

**Legislation Requiring Further Review, Staff “Watch List” and Legislation
Provided for Information
Board of Supervisors Legislative Committee
February 25, 2022**

Legislation Requiring Further Review

Courts

SB 138 (Edwards) (Passed Senate; HCT) provides that for any discovery materials or evidence that the accused is permitted to inspect and review, the accused may request the Commonwealth to copy or photograph such discovery materials or evidence, and the Commonwealth shall provide such copies or photographs, electronically or otherwise, to the accused or his counsel. (22100389D-E)

Employment Issues

HB 932 (Robinson) (Passed House; SCL) extends from December 31, 2021, to December 31, 2022, the date by which COVID-19 causing the death or disability of a health care provider is presumed to be an occupational disease compensable under the Workers' Compensation Act. (22102394D)

SB 289 (DeSteph) (Passed Senate; HCE) provides that an anxiety disorder or depressive disorder, as both are defined in the bill, incurred by a law-enforcement officer or firefighter is compensable under the Virginia Workers' Compensation Act on the same basis as post-traumatic stress disorder. The bill provides that a mental health professional must diagnose the law-enforcement officer or firefighter as suffering from anxiety disorder or depressive disorder as a result of a qualifying event, as defined in the Code, and includes other conditions for compensability. (22101635D)

Environment/Energy

HB 1224 (Bulova) (Passed House; Senate Floor) directs the State Water Control Board to update its regulations providing for the certification and use of a proprietary best management practice (BMP) if another state, regional, or national program has verified its nutrient or sediment removal effectiveness and its having met or exceeded all of such program's established test protocol requirements. Currently, the BMP may only be used if another state, regional, or national certification program has verified and certified its nutrient or sediment removal effectiveness. The bill also directs the Department of Environmental Quality to prioritize review of any proprietary BMP that was on the Virginia Stormwater BMP Clearinghouse prior to December 31, 2021, and that submits documentation of verification of effectiveness by another state, regional, or national program. (22105648D-H1)

FOIA

HB 970 (O’Quinn) (Passed House; Reported from SGL) provides that public agencies shall not request personal information, defined in the bill, from (i) any individual or any entity organized

under § 501(c) of the Internal Revenue Code or (ii) any bidder, offeror, or contractor of an agency. The bill prohibits such public agencies from disclosing personal information without the express, written permission of every individual who is identifiable from the potential release of such personal information, including individuals identifiable as members, supporters, or volunteers of, or donors to, the agency. The bill exempts the Campaign Finance Disclosure Act of 2006 from the requirements that public agencies protect personal information and refrain from requesting personal information. (22106759D-S1)

SB 324 (Vogel) (Passed Senate; Reported from HGL) provides that public agencies shall not request personal information, defined in the bill, from (i) any individual or any entity organized under § 501(c) of the Internal Revenue Code or (ii) any bidder, offeror, or contractor of an agency. The bill prohibits such public agencies from disclosing personal information without the express, written permission of every individual who is identifiable from the potential release of such personal information, including individuals identifiable as members, supporters, or volunteers of, or donors to, the agency. The bill exempts the Campaign Finance Disclosure Act of 2006 from the requirements that public agencies protect personal information and refrain from requesting personal information. (22106825D-H1)

Health and Human Services

SB 317 (Favola) (Passed Senate; Reported from HHWI) allows a health care practitioner licensed in another state or the District of Columbia who has submitted an application for licensure to the appropriate health regulatory board to temporarily practice for a period of 90 days pending licensure, provided that certain conditions are met. The bill directs the Department of Health Professions to pursue reciprocity agreements with jurisdictions that surround the Commonwealth to streamline the application process in order to facilitate the practice of medicine. The bill requires the Department of Health Professions to annually report to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions the number of out-of-state health care practitioners who have utilized the temporary authorization to practice pending licensure and have not subsequently been issued full licensure. The bill contains an emergency clause. (22106790D-H1)

Land Use

HB 961 (Roem) (Passed House; SGL) expands provisions that allow localities to adopt an ordinance setting forth a register of identified cemeteries, graveyards, or other places of burial located on private property not belonging to any memorial or monumental association by providing that such localities shall publish a notice prior to the public sale of any publicly owned property that contains a cemetery, graveyard, or other place of burial, or as soon thereafter as possible. The notice shall specify that a cemetery is present on the property. If the property falls under an exception provided for significant historic and archeological sites that would be jeopardized by public disclosure of their location, then no such notice is required. (22106601D-H1)

SB 694 (Obenshain) (Passed Senate; HCT) makes various changes to the laws pertaining to condemnation procedures, including (i) providing that localities shall not condition or delay the timely advancement or approval of any application for or grant of any permit or other approval for

real property for the purpose of allowing the condemnation or acquisition of the property; (ii) requiring a condemnor to provide the property owner with a copy of its title report and all recorded instruments found in the title examination; (iii) requiring the clerk of court, when funds are paid into the court during a condemnation proceeding, to deposit such funds into an interest-bearing account; (iv) requiring the court to order the condemnor to reimburse the property owner for the reasonable costs and fees, not to exceed \$7,500, for a survey (under current law, this amount is capped at \$1,000); (v) requiring temporary construction easements to have an expiration date included in the recorded certificate and requiring condemnors to record a certificate of completion within 90 days upon completion of construction of any public use project for which a portion of private property was taken; (vi) requiring that a condemnor who has been sued for just compensation pursuant to a "quick-take" condemnation procedure to reimburse the property owner for his fees and costs incurred in filing the petition; and (vii) permitting the owner of property that the Commissioner of Highways has taken to petition the circuit court for the appointment of commissioners or the empanelment of a jury to determine just compensation under certain circumstances and requiring the Commission of Highways to reimburse the owner for his fees and costs incurred in filing the petition. (22105602D-S1)

Marijuana

HB 933 (Robinson) (Passed House; Reported from SEH) amends the definition of "cannabis oil" by removing the requirement that only oil from industrial hemp be used in the formulation of cannabis oil. The bill removes the Board of Pharmacy patient registration requirement for medical cannabis but maintains the requirement that patients obtain written certification from a health care provider for medical cannabis. The bill directs the Board to promulgate numerous regulations related to pharmaceutical processors by September 15, 2022. (22106426D-H1)

SB 671 (Dunnivant) (Passed Senate; Reported from HHWI) amends the definition of "cannabis oil" by removing the requirement that only oil from industrial hemp be used in the formulation of cannabis oil. The bill removes the Board of Pharmacy patient registration requirement for medical cannabis but maintains the requirement that patients obtain written certification from a health care provider for medical cannabis. The bill directs the Board to promulgate numerous regulations related to pharmaceutical processors by September 15, 2022. (22106881D-H1)

SB 391 (Ebbin) (Passed Senate; HGL) establishes a framework for the creation of a retail marijuana market in the Commonwealth. The bill creates a regulatory and licensing structure for such retail market and for the cultivation, manufacture, and wholesale of marijuana and marijuana products to be administered by the Virginia Cannabis Control Authority. The bill allows certain pharmaceutical and industrial hemp processors, pending establishment of the retail market, to cultivate, manufacture, and sell to persons 21 years of age or older cannabis products. The bill also relocates and modifies numerous criminal provisions regarding marijuana offenses. The bill has staggered effective dates. The bill satisfies the reenactment requirement of Chapters 550 and 551 of the Acts of Assembly of 2021, Special Session I, but makes numerous modifications to the provisions of the 2021 legislation related to licensure, criminal penalties, expungement, regulation of certain hemp products, local regulation, and diversity, equity, and inclusion. (22106647D-S3)

SB 542 (Marsden) (Passed Senate; HHWI) requires the Board of Pharmacy to provide a form for practitioners to issue as written certification for the use of cannabis products. Current law requires the Office of the Executive Secretary of the Supreme Court to provide the form. (22103682D)

