) (Reported from SJUD) provides that if a law-enforcement officer makes an arrest without a warrant when in close pursuit and such arrest is made beyond the boundary of the county or city from which the arrestee fled, then the law-enforcement officer shall procure a warrant from the magistrate serving the county or city wherein the arrest was made, charging the accused with the offense committed, and any criminal act committed during the close pursuit, in the county or city from which he fled. Under current law, such officer would not be able to obtain a warrant for a criminal act committed during the close pursuit beyond the boundary of the county or city from which the arrestee fled. Recommend support. (22102857D)

**SB 328** (Reeves) (SJUD) changes the limitation on the acquisition or purchase of military property by a law-enforcement agency from firearms of .50 caliber or higher to rifles of .50 caliber or higher. Recommend amend. Amend language to include associated ammunition. (22101125D)

**SB 330** (Reeves) (SJUD) 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. (22101962D)

**SB 487** (McClellan) (SJUD) establishes the Virginia Center for Firearm Violence Intervention and Prevention (the Center) within the Department of Criminal Justice Services and transfers to the Center the administration of the existing Virginia Gun Violence Intervention and Prevention Fund. Recommend support. (22103607D)

**Taxation**

**HB 697** (Keam) (HCCT) provides that if a locality located within a stormwater management service district requires, by ordinance, that certain property owners maintain private stormwater management facilities, the rate of tax imposed by such service district on such property owners shall be half of the amount imposed on property owners not required to maintain private stormwater management facilities. Recommend monitor. (22102937D)

*Data Centers*

**HB 791** (McNamara) (HFIN) provides that if data center fixtures are taxed as part of the real property where they are located, they shall be valued based on depreciated reproduction or replacement cost, rather than based on the amount of income they generate. Recommend oppose. (22104312D)

**SB 513** (McPike) (SFIN) provides that if data center fixtures are taxed as part of the real property where they are located, they shall be valued based on depreciated reproduction or replacement cost, rather than based on the amount of income they generate. Recommend oppose. (22104161D)

## **Legislation Provided for Discussion**

### **Transportation**

**HB 367** (Watts) (HTRAN) prohibits any individual from operating a motor vehicle with a gross weight of 10,000 pounds or less with an exhaust system that emits noise equivalent to noise in excess of 85 decibels measured from a distance of 50 feet. The bill also allows the governing body of any county, city, or town located within the Northern Virginia Planning District to provide by ordinance that no person shall operate any motor vehicle on a highway or on public or private property within 500 feet of any residential district unless such motor vehicle is equipped with an exhaust system of a type installed as standard equipment, or comparable to that designed for use on that particular vehicle or device as standard factory equipment, in good working order and in constant operation to prevent excessive noise. The bill also requires the Superintendent of State Police to promulgate regulations for the inspection of motor vehicles to ensure that no motor vehicle is equipped with a gutted muffler, muffler cutout, or straight exhaust or any mechanical or electronic device that creates or amplifies noise emitted by the motor vehicle that is louder than the noise emitted by such motor vehicle as originally manufactured. (22103587D)

**SB 218** (McPike) (SLG) provides that any locality may acquire property interests outside its boundaries by exercise of eminent domain power in connection with a highway transportation project located partially within a neighboring locality when the governing body of the neighboring locality wherein such property interests are located approves such use of eminent domain. (22101030D)

### **Living Shorelines**

**HB 739** (Krizek) (HAG) provides that no regulation shall require the replacement of an existing shoreline improvement with a living shoreline if the application is to restore or maintain the existing improvement and that no permitting decision shall require the replacement of an existing shoreline improvement if the living shoreline would substantially detract from established use and enjoyment of the property. The bill also provides that, for purposes of a wetlands permit, a project shall be deemed not suitable for a living shoreline if the proposed work is to maintain or repair an existing shoreline improvement. (22104128D)

### **Courts**

**SB 282** (Ebbin) (SJUD) requires the governing body of any county or city that elects to supplement the compensation of the attorney for the Commonwealth, or any of his deputies or his employees, above the salary of any such officer, deputy, or employee to supplement the compensation of the public defender, or any of his deputies or employees. The bill provides that such supplemental compensation is proportional if the public defender, his deputies, and his other employees are each paid in amounts commensurate to the closest equivalent position in the local Office of the Commonwealth's Attorney, as adjusted for seniority and experience level. The bill has a delayed effective date of July 1, 2024. (22103779D)

## **Elections**

### *Witness Signature Replacement Bills*

**HB 177** (Bloxom) (HPE) removes the witness requirement for absentee ballots and replaces it with the requirement that the voter provide the last four number of his social security number and his date of birth. (22101654D)

**SB 273** (Ebbin) (SPE) makes optional the current absentee ballot witness signature requirement by giving the voter the option to provide either the last four digits of the voter's social security number or the voter's valid Virginia driver's license number in lieu of a witness signature. (22100443D)

**SB 552** (Chase) (SPE) requires a registered voter to provide a reason for being absent or unable to vote at his polling place on election day in order to receive an absentee ballot to vote by mail. The bill requires a voter voting absentee by mail to open his ballot in the presence of a notary who must sign the ballot return envelope. The bill requires that the general registrar match the signature of the voter on an absentee return envelope to a signature that the general registrar has on file before processing the ballot. If the signature doesn't match, the absentee ballot is to be treated as a provisional vote subject to approval by the electoral board. The bill also repeals the permanent absentee voter list and limits the special annual application to those voters with an illness or disability. (22101614D)

### *New Witness Signature Requirements*

**HB 149** (Runion) (HPE) requires that a witness to a voter's absentee ballot provide, in addition to his signature, his printed name, his date of birth, the last four digits of his social security number, and his residence address. (22101276D)

## **Land Use**

**HB 272** (Marshall) (HCCT)/**SB 501** (Lewis) (SLG) extends from July 1, 2022, to July 1, 2023, the sunset date for various local land use approvals that were valid and outstanding as of July 1, 2020. The bill also provides that its provisions shall not be construed to extend previous extensions related to the COVID-19 housing crisis. (22104168D, 22103949D)