

**Legislation Requiring Further Review, Staff “Watch List” and Legislation  
Provided for Information  
Board of Supervisors Legislative Committee  
January 20, 2023**

**Legislation Requiring Further Review**

**Administration of Government**

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

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

**HB 2205** (Tran) (HFIN) creates a refundable tax credit for taxable years 2023 through 2027 for individuals whose households include dependents younger than the age of 18. The bill provides that the amount of the credit will be equal to \$500 for an individual or married persons filing a joint return whose family Virginia adjusted gross income, as defined by Virginia code, does not exceed \$100,000. The bill provides that if the amount of such credit exceeds the taxpayer's liability for the taxable year, the excess shall be refunded by the Tax Commissioner within 90 days after the filing date of the income tax return on which the taxpayer applies for such refund. (23102353D)

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

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

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

### **Building Code**

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

### **Elections**

**HB 1948** (Bloxom) (HPE) removes the witness requirement for absentee ballots and replaces it with the requirement that the voter provide the last four digits of his social security number and his date of birth. (23100850D)

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

not intentionally registering to vote at more than one residence at the same time, both of which constitute the crime of election fraud and are punishable as a Class 6 felony. (23103314D)

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

**HB 1847** (LaRock) (HPE) restores the local option to hold May elections; repeals laws permitting registration on election day and requiring preregistration of certain persons under 18 years of age; eliminates the permanent absentee voter list; removes provisions allowing general registrars to contract with a third party for the printing, assembly, and mailing of absentee ballot packets; requires an excuse to vote absentee; reduces absentee voting in person to the 10 days prior to the date of an election; requires that mailed absentee ballots be returned by the United States Postal Service; repeals provisions allowing for absentee ballot drop boxes; requires absentee ballots to be received by the general registrar by the close of polls on election day in order to be counted; requires presentation of a form of identification containing a photograph in order to vote; repeals the provisions of law permitting a voter who does not have one of the required forms of identification to vote after signing a statement that he is the named registered voter he claims to be; and requires that provisional ballot envelopes have written on them certain required information in order to be considered, including the signature of the officer of election administering the provisional ballot and his indication of whether photo identification was shown, and if so, the type. The bill also amends provisions regarding risk-limiting audits to allow for (i) risk-limiting audits of the part of a district that covers multiple localities that lies in a single locality and (ii) the use of the batch comparison method when conducting a risk-limiting audit. (23102822D)

**HB 2266** (Ransone) (HPE) directs the State Board of Elections to adopt a policy regarding the counting and reporting of absentee ballots in a central absentee voter precinct in order to ensure that the results of absentee ballots cast early in person are reported separately from mailed absentee ballots and the results of all absentee ballots cast by voters are reported by precinct in accordance with law. Such policy is required to also ensure that all such results are posted on the State Board of Elections website no later than noon on the day after the election. The bill requires such policy

to be adopted no later than September 1, 2023, and the Chairmen of the House and Senate Committees on Privileges and Elections to be notified of such policy within seven days of its adoption. (23103315D)

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

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

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

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

### **Study**

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

### **Taxation**

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

**HB 2110** (Bourne) (HFIN) extends the maximum duration of an installment agreement between a locality and a landowner to pay delinquent taxes from 60 to 72 months. The bill also allows for a property owner, or his heirs, to redeem real estate sold for delinquent taxes for a period of up to 365 days after such judicial sale. The bill provides that such redemption shall be made by paying

to the purchaser the amount paid by the purchaser plus the amount of taxes, penalties, interest, and other charges due to a locality and incurred after the judicial sale and plus interest thereon at the rate of six percent per year. (23102515D)

**HB 1920** (Hope) (HFIN) prohibits a county, city, or town from imposing a license fee or levying a license tax on the privilege or right of publishing any blog or online website containing daily or regularly updated news, feature articles, advertisements, or correspondence, provided that such blog or online website employs full time at least one journalist who has a Virginia taxable income. (23100616D)

**HB 1406** (Anderson) (HAG) eliminates the requirement to pay a license tax for owning a dog or cat and eliminates the misdemeanor penalty for failing to pay such license tax. (23101032D)

**HB 1710** (LaRock) (HFIN) authorizes counties and cities in Planning District 3, 4, 5, 6, or 7 to impose an additional real estate tax on commercial and industrial property at a rate of up to \$0.10 per \$100 of assessed value. Any revenue raised from such tax would be required to be used to pay for transportation costs. Under current law, only localities within the Northern Virginia Transportation Authority or the Hampton Roads metropolitan planning area are authorized to impose such tax. The bill contains technical amendments. (23102377D)

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

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

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

## **Transportation**

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

**SB 1106** (Newman) (STRAN) requires the Governor to include in the Budget Bill an appropriation of up to \$200 million, limited to \$100 million each year, from the Commonwealth Transportation Fund to maintain a minimum available balance of \$300 million in the Transportation Partnership Opportunity Fund (the Fund). The bill authorizes the Governor to direct funds from the Fund to the Commonwealth Transportation Board for transportation projects determined to be necessary to support major economic development initiatives or to enhance the economic development opportunities of the Commonwealth's transportation programs when recommended by the Secretary of Transportation and Secretary of Commerce and Trade; these directed funds do not have a specified limit. The bill also authorizes the Governor to use funds from the Fund to enhance the economic development opportunities of the Commonwealth's transportation programs. The bill authorizes the use of grants, funds directed to the Board, and revolving loans for property acquisition and new or improved infrastructure to support economic development opportunities of the Commonwealth's transportation programs. The bill removes the requirement for the Governor to provide copies of the guidelines and criteria for awarding grants and loans to the Chairmen of the House Committees on Appropriations, Finance, and Transportation and the Senate Committees on Finance and Appropriations and Transportation. The bill repeals the requirement for the Commonwealth Transportation Board to ensure that projects are not undertaken primarily for economic development purposes. (23103887D)