SB 591 (Hanger) (Passed Senate; HGL) modifies the definition of "marijuana" in several Code sections to (i) include any substance containing a total tetrahydrocannabinol concentration that exceeds 0.3 percent or more than 0.25 milligram of tetrahydrocannabinol per serving or more than one milligram per package and (ii) exclude industrial hemp that is possessed by a person who holds a hemp producer license issued by the U.S. Department of Agriculture or his agent; an industrial hemp extract that contains a tetrahydrocannabinol concentration of no greater than 0.3 percent and no more than 0.25 milligram of tetrahydrocannabinol per serving or more than one milligram per package at the time such industrial hemp extract is offered for retail sale and is derived from industrial hemp grown, dealt, or processed in compliance with state or federal law; and any drug product containing tetrahydrocannabinol that is approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act by the Board of Pharmacy. The bill defines "tetrahydrocannabinol" to include any naturally occurring or synthetic tetrahydrocannabinol, including its salts, isomers, or salts of isomers. The bill removes references in the Code to delta-9 tetrahydrocannabinol and amends numerous sections to accommodate for the definitional changes described above. The bill requires the Board of Directors of the Virginia Cannabis Control Authority to promulgate regulations that prohibit the production and sale of retail marijuana and retail marijuana products that depict or are in the shape of a human, animal, vehicle, or fruit. The bill has staggered effective dates. (22106520D-S3)

SB 745 (Surovell) (Passed Senate; HCT) creates a process by which persons convicted of certain felony marijuana-related offenses committed prior to July 1, 2021, who remain incarcerated or on community supervision on July 1, 2022, shall receive an automatic hearing to consider modification of such person's sentence. The bill also provides that a person is eligible to be considered for parole if such person was convicted of a felony conviction, except for an act of violence, and had such felony conviction sentence enhanced because of a felony marijuana conviction and such offense was committed on or after January 1, 1995, and the person was committed by a court to the Department of Corrections and remained incarcerated for such offense on July 1, 2022. The bill incorporates SB 518. (22106159D-ES1)

SB 772 (Marsden) (Passed Senate; HHWI) eliminates the Board of Pharmacy patient registration requirement for medical cannabis. The bill maintains the requirement that patients obtain a written certification from a health care provider to obtain medical cannabis. (22106018D-S1)

Public Safety/Criminal Justice

HB 749 (Bell) (Passed House; SFIN) provides that the Department of Criminal Justice Services shall adopt guidelines to make funds from the Virginia Sexual and Domestic Violence Victim Fund, which is used to support the prosecution of domestic violence cases and victim services, available to sexual assault service providers and hospitals for the purpose of funding the cost of salaries and equipment for sexual assault forensic examiners, sexual assault nurse examiners, and pediatric sexual assault nurse examiners, with priority for funding such costs given to such forensic

examiners and nurse examiners serving rural or underserved areas of the Commonwealth. (22106155D-H1)

HB 1000 (Runion) (Passed House; SJUD) requires every member appointed to a locality's law-enforcement civilian oversight body to observe a law-enforcement officer employed with such locality's law-enforcement agency while such law-enforcement officer is engaged in his official duties. The bill also provides that any disciplinary determination recommended by a law-enforcement civilian oversight body shall be advisory and that if any law-enforcement agency declines to implement such recommendation, such agency shall create and make available to the public within 30 days from the date such recommendation is reported to such agency a written public record of its rationale for declining to implement such recommendation. The bill requires that such observation take place within 90 days of the member's appointment to the civilian oversight body and total no fewer than 24 hours, a portion of which includes a ride-along with a law-enforcement officer. The bill also requires each law-enforcement civilian oversight body to include at least one retired law-enforcement officer as a voting member; under current law, a retired law-enforcement officer may serve on such body as an advisory, nonvoting ex officio member. (22100522D)

SB 102 (Hanger) (Passed Senate; HCT) 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. (22102857D)

SB 639 (Morrissey) (Passed Senate; HCT) clarifies that the immunity afforded to the seeking of emergency help for an overdose also applies to a show cause order. (22103752D-E)

Procurement

HB 1287 (Runion) (Passed House; Reported from SGL) requires the Department of General Services (DGS), in determining the award of any contract for plastic materials to be purchased for use by agencies of the Commonwealth, to procure using competitive sealed bidding and give preference to bidders that supply materials containing plastic recycled content, as long as such materials are cost competitive with materials that do not contain plastic recycled content. The bill directs DGS to promulgate regulations to (i) in consultation with the Virginia Manufacturers Association, define the term "cost competitive" as it relates to the provision of this bill, and (ii) implement such provision and establish a system that requires an incremental increase in the minimum percentage of plastic recycled content required to be included in materials in order for a bidder to be given preference in the procurement process, as follows: (a) 10 percent plastic recycled content by January 1, 2025; (b) 20 percent plastic recycled content by January 1, 2028; and (c) 30 percent plastic recycled content by January 1, 2030. (22106525D-H1)

Taxation

SB 25 (Ruff) (Passed Senate; Reported from HFIN) requires any locality that increases its cigarette tax rate to allow, for one calendar year after the increase, a person with unsold inventory to pay the tax increase on the unsold inventory by filing a return, rather than requiring the use of a stamp or meter impression. The bill imposes a duty on regional cigarette tax boards to effectuate the policy. (22106925D-H1)

SB 432 (Dunnavant) (Passed Senate; Reported from HFIN) provides that, for purposes of the Retail Sales and Use Tax on accommodations, the term “accommodations” does not include rooms or space offered by a person in the business of providing conference rooms, meeting space, or event space if the person does not also offer rooms available for overnight sleeping. The substantive provisions of the bill are given retroactive effect to September 1, 2021, but no taxpayer shall be entitled to a refund for any taxes remitted prior to July 1, 2022. (22106110D-S1)

SB 686 (Mason) (Passed Senate; Reported from HFIN) provides that any solar facility installed pursuant to existing local regulation of solar facilities laws is declared a separate class of property and shall be classified for local taxation separately from other classifications of real or personal property. Such facilities shall be wholly exempt from state and local taxation under the Constitution of Virginia. (22106931D-H1)

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

HB 216 (Simonds) (Passed Both Houses) exempts from the definition of gift tickets and registration or admission fees to an event that are provided by an agency to its own officers or employees for the purposes of performing official duties related to the officer's or employee's public service. (HB216ER)

HB 429 (Bulova) (Passed Both Houses) provides that the sum of all projects performed in an architectural and professional engineering contract term shall not exceed \$10 million, and the fee for any single project shall not exceed \$2.5 million. The bill allows a contract for multiple architectural or professional engineering projects to be renewable for up to three additional terms at the option of the public body. Current law limits the sum of all projects performed in a one-year contract term to \$750,000, with up to four additional one-year terms at the option of the public body, and limits the fee for any single project to \$150,000, with specific exceptions to those limits, including a limit for total projects for rail projects of \$5 million and for highway projects, \$8 million. The bill also removes specific agency and locality exceptions to such current limits. This bill incorporates HB 438. (22105823D-H1)

HB 1353 (Knight) (Passed House; SFIN) establishes the Virginia Football Stadium Authority as a political subdivision charged with financing the construction of a football stadium and related facilities. The Authority is authorized to hire independent contractors, enter contracts, acquire property, borrow money, and exercise other similar powers. The Authority is exempt from the Personnel Act and the Public Procurement Act. The Authority may issue bonds with a maximum maturity date of 20 years. The bill provides that at least 50 percent of any revenues received from selling the naming rights to the stadium shall be dedicated to the principal and financing costs of any bonds issued under the bill, and provides that if the football team that will primarily use the stadium (the primary team) relocates, it shall be required to repay any outstanding principal and financing costs. The bill entitles the Authority to sales tax revenues from transactions at the stadium but excludes certain revenues that current law dedicates to transportation and education. The entitlement begins on the stadium's operational date. The bill enables localities to appropriate tax revenues to the Authority. The Authority is made up of nine members appointed by the Governor and subject to confirmation by the General Assembly. Four of the nine members are appointed from a list chosen by the primary team. The provisions of the bill expire if the Authority has not entered into a development and lease agreement with the primary team before July 1, 2025. (22104733D)

SB 46 (Petersen) (Passed Senate; HRUL) provides that, in any case in which the Governor has issued an emergency order that includes any measure that closes schools or businesses or restricts the movement of healthy persons within the area to which the order applies, all of the rights, protections, and procedures applicable in the case of an order of quarantine issued by the State Health Commissioner shall apply. (22106262D-S1)

SB 153 (Locke) (Passed Senate; HGL) eliminates the position of Director of Diversity, Equity, and Inclusion in the Office of the Governor and establishes the position of Secretary of Diversity, Equity, and Inclusion, to be appointed by the Governor and to assist the Governor and Governor's Secretaries in promoting diversity, equity, and inclusion at the state level. The bill outlines the

responsibilities of the Secretary. The bill makes several changes in the Code of Virginia to reflect the new position by eliminating references to the Office and Governor's Director of Diversity, Equity, and Inclusion and replacing these references with the Secretary of Diversity, Equity, and Inclusion. (22104752D-S1)

SB 270 (Hashmi) (Passed Senate; HGL) establishes the Interagency Language Access Working Group in the Office of the Director of Diversity, Equity, and Inclusion with the following membership: the Director of Diversity, Equity, and Inclusion, the Director of the Office of the Children's Ombudsman, the Governor's Secretaries, and six non-legislative citizen members representing organizations that represent individuals with language access needs. The Working Group is established for the purpose of maximizing state policies, resources, technical assistance, and procurement practices to further language access and equity in the Commonwealth and its state government agencies. The bill also requires each state agency to designate a language access coordinator who will be responsible for the agency's annual language access report, the requirements of which are set out in the bill. The Secretary of Administration is directed to establish criteria for state agencies to procure language interpretation and translation services and to establish a policy for compensating multilingual state employees who are required as part of their job to provide interpretation, translation, or other bilingual skills at least once a month. (22104256D)

Courts/Public Safety

HB 79 (Campbell, R) (Passed House; SJUD) removes the provisions that provide that no law-enforcement officer may lawfully stop a motor vehicle for operating (i) without a light illuminating a license plate, (ii) with defective and unsafe equipment, (iii) without brake lights or a high mount stop light, (iv) without an exhaust system that prevents excessive or unusual levels of noise, (v) with certain sun-shading materials and tinting films, and (vi) with certain objects suspended in the vehicle, and the accompanying the exclusionary provisions. This bill incorporates HB 1030. (22105519D-H1)

HB 632 (Carr) (Passed House; STRAN) makes certain secondary offenses related to load exhaust systems that are not in good working order primary offenses and removes the prohibition on law-enforcement officers stopping a vehicle for a violation of a local ordinance unless it is aailable offense. (22105730D-H1)

HB 497 (Mullin) (Passed Both Houses) makes it a Class 1 misdemeanor for an agent under a power of attorney who knowingly or intentionally engages in financial exploitation of an incapacitated adult who is the principal of that agent. The bill also provides that the agent's authority terminates upon such conviction. As introduced, this bill was a recommendation of the Virginia Criminal Justice Conference. (22105097D-H1)

HB 761 (Krizek) (Passed House; Reported from SJUD) requires that a sign be posted in all state courts of the Commonwealth, in a location accessible to the public, that notes the availability of and provides instructions to obtain a downloadable electronic version of any standardized form developed and utilized by the Judicial Inquiry and Review Commission for the filing of a

complaint from the official website of the judicial system of the Commonwealth. (22106882D-S1)

HB 812 (Williams) (Passed House; SJUD) creates a rebuttable presumption against bail for certain criminal offenses enumerated in the bill and for persons identified as being illegally present in the United States by U.S. Immigration and Customs Enforcement who are charged with certain offenses. The bill also requires the court to consider specified factors when determining whether the presumption against bail has been rebutted and whether there are appropriate conditions of release. (22100870D)

HB 1191 (Ransone) (Passed House; Reported from SEH) expands the deadline by which a locality shall establish a Marcus alert system. The bill provides that by July 1, 2023, every locality with a population greater than 40,000, and by July 1, 2024, every locality with a population of 40,000 or less, shall (i) establish local protocols that meet the requirements of a Marcus alert system set by the Department of Behavioral Health and Developmental Services (DBHDS) and (ii) have established protocols for law-enforcement participation in the Marcus alert system that has been approved by DBHDS and the Department of Criminal Justice Services. The bill also revises reporting requirements related to the Marcus alert system and comprehensive crisis system to include a requirement that DBHDS include in its annual report a statement of the barriers to establishment of local Marcus alert programs and community care or mobile crisis teams in areas of the Commonwealth where such programs and teams have not yet been established and a plan for addressing such barriers to increase the number of such programs and teams in the Commonwealth. (22106949D-S1)

SB 361 (Stuart) (Passed Senate; HPS) provides that participation in the Marcus alert system is optional for localities with a population of less than 40,000. The bill requires every locality, regardless of population, to establish local protocols to divert calls from the 9-1-1 dispatch and response system to a crisis call center for risk assessment and engagement, including assessment for mobile crisis or community care team dispatch if available. The bill also delays from July 1, 2026, to July 1, 2028, the requirement that all community services board and behavioral health authority geographical areas have established a Marcus alert system that uses a community care or mobile crisis team. (22106013D-S3)

HB 1198 (Bell) (Passed House; SJUD) authorizes the Attorney General to institute or conduct criminal prosecutions in cases involving violations of criminal sexual assault when such crimes are committed against children. (22104934D-H1)

SB 98 (Hanger) (Passed Senate; HCT) provides that if any person refuses to give a written promise to appear, the arresting officer shall give such person notice of the time and place of the hearing, note such person's refusal to give his written promise to appear on the summons, and forthwith release him from custody. Under current law, any person refusing to give such written promise to appear is required to be taken immediately by the arresting officer before a magistrate or other issuing officer having jurisdiction. (22106308D-S1)

SB 105 (Morrissey) (Passed Senate; HCT) provides that the provisions of Chapters 45 and 51 of the Acts of Assembly of 2020, Special Session I, shall be given retroactive and prospective effect.

The bill also provides that its provisions shall not create any cause of action for damages against the Commonwealth or any of its political subdivisions, nor shall it form the basis for relief in any habeas corpus proceeding or appellate proceeding. (22102985D-E)

SB 134 (Edwards) (Passed Senate; HCT) raises the maximum age for delinquency matters in juvenile and domestic relations district courts from persons under 18 years of age to persons under 21 years of age. The bill defines "underage person" as an individual who is 18 years of age or older but less than 21 years of age. The bill adds underage persons to all provisions regarding delinquency proceedings in juvenile and domestic relations district courts, the transfer of delinquency matters to circuit courts, and criminal procedure as currently applies to juveniles only. The bill differentiates between juveniles and underage persons in specific circumstances, including consent for medical or mental health records or procedures, mental health screenings in secure detention facilities, and provisions regarding release on bail or recognizance. The bill has a delayed effective date of January 1, 2024 and provides that the provisions of the bill shall apply prospectively and only to conduct or an offense that occurs on or after January 1, 2024. The provisions of the bill are contingent on funding in a general appropriation act. (22100118D-E)

Guardianships

HB 623 (Hudson) (Passed House; SJUD) adds to the duty of a guardian ad litem appointed to represent the interests of a respondent in a guardianship or conservatorship case the requirement to notify the court as soon as practicable if the respondent requests counsel regardless of whether the guardian ad litem recommends counsel. The bill further directs the guardian ad litem to include in his report to the court an explanation by the guardian ad litem as to any (i) decision not to recommend the appointment of counsel for the respondent, (ii) determination that a less restrictive alternative to guardianship or conservatorship is not available, and (iii) determination that appointment of a limited guardian or conservator is not appropriate. (22105239D-H1)