## Land Use

**HB 1370** (Ware) (HAG) prohibits the siting of a new municipal solid waste landfill within one mile upgradient of any existing private well. (23100085D)

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

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

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

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

## Stormwater Management

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

## Environment

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

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

**SB 1012** (Edwards) (SACNR) prohibits state agencies beginning July 1, 2024, from contracting for the purchase, sale, and distribution of (i) single-use plastic bags, cutlery, straws, or water bottles and (ii) single-use plastic food service containers and expanded polystyrene food service containers, except during a declared state of emergency. The bill directs the Department of General Services to post public notice of all prohibited goods on its public procurement website. The bill also authorizes any locality to prohibit by ordinance the purchase, sale, or provision, whether free or for a cost, of (a) single-use plastic bags, cutlery, straws, or water bottles and (b) single-use plastic food service containers and expanded polystyrene food service containers, with certain exceptions enumerated in the bill. (23101944D)

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

### **Health and Human Services**

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

**SB 1465** (Hanger) (SEH) Provides that the purpose of behavioral health services provided by community services boards and behavioral health authorities is to enable individuals who have a mental illness or substance use disorder that significantly impairs their functioning to access effective, timely, and cost-efficient services that help them (i) overcome or manage functional impairments caused by the mental illness or substance use disorder and (ii) remain in the

community to the greatest extent possible, consistent with the individual's well-being and public safety. The bill also requires that performance contracts entered into by the Department of Behavioral Health and Developmental Services with community services boards and behavioral health authorities include certain information, as specified in the bill. The bill reorganizes certain other provisions related to community services boards and behavioral health authorities. (23103868D)

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

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

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

**SB 1104** (Boysko) (SFIN) directs the Board of Medical Assistance Services to amend the state plan for medical assistance services to include a provision for payment of medical assistance for violence prevention services, defined in the bill, provided by a qualified violence prevention professional to an individual who receives medical treatment for an injury sustained as a result of community violence, defined in the bill, who is determined by a health care provider to be at risk of repeat injury or retaliation. The bill directs the Department of Medical Assistance Services to convene a work group to advise the Board on the design and implementation of the violence prevention services benefit and specifies that the work group include representatives from the Department and violence intervention programs, medical providers, survivors of community violence, and other members as deemed appropriate by the Department. The bill requires the Department to post on its website the date upon which violence prevention services may be provided and billed pursuant to the provisions of the bill. (23102511D)

### **Zoning**

**HB 1473** (Fowler) (HCCT) alters the notice requirements related to local government adoption of land use plans and zoning ordinances by no longer requiring the notice to contain a descriptive summary of the proposed action but continues to require the locality to identify in the notice the place or places within the locality where copies of the proposed plans, ordinances, or amendments may be examined. Furthermore, such notice must include the street address or tax map parcel number of the parcels as well as the approximate acreage subject to the action. With regard to

notice of proposed zoning actions, the bill also (i) removes the requirement to state general usage and density of the proposed zoning action and (ii) eliminates the requirement for an extra public hearing when land is zoned to a more intensive use classification than was contained in the previous public notice. (23103081D)

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

### **Courts**

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

**SB 1067** (Surovell) (SJUD) provides various factors that a judge or magistrate shall consider for the purpose of determining probable cause prior to issuing an emergency substantial risk order or a substantial risk order. The bill provides that such factors shall include whether the person who is subject to the order (i) committed any acts of violence or criminal offenses resulting in injury to himself or another person within the six months prior to the filing of the petition; (ii) made any threats or used any physical force against another person that resulted in injury within the six months prior to the filing of the petition; (iii) violated any provision of a protective order issued or was arrested for stalking within the six months prior to the filing of the petition; (iv) was convicted of any offense that would prohibit such person from possessing a firearm; (v) engaged in any conduct within the year prior to the filing of the petition that demonstrated a pattern of violent acts or threats to another person, including any acts or threats made against family members, neighbors, co-workers, or toward schools or students or government buildings or employees; (vi) committed any acts of violence or criminal offenses against an animal within the six months prior to the filing of the petition; (vii) made any attempt or threat of suicide or any act, attempted act, or threat of self-harm that caused or may have caused serious bodily injury; or (viii) evidence of recent acquisition of a firearm or ammunition by the respondent. The bill also outlines various other factors that a judge or magistrate may, but is not required to, consider for the purpose of issuing an emergency substantial risk order or a substantial risk order. (23103667D)

**Firearms**

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

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

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

### **Health and Human Services**

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

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

## **Legislation Provided for Information**

### **Education/Schools**

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

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

**HB 1893** (Walker) (HED) Requires, prior to the start of each school year, each school board to post on its website in a prominent location and in a format that is easily accessible to the public (i) a list of each textbook to be used in any elementary or secondary school in the local school division during that school year and (ii) the Standards of Learning and any associated curriculum framework that correlate with any course or class to be offered in any elementary or secondary school in the local school division during that school year or a link to another source that contains such information. (23101817D)