HB 634 (Roem) (Passed House; SJUD) directs the Department for Aging and Rehabilitative Services to convene a work group to (i) evaluate how a requirement for private guardians to visit the individual under their guardianship in person at least once every 90 days would reduce the availability of willing and qualified individuals to serve as private guardians, if at all; (ii) consider whether a different number and frequency of visits per year, other than least once every 90 days, would better balance resource constraints with the importance of guardian visits to the incapacitated person under their care; (iii) determine the additional resources, if any, needed to mitigate the negative impacts of an increased visitation requirement on the willingness and availability of qualified individuals to serve as private guardians; (iv) determine how those resources could be allocated to the relevant private and public entities in the guardianship system to promote compliance with an increased visitation requirement; and (v) determine whether expansion of the Virginia Public Guardian and Conservator Program would substantially alleviate issues related to these concerns. The Department shall submit a summary of its recommendations to the Chairs of the House Committee for Courts of Justice and the Senate Committee on the Judiciary by November 1, 2022. (22105845D-H1)

HB 1212 (Glass) (Passed House; SJUD) requires the notice of hearing for a guardianship or conservatorship petition to include a notice that any adult individual or entity whose name and

post office address appears in the initial petition for appointment may become a party to the action by filing a pleading with the circuit court in which the guardianship or conservatorship proceeding is pending. (22105682D-H1)

SB 514 (McPike) (Passed Senate; HCT) makes several changes to the provisions of adult guardianships and conservatorships, including (i) adding certain powers and duties to the Department for Aging and Rehabilitative Services to provide support and guidance with respect to private guardianships, including developing and providing training for such guardians; (ii) requiring a guardian ad litem appointed to represent a respondent to a guardianship proceeding to notify the court as soon as practicable if the respondent requests counsel regardless of whether the guardian ad litem recommends counsel; (iii) requiring the notice of hearing on a guardianship or conservatorship petition to include notice that any adult individual required to receive a copy of such notice may file a motion to intervene in the action to become a party and request to be appointed as guardian or conservator or offer an alternative to the guardian or conservator selected; (iv) requiring a schedule for periodic review hearings in the order of appointment of a guardian or conservator to be set by a court, unless the court makes a determination that such hearings are unnecessary or impracticable, and specifying circumstances under which such review hearings shall not be waived; (v) requiring guardians and staff employed or contracted by such guardian to perform guardianship duties on behalf of the guardians to complete training within four months of the date of entry of the initial order of appointment; and (vi) providing that a guardian shall not restrict an incapacitated person's ability to communicate with, visit, or interact with other persons with whom the incapacitated person has an established relationship unless such restriction is necessary to prevent physical, mental, or emotional harm to or financial exploitation of the incapacitated person; the bill further requires that the guardian must provide written notice to any restricted person stating (a) the nature and terms of the restriction, (b) the reasons why the guardian believes the restriction is necessary, and (c) how the restricted person may challenge such restriction in court. The bill sets up a procedure by which a person whose visit, communication with, or interaction with an incapacitated person has been restricted may challenge such restriction in court, and provides that if the court finds that the claim of a restricted person who filed a motion to challenge such restriction was brought in bad faith, the court may require the restricted person to pay or reimburse the guardian all or some of the his costs and fees, including attorney fees. (22106485D-S3)

Education

HB 1272 (Batten) (Passed House; Reported from SEH) requires, except in the case of the 10 unscheduled remote learning days otherwise permitted by law or in certain cases of student discipline, each school board to offer in-person instruction, as defined in the bill, to each student enrolled in the local school division in a public elementary or secondary school for at least the minimum number of required annual instructional hours and to each student enrolled in the local school division in a public school-based early childhood care and education program for the entirety of the instructional time provided pursuant to such program. The bill permits, notwithstanding any other provision of law or any regulation, rule, or policy implemented by a school board, school division, school official, or other state or local authority, the parent of any child enrolled in a public elementary or secondary school, or in any school-based early childhood care and education program, to elect for such child to not wear a mask while on school property.

The bill provides that no parent making such an election shall be required to provide a reason or any certification of the child's health or education status and no student shall suffer any adverse disciplinary or academic consequences as a result of this parental election. (22106116D-H1)

SB 156 (Hashmi) (Passed Senate; HED) requires state funding to be provided to support, in the 2022-2023 school year and thereafter, a new division-wide ratio of English learner students in average daily membership to full-time equivalent teaching positions of 22 full-time equivalent instructional positions for each 1,000 students identified as having limited English proficiency. (22106272D-S1)

School Incident Reports

HB 4 (Wyatt) (Passed Both Houses) requires that school principals report to law enforcement certain enumerated acts that may constitute a misdemeanor offense and report to the parents of any minor student who is the specific object of such act that the incident has been reported to law enforcement. Under current law, principals are required to make such reports only for such acts that may constitute a felony offense. (22105170D-H1)

SB 36 (Norment) (Passed Senate; Reported from HED) requires that school principals report to law enforcement certain enumerated acts that may constitute a misdemeanor offense and report to the parents of any minor student who is the specific object of such act that the incident has been reported to law enforcement. Under current law, principals are required to make such reports only for such acts that may constitute a felony offense. The bill provides, as an exception to the requirement to report any written threats against school personnel while on a school bus, on school property, or at a school-sponsored activity, that a principal is not required but may report to the local law-enforcement agency any such incident committed by a student who has an individualized education plan. This bill incorporates SB 2, SB 287, and SB 613. (22106441D-ES1)

Elections

SB 495 (McClellan) (Passed Senate; HPE) provides for the removal of certain elected officers and officers appointed to elected offices by recall referendum. The bill requires a petition for recall be signed by 30 percent of the total number of votes cast at the last election for the office for which a recall is sought. (22105067D-S1)

HB 1140 (Walker) (Passed House; SPE) requires general registrars to provide notice of the cancellation of a voter's registration to the voter by mail, to the address listed in the voter's registration record, and by email, to the email address provided on the voter's registration application, if one was provided. (22103540D)

SB 80 (Stanley) (Passed Senate; HPE) prohibits state and local elections officials from soliciting, accepting, using, or disposing of any moneys, grants, property, or services given by a private individual or nongovernmental entity for the purpose of funding voter education and outreach programs, voter registration programs, or any other expense incurred in the conduct of elections. The bill specifically provides that it is not a violation of this prohibition to (i) operate a polling place or voter satellite office in a facility furnished by a private individual or nongovernmental

entity or (ii) accept a federal government grant funded in whole or part by donations from private individuals or nongovernmental entities. (22105282D-S1)

Employment Issues

HB 282 (Coyner) (Passed House; SGL) provides for consideration of certain factors to be made by any regulatory board through an individualized assessment prior to denying an application for licensure, certification, or registration for any occupation or profession regulated by the Department of Professional and Occupational Regulation where such denial was made in whole or in part upon the existence of the applicant's criminal record. Such individualized assessment shall be completed within 90 days of receipt of the application. The bill requires, beginning July 1, 2025, the Department to include certain data related to the criminal history of applicants to each regulatory board in its biennial report. The bill contains technical amendments. (22106504D-H1)

HB 790 (LaRock) (Passed House; SCL) prohibits a county, city, or town from entering into a collective bargaining contract with a labor union or other employee association representing law-enforcement officers or employees of a law-enforcement agency that (i) prevents the Attorney General from seeking equitable relief against a law-enforcement agency engaging in a pattern or practice of unconstitutional misconduct; (ii) includes any stipulation that delays officer interviews or interrogations after alleged wrongdoing for a set length of time; (iii) provides officers with access to evidence before interviews or interrogations about alleged wrongdoing; (iv) mandates the destruction or purging of disciplinary records from personnel files after a set length of time, or limits the consideration of disciplinary records in future employment actions; (v) prohibits the interrogation, investigation, or punishment of officers on the basis of alleged wrongdoing if a set length of time has elapsed since its alleged occurrence, or since the initiation of the investigation; (vi) prohibits supervisors from interrogating, investigating, or disciplining officers on the basis of anonymous civilian complaints; or (vii) requires arbitration of disputes related to disciplinary penalties or termination. (22102743D)

SB 181 (Saslaw) (Passed Senate; HCE) provides that the presumption that COVID-19 causing the death or disability of certain employees is an occupational disease compensable under the Virginia Workers' Compensation Act does not apply to an individual who fails or refuses to receive a vaccine for the prevention of COVID-19 either approved by or with an Emergency Use Authorization issued by the U.S. Food and Drug Administration, unless the person is immunized or the person's physician determines in writing that the immunization would pose a significant risk to the person's health. (22100495D)

SB 524 (Barker) (Passed Senate; HCE) requires employers that are subject to prevailing wage provisions for work done on public contracts to furnish the Commissioner of Labor and Industry within 30 days after issuance of its first payroll, and every 30 days thereafter, a certified payroll that consists of a complete copy of certain records accompanied by a statement signed by the employer that indicates that (i) such records are true and accurate; (ii) the hourly rate paid to each worker is not less than the general prevailing rate of hourly wages required by law; and (iii) the contractor or subcontractor is aware that filing a certified payroll that he knows to be false is a Class 6 felony. The bill provides civil penalties not to exceed \$1,000 for each violation for violations of prevailing wage provisions for any contractor or subcontractor that (a) knowingly

fails to provide the certified pay scale for each craft or trade employed on the project, (b) knowingly fails to provide the certified payroll required by the bill, and (c) fails to post the general prevailing wage rate for each craft and classification involved in a contract in prominent and easily accessible places at the site of the work and a civil penalty not to exceed \$10 per calendar day that required records have not been received. The bill also provides that any contractor or subcontractor who knowingly files false records or willfully fails to file records is guilty of a Class 6 felony. (22102463D)

Environment/Energy

HB 73 (Ware) (Passed House; SCL) amends certain provisions related to the Air Pollution Control Board's regulation of carbon dioxide emissions. The bill removes certain requirements for energy efficiency pilot programs to be considered in the public interest. The bill removes aggregate capacity requirements for renewable energy generating facilities, including facilities utilizing energy derived from sunlight, onshore wind, and offshore wind. The bill further removes requirements for the State Corporation Commission's methodology in determining the reasonableness and prudence of costs related to a request for cost recovery for an offshore wind facility by a Phase II Utility. The bill removes the requirement that the State Corporation Commission must wait until a certain report is received by the General Assembly prior to issuing a certificate of public convenience and necessity for any investor-owned utility to own, operate, or construct any electric generating unit that emits carbon as a by-product of combusting fuel to generate electricity. (22101104D-E)

HB 558 (O'Quinn) (Passed House; Passed Senate with Substitute) permits natural gas utilities to include in their fuel portfolios, submitted to the State Corporation Commission to monitor fuel prices and purchases, supplemental or substitute forms of gas sources, defined in the bill, that meet certain standards and that reduce emissions intensity. The bill amends provisions of the Code related to conservation and energy efficiency programs, removes certain cost-effectiveness requirements for conservation and energy efficiency programs, and adds appliance rebates to the types of programs the Commission may consider. The bill expands conservation and ratemaking efficiency provisions of the Code that currently apply to natural gas consumption specifically to instead apply generally to energy consumption. The bill introduces enhanced leak detection and repair programs, defined in the bill, as a type of eligible infrastructure replacement for a natural gas utility facility. Costs of detecting and repairing leaks may be added to a natural gas utility's plan to identify proposed eligible infrastructure replacement projects and related cost recovery mechanisms, known as the utility's Steps to Advance Virginia's Energy (SAVE) Plan. The bill adds provisions to the Code related to biogas supply infrastructure projects. Eligible infrastructure costs for these projects include (i) the investment in eligible biogas supply infrastructure projects, (ii) the return on the investment, (iii) a revenue conversion factor, (iv) operating and maintenance expenses, (v) depreciation, (vi) property tax and other taxes or government fees, and (vii) carrying costs on the over-recovery or under-recovery of the eligible biogas supply infrastructure costs. Under the bill, natural gas utilities can recover these eligible infrastructure costs on an ongoing basis through the gas component of the utility's rate structure or other recovery mechanism approved by the Commission. The plan submitted by the utility may include an option to receive the biogas or sell the biogas at market prices. The timeline for the Commission to approve such plan is included in the bill. The bill further states that a natural gas utility with an approved biogas

supply infrastructure plan must file a report of the investments made, the eligible infrastructure costs incurred and the amount of such costs recovered, the volume of biogas delivered to customers or sold to third parties during the 12-month reporting period, and an analysis of the price of biogas delivered to customers and the market cost of biogas during the reporting period. Additionally, the bill requires each natural gas utility with an eligible biogas supply infrastructure project to report annually to the Commission the reduction in methane and carbon dioxide equivalent emissions from each such approved project. (22106786D-S1)

SB 565 (Surovell) (Passed Senate; HCE) permits natural gas utilities to include in their fuel portfolios, submitted to the State Corporation Commission to monitor fuel prices and purchases, supplemental or substitute forms of gas sources, defined in the bill, that meet certain standards and that reduce emissions intensity. The bill amends provisions of the Code related to conservation and energy efficiency programs, removes certain cost-effectiveness requirements for conservation and energy efficiency programs, and adds appliance rebates to the types of programs the Commission may consider. The bill expands conservation and ratemaking efficiency provisions of the Code that currently apply to natural gas consumption specifically to instead apply generally to energy consumption. The bill introduces enhanced leak detection and repair programs, defined in the bill, as a type of eligible infrastructure replacement for a natural gas utility facility. Costs of detecting and repairing leaks may be added to a natural gas utility's plan to identify proposed eligible infrastructure replacement projects and related cost recovery mechanisms, known as the utility's Steps to Advance Virginia's Energy (SAVE) Plan. The bill adds provisions to the Code related to biogas supply infrastructure projects. Eligible infrastructure costs for these projects include (i) the investment in eligible biogas supply infrastructure projects, (ii) the return on the investment, (iii) a revenue conversion factor, (iv) operating and maintenance expenses, (v) depreciation, (vi) property tax and other taxes or government fees, and (vii) carrying costs on the over-recovery or under-recovery of the eligible biogas supply infrastructure costs. Under the bill, natural gas utilities can recover these eligible infrastructure costs on an ongoing basis through the gas component of the utility's rate structure or other recovery mechanism approved by the Commission. The plan submitted by the utility may include an option to receive the biogas or sell the biogas at market prices. The timeline for the Commission to approve such plan is included in the bill. The bill further states that a natural gas utility with an approved biogas supply infrastructure plan must file a report of the investments made, the eligible infrastructure costs incurred and the amount of such costs recovered, the volume of biogas delivered to customers or sold to third parties during the 12-month reporting period, and an analysis of the price of biogas delivered to customers and the market cost of biogas during the reporting period. Additionally, the bill directs the Department of Environmental Quality to convene a stakeholder work group to determine the feasibility of setting a statewide methane reduction goal and plan. The recommendations of the work group shall be reported to the General Assembly by July 1, 2023. (22106179D-ES2)

HB 892 (Kilgore) (Passed House; SFIN) establishes a reserve account for the purchase of Regional Green House Gas Initiative (RGGI) allowances by an entity that has a preexisting contractual arrangement related to a power purchase entered into on or before May 16, 2017, and continuing in effect on July 1, 2020, through December 31, 2025. Such entity is authorized under the bill to purchase RGGI credits at a discounted rate, subject to conditions set forth in the bill, if, because

of the preexisting contractual arrangement, the entity is unable to pass through or recover its RGGI costs. (22101448D)

FOIA

HB 734 (Bell) (Passed House; SGL) provides that (i) criminal investigative files relating to a criminal investigation or proceeding that is not ongoing are excluded from the mandatory disclosure provisions of the Virginia Freedom of Information Act, but may be disclosed by the custodian of such records to certain individuals except as otherwise provided in the bill, and (ii) no criminal investigative file or portion thereof shall be disclosed to any requester except (a) the victim; (b) members of the victim's immediate family, if the victim is deceased; (c) the victim's parent or guardian, if the victim is a minor and the parent or guardian is not a person of interest or a suspect in the criminal investigation or proceeding; or (d) an attorney representing a petitioner in a petition for a writ of actual innocence, unless the public body has notified any such individual of the request for such information. Upon notification of a request, such persons may file a petition in an appropriate court for an injunction to prevent disclosure of the records. The bill requires the court to consider certain information in making its determination and provides that a public body shall be prohibited from disclosing criminal investigative files if the court awards an injunction. (22106405D-H1)

SB 152 (Locke) (Passed Senate; HGL) defines "official public government website" as it applies to the Virginia Freedom of Information Act and the Virginia Freedom of Information Advisory Council as any Internet site controlled by a public body and used, among any other purposes, to post required notices and other content pursuant to the Virginia Freedom of Information Act on behalf of the public body. This bill is a recommendation of the Virginia Freedom of Information Advisory Council. (22100073D)

Health and Human Services

HB 306 (Freitas) (Passed House; SEH) exempts a person, including a parent or guardian on behalf of a child, who objects to administration of a vaccine on religious grounds from mandatory immunization requirements during an epidemic. Currently, exemption from mandatory immunization requirements during an epidemic is available only to those persons to whose health the administration of the vaccine would be detrimental, as certified in writing by a licensed physician. (22102554D-E)

HB 669 (Hope) (Passed House; Reported from SEH) directs the Commissioner of Health to convene a work group to study whether swimming pools and other water recreational facilities for public use or use in conjunction with a tourist facility or health spa should be regulated by the Department of Health and requires the work group to report its findings and recommendations to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by November 1, 2023. (22105800D-H1)

SB 192 (Mason) (Passed Senate; HHWI) amends the qualification requirements for local health directors to permit local health directors to possess a master's or doctoral degree in the area of public health and have at least three years of professional experience in a full-time position in

either a public health agency or public health-related position, or be otherwise qualified for the position as determined by the Commissioner of Health, as an alternative to the current requirement that local health directors be physicians licensed to practice medicine in the Commonwealth. The bill states that if a local health director is not a physician licensed to practice medicine and there is no licensed physician on staff, the local health director shall enter into a consulting agreement with a licensed physician to execute prescribing duties, consult on clinical matters, and perform all other duties as requested. (22105409D-S1)

SB 448 (Boysko) (Passed Senate; HHWI) directs the Task Force on Services for Survivors of Sexual Assault (the Task Force) to convene a work group to develop best practices for hospital policies and procedures related to victims of domestic violence and sexual assault. The bill requires the Task Force to report its findings and recommendations to the Governor and the General Assembly by November 1, 2022. (22105717D-S1)

SJ 10 (Surovell) (Agreed to by Senate; HRUL) establishes a joint subcommittee to study pandemic response and preparedness in the Commonwealth. In conducting its study, the joint subcommittee is tasked with examining existing laws in the Commonwealth and developing recommendations regarding the pandemic response and future needs of the Governor, the General Assembly, local governments, public and private health care systems and other facilities and providers, health districts, the judicial system, K-12 and higher education systems, and the business regulatory system. (22100036D)

SJ 14 (Mason) (Agreed to by Senate; HRUL) directs the Joint Commission on Health Care to complete a two-year study of the Commonwealth's public health system and develop recommendations for its improvement. The Commission's study shall include examining the structure, operations, oversight, and funding of the existing public health system and the effectiveness of the current public health system in meeting ongoing public health needs as well as public health needs resulting from public health emergencies and shall identify areas of success and areas for improvement in preparation for and response to future public health emergencies. (22103635D)

SJ 42 (Suetterlein) (Agreed to by Senate; HRUL) directs the Joint Commission on Health Care to study the benefits of hospitals, health systems, and other providers in addressing the health-related social needs of Virginians. The study shall identify opportunities for policy making to make health care in Virginia more affordable and effective through innovations in care coordination, workforce development, payment options, and improved data collection. (22103464D)

Land Use

SB 145 (Cosgrove) (Passed Senate; HAG) excludes the replacement of certain private piers used for noncommercial purposes from the requirement that a permit be issued by the Marine Resources Commission prior to taking certain actions regarding the beds of the bays, ocean, rivers, streams, or creeks that are the property of the Commonwealth. (22106403D-S1)

SB 400 (Hanger) (Passed Senate; HGL) authorizes the Board of Housing and Community Development to promulgate regulations related to agritourism event buildings, defined in the bill as a building or structure located on property where farming operations or agritourism takes place and which is primarily used for holding events and entertainment gatherings, open to the public, of 300 people or less. The bill directs the Board to appoint an eight-member Agritourism Event Structure Technical Advisory Committee to assist the Board in administering its powers and duties pertaining to the construction and rehabilitation of agritourism event buildings. (22100788D-E)

Taxation

SB 579 (Hanger) (Passed Senate; Reported from HFIN) provides an income tax refund for individuals and for married persons filing a joint return for taxable year 2021 in an amount specifically set forth in the general appropriation act passed during the 2022 Session of the General Assembly. The bill provides that the refund shall not exceed the taxpayer's tax liability. (22106930D-H1)

SB 692 (Petersen) (Passed Senate; HFIN) permits a qualifying pass-through entity, defined in the bill, to make an annual election in taxable years 2021 through 2025 to pay an elective income tax at a rate of 5.75 percent, created by the bill, at the entity level for the taxable period covered by the return. The bill also creates a corresponding individual income tax subtraction for taxable years 2021 through 2025 for any amount of income derived from a pass-through entity having Virginia taxable income if such pass-through entity makes such election and pays the elective income tax imposed at the entity level. (22106137D-S1)

Legislation Provided for Information

HB 167 (Ransone) (Passed Both Houses) provides that in any instance in which a locality has submitted a correct and timely notice request to such newspaper and the newspaper fails to publish the notice, or publishes the notice incorrectly, such locality shall be deemed to have met the appropriate notice requirements so long as the notice was published in the next available edition of a newspaper having general circulation in the locality. (22102634D)

HB 323 (Rasoul) (Passed House; Reported from SACNR) increases from \$25,000 to \$50,000 the amount of a grant that may be made to a political subdivision for projects that support local food production and sustainable agriculture. (22102179D)

HB 377 (Subramanyam) (Passed House; Passed Senate with Amendment) allows localities to make appropriations to nonprofit faith-based organizations that provide community services within the locality for secular purposes without regard to the religious affiliation of the recipients of such services, provided that nothing in the bill shall be construed to absolve or change any existing right or obligation created by certain provisions of the Virginia Human Rights Act or related to the exercise of religion. (22105175D-EH1)

SB 250 (Surovell) (Passed Senate; Reported from HAG) increases the annual fees for nonhazardous solid waste management facilities and indexes the fees annually based on the change in the Consumer Price Index. (22103053D-E)

SB 305 (Deeds) (Passed Senate; HAG) authorizes the Commissioner of the Department of Agriculture and Consumer Services to exempt food manufacturers operating in historic buildings from certain laws and regulations related to the structure of a building if the food manufacturer is deemed to be producing food products that are low risk of being adulterated. (22102722D)

SB 526 (Lucas) (Passed Senate; Reported from HGL) allows a locality to require those persons providing or operating a battery-charged fence security system, defined in the bill, to obtain an alarm company permit and the corresponding fee and to require certain other requirements as defined in the law. The bill provides certain requirements for such systems. The bill provides that the locality can also require the installer of such security system to submit an affidavit disclosing information about the installation that includes an affirmation of compliance. The bill also provides that a locality can inspect such newly installed security system and issue a citation warning of noncompliance and can impose a penalty not exceeding \$500 if the noncompliance is not remedied within the time period specified by the locality. (22101997D-E)

Animals

SB 87 (Stanley) (Passed Senate; HAG) prohibits a dealer or commercial dog or cat breeder, as defined in the bill, from importing for sale, selling, or offering for sale a dog or cat bred by a person who has received certain citations pursuant to the federal Animal Welfare Act. Current law only prohibits such activities related to the sale of dogs. The bill also clarifies that selling includes selling the dog or cat for experimental purposes. Certain provisions of the bill apply only to violations occurring on or after March 1, 2023. (22106321D-ES1)

SB 88 (Stanley) (Passed Senate; HAG) requires entities that breed dogs or cats for sale or transfer to an animal testing facility to keep records of each animal for two years from the date of the sale or transfer, and to annually submit a summary of the records to the State Veterinarian. (22101356D)

SB 90 (Stanley) (Passed Senate; HAG) requires a breeder of dogs and cats for sale or transfer to an animal testing facility that no longer has a need for a dog or cat in its possession to offer the animal for adoption prior to euthanizing it. Currently, only animal testing facilities are subject to this requirement. (22101362D)

Hunting

SB 8 (Petersen) (Passed Senate; HAG) permits hunting on Sunday on public or private land, so long as it takes place more than 200 yards from a place of worship. (22104683D-S1)

SB 492 (McDougle) (Passed Senate; HAG) prohibits the use of snare traps to hunt or kill game animals east of Interstate 95 during deer hunting season. (22100901D-E)

Courts/Public Safety

HB 70 (Davis) (Passed House; SJUD) provides that the rights accorded to law-enforcement officers in the Law-Enforcement Officers Procedural Guarantee Act are minimum rights, and all law-enforcement agencies shall adopt grievance procedures that are consistent with such rights. The bill removes the current exception from the provisions of the Law-Enforcement Officers Procedural Guarantee Act for any law-enforcement officer or law-enforcement agency that serves under the authority of a locality that has established a law-enforcement civilian oversight body. (22101878D)

HB 283 (Brewer) (Passed Both Houses) requires the Department of Criminal Justice Services to establish training standards for law-enforcement personnel regarding the recognition, prevention, and reporting of human trafficking. (HB283ER)

HB 397 (Sullivan) (Passed House; SFIN) modifies the formula for compensating wrongfully incarcerated persons to equal \$55,000 per year of incarceration, adjusted for inflation. Changes the amount of compensation that may be paid out as a lump sum to equal 25 percent of the total award, with the remainder to be paid out as an annuity with a term of 10 years. Provides that the General Assembly may pay to the wrongfully incarcerated person the amount of court costs and other charges incurred to receive the compensation. Allows a wrongfully incarcerated person who submitted an Alford plea to receive compensation for such wrongful incarceration. The bill also provides an income tax subtraction for any compensation awarded to a wrongfully incarcerated person. (22106994D-S1)

HB 404 (Delaney) (Passed House; Reported from SJUD) allows testimony offered by either party in a preliminary hearing or sentencing hearing, or offered by the accused in any hearing other than a trial, by a sexual assault nurse examiner or sexual assault forensic examiner who performed a

forensic medical examination to be presented by two-way video conferencing. The bill also allows such testimony to be presented by two-way video conferencing when offered by either party in a trial or by the attorney for the Commonwealth in a hearing other than a preliminary hearing or sentencing hearing, with the consent of the court and all parties. (22106285D-H1)

HB 614 (Bourne) (Passed Both Houses) removes the requirement for an indigent defendant, as defined in the bill, to post an appeal bond in an unlawful detainer action appealed from the general district court. (22105639D-H1)

HB 678 (Hope) (Passed Both Houses) includes in the definition of "person under a disability" persons made defendants by the general description of "parties unknown" in suits involving real property. This bill is a recommendation of the Boyd-Graves Conference. (HB678ER)

HB 711 (Kearney) (Passed Both Houses) provides that a petitioner for a writ of vacatur for victims of sex trafficking shall not be required to pay any fees or costs for filing such petition if the petitioner is found to be unable to pay them. (22104020D)

HB 719 (Filler-Corn) (Passed Both Houses) provides that for a physical evidence recovery kit that (i) was collected by the Office of the Chief Medical Examiner as part of a routine death investigation, and the medical examiner and the law-enforcement agency agree that analysis is not warranted, (ii) was determined by the law-enforcement agency not to be connected to a criminal offense, or (iii) is connected to an offense that occurred outside of the Commonwealth or another law-enforcement agency has taken over responsibility of the investigation and such kit is not transferred to another law-enforcement agency, the law-enforcement agency that received the physical evidence recovery kit shall store such kit for a period of 10 years or until 10 years after the victim reaches the age of majority if the victim was a minor at the time of collection, whichever is longer. The bill provides that after the mandatory retention period, the law-enforcement agency may destroy the physical evidence recovery kit, or in its discretion, may elect to retain the physical evidence recovery kit for a longer period of time. The bill also provides that when a state or local law-enforcement agency located within the Commonwealth has taken over responsibility for the investigation related to the physical evidence recovery kit, unless one of the other exceptions for submitting such kit to the Department of Forensic Science applies, the physical evidence recovery kit shall be transferred to such law-enforcement agency and such law-enforcement agency shall submit the physical evidence recovery kit to the Department of Forensic Science within 60 days of receipt from the original receiving law-enforcement agency. The bill also requires the law-enforcement agency to inform the victim, parent, guardian, or next of kin of the unique identification number assigned to the physical evidence recovery kit utilized by the health care provider and the personal identification number required to view the status of the physical evidence recovery kit and provide information regarding the Physical Evidence Recovery Kit Tracking System, unless disclosing this information would interfere with the investigation or prosecution of the offense, in which case the victim, parent, guardian, or next of kin shall be informed of the estimated date on which the information may be disclosed, if known. (22105163D-H1)

HB 736 (Bell) (Passed House; SJUD) changes the hours of execution of a search warrant for the search of any place of abode from the daytime hours between 8:00 a.m. and 5:00 p.m. to between 6:00 a.m. and 10:00 p.m. (22105951D-H1)

HB 738 (Bell) (Passed Both Houses) provides that whenever a court orders an evaluation of a defendant's competency to stand trial, the clerk of the court shall provide a copy of the order to the Department of Behavioral Health and Developmental Services. (HB738ER)

HB 758 (Adams, L) (Passed House; SJUD) Makes changes to the definition of a technical violation as it pertains to the revocation of suspension of sentence and probation. The bill also provides that upon a first technical violation, if the court originally suspended the imposition of sentence, the court shall revoke such suspension and again suspend all of this sentence and upon a second or subsequent violation, the court may pronounce whatever sentence might have been originally imposed. The bill also specifies that a violation of a term or condition included in the definition of technical violation shall not be considered a special or specific term or condition for sentencing purposes. The bill also provides that the court may fix the period of probation and the period of suspension for up to the statutory maximum period for which the defendant might originally have been sentenced to be imposed for any felony offense and up to two years for an offense punishable as a Class 1 or Class 2 misdemeanor. Currently, the limitation on periods of probation and periods of suspension is up to the statutory maximum period of imprisonment for any offense. The bill also adds the offense of crimes against nature committed on or after July 1, 2022, to the list of offenses for which if some period of the sentence for such offense is suspended, the judge is required to order that period of suspension be for the length of time equal to the statutory maximum period for which the defendant might originally have been sentenced to be imprisoned. (22106124D-H1)

HB 760 (Adams, L) (Passed House; SJUD) specifies that a violation of the terms and conditions of a suspended sentence or probation based on a defendant's failure to refrain from the use, possession, or distribution of a Schedule I or II controlled substance shall not be considered a technical violation. Accordingly, a court is not subject to the limitations on the amount of active incarceration it can impose as a result of a revocation hearing based on such violation and may revoke the suspension and impose or resuspend any or all of the period previously suspended. Currently, a defendant's failure to refrain from the use, possession, or distribution of any controlled substance or paraphernalia is a technical violation. (22101505D)

HB 813 (Williams) (Passed House; SJUD) removes the provisions prohibiting a state or local law-enforcement agency from acquiring or purchasing (i) armored multi-wheeled vehicles that are mine-resistant, ambush-protected, and configured for combat from a surplus program operated by the federal government; (ii) firearms of .50 caliber or higher; or (iii) ammunition of .50 caliber or higher. The bill also removes the prohibition on the use of kinetic impact munitions except in situations where their use is necessary to protect a law-enforcement officer or another person from bodily injury. (22106292D-H1)

HB 1043 (Tran) (Passed House; Reported from SEH) directs the Department of Education to make recommendations regarding appropriate background check and training requirements for coaches, staff members, and other volunteers of competitive sports leagues in which persons under the age of 18 participate. The bill requires the Department of Education to consult with child sexual assault victims advocates and youth competitive sports leagues in making its recommendations and to

submit to the Governor and General Assembly a report of its recommendations by November 1, 2022. (22105603D-H1)

HB 1053 (Shin) (Passed House; Passed Senate with Substitute; House Floor) directs the State Board of Local and Regional Jails (the Board) to convene a work group to study implementation of the reduction or elimination of certain fees associated with inmates in local correctional facilities. The bill provides that the work group shall consist of two members of the House Committee on Public Safety who are not members of the same political party and two members of the Senate Committee on Rehabilitation and Social Services who are not members of the same political party. Such legislative members shall appoint as members of the work group one formerly incarcerated person, one family member of an incarcerated person, and at least one representative of certain organizations and companies. The bill directs the Board to report its findings to the Chairmen of the Senate Committee on Rehabilitation and Social Services and the House Committee on Public Safety by October 1, 2022. (22106689D-S1)

HB 1306 (Simon) (Passed House; Passed Senate with Substitute) makes it a Class 1 misdemeanor for any person, firm, association, or corporation to knowingly possess any pistol, shotgun, rifle, machine gun, or any other firearm that has a serial number that has been removed, altered, changed, destroyed, or obliterated in any manner. The bill also makes it a Class 1 misdemeanor for any person, firm, association, or corporation to sell, give, or distribute any pistol, shotgun, rifle, machine gun, or other firearm that has a serial number that has been removed, defaced, altered, changed, destroyed, or obliterated in any manner. The bill contains a reenactment clause. (22106765D-S1)

HB 1339 (Leftwich) (Passed House; Reported from SGL) redefines facial recognition technology, for the purposes of providing criteria for the lawful use of facial recognition technology by law enforcement, as conducting an algorithmic comparison of images of an individual's facial features for the purposes of identification. The bill authorizes local law enforcement and campus police departments to utilize facial recognition technology for certain authorized uses as defined in the bill. The bill requires that local law-enforcement agencies and campus police departments publicly post and annually update policies regarding the use of facial recognition technology and maintain records regarding the use of facial recognition technology and report the data annually to their communities. The bill also makes it a Class 3 misdemeanor for any facial recognition technology operator employed by a local law-enforcement agency to violate the agency or department's policy regarding the use of facial recognition technology or to conduct a search for any other reason than an authorized use. Additionally, the bill requires the Department of State Police to develop a model policy regarding the use of facial recognition technology by January 1, 2023. The bill directs the Virginia State Crime Commission to submit a report with an analysis and recommendations about the use of facial recognition technology to the Chairmen of the Senate Committee on the Judiciary and the House Committee on Public Safety by November 1, 2025. The provisions of the bill expire on July 1, 2026. (22106444D-EH1)

SB 143 (Edwards) (Passed Senate; HCT) makes various changes to the procedures and jurisdiction of the Court of Appeals of Virginia, including (i) clarifying that an aggrieved party of certain pretrial orders may petition the Court of Appeals for review of such order and that such petitions shall be reviewed by a three-judge panel; (ii) providing that a party to an appeal that requests an

extension for a filing deadline in the Court of Appeals must show good cause for the extension to be granted; (iii) clarifying that appeal bonds and security bonds are not required in criminal appeals; (iv) permitting the Court of Appeals to dispense with oral argument if the parties agree that it is not necessary; and (v) making consistent the grounds for seeking a delayed appeal in a criminal case in the Court of Appeals and the Supreme Court of Virginia. The bill additionally corrects the unintentional elimination of reviews of interlocutory decrees or orders involving certain equitable claims from the jurisdiction of the Court of Appeals. (22103323D-E2)

SB 174 (Peake) (Passed Senate; HCT) provides that when issuing a permanent protective order a court may impose certain conditions on the petitioner, including (i) prohibiting acts of violence, force, or threat or criminal offenses that may result in injury to person or property; (ii) prohibiting such contacts by the petitioner with the respondent or family or household members of the respondent as the court deems necessary for the health or safety of such persons; and (iii) any other relief necessary to prevent (a) acts of violence, force, or threat, (b) criminal offenses that may result in injury to person or property, or (c) communication or other contact of any kind by the petitioner. (22106015D-S2)

SB 191 (Mason) (Passed Senate; HCT) increases from \$750 to \$1,200 the maximum fee that the court may pay for professional services rendered by each psychiatrist, clinical psychologist, or other expert appointed by the court to render professional service in a criminal case other than for aggravated murder cases. (22100566D)

SB 227 (Obenshain) (Passed Senate; HCT) provides that the prosecution of the misdemeanor offense of causing or encouraging acts rendering children delinquent where the alleged adult offender has consensual sexual intercourse with a minor who is 15 years of age or older at the time of the offense shall be commenced no later than five years after the victim reaches majority provided that the alleged adult offender was more than three years older than the victim at the time of the offense. Under current law, the prosecution of such offense shall be commenced within one year after commission of the offense. (22103620D)

SB 310 (Ebbin) (Passed Senate; HPS) creates a Class 5 felony for any person who manufactures, imports, sells, transfers, or possesses any firearm with a major component, as defined in the bill, that when subjected to inspection by the types of detection devices, including X-ray machines, commonly used at airports for security screening does not generate an image that accurately depicts the shape of the component. The bill updates language regarding the types of detection devices that are used at airports for detecting plastic firearms. The bill also creates a Class 1 misdemeanor, which is punishable as a Class 4 felony for a second or subsequent offense, making it unlawful for any person to knowingly sell, offer to sell, transfer, or purchase an unfinished frame or receiver 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. (22105984D-S1)

SB 378 (Petersen) (Passed Senate; HCT) provides a petition process for a person serving a sentence for any conviction or a combination of any convictions who remains incarcerated in a state or local correctional facility and meets certain criteria to petition the circuit court that entered the original

judgment or order to (i) suspend the unserved portion of such sentence or run the unserved portion of such sentence concurrently with another sentence, (ii) place such person on probation for such time as the court shall determine, or (iii) otherwise modify the sentence imposed. (22104101D)

SB 423 (Edwards) (Passed Senate; House Floor) clarifies the Virginia Criminal Sentencing Commission's authority to recommend revisions to the discretionary sentencing guidelines based on historical sentencing data. (22100694D)

SB 424 (Edwards) (Passed Senate; House Floor) authorizes the Virginia Sentencing Commission to develop, maintain, and modify a system of statewide discretionary sentencing guidelines for use in hearings conducted in circuit courts in which the defendant is cited for violation of a condition or conditions of supervised probation imposed as a result of a felony conviction. The bill provides that a court would be presented with such guidelines when a defendant is cited for violating a condition or conditions of supervised probation imposed as a result of a felony conviction and such person is under the supervision of a state probation and parole officer. (22100695D)

SB 474 (McClellan) (Passed Senate; HCT) removes the requirement for an indigent defendant, as defined in the bill, to post an appeal bond in an unlawful detainer action appealed from the general district court. (22105634D-S1)

SB 564 (Lucas) (Passed Senate; HCT) eliminates the lifetime cap on the number of sealing petitions that may be filed. The bill reduces from seven years to three years for a misdemeanor offense and from 10 years to seven years for a felony offense the minimum period of time between the offense to be sealed and the filing of the sealing petition during which the petitioner must not have been convicted of violating any law of the Commonwealth. The bill also reduces from seven years to three years the minimum period of time between the offense to be sealed and the automatic sealing of a misdemeanor offense. The bill also clarifies that a sealing petition may seal records related to any violation of the terms and conditions of a suspended sentence or probation for such conviction that were specifically set forth in the petition to be sealed. (22105787D-ES1)

SB 658 (McClellan) (Passed Senate; House Floor) provides that for a physical evidence recovery kit that (i) was collected by the Office of the Chief Medical Examiner as part of a routine death investigation, and the medical examiner and the law-enforcement agency agree that analysis is not warranted, (ii) was determined by the law-enforcement agency not to be connected to a criminal offense, or (iii) is connected to an offense that occurred outside of the Commonwealth or another law-enforcement agency has taken over responsibility of the investigation and such kit is not transferred to another law-enforcement agency, the law-enforcement agency that received the physical evidence recovery kit shall store such kit for a period of 10 years or until 10 years after the victim reaches the age of majority if the victim was a minor at the time of collection, whichever is longer. The bill provides that after the mandatory retention period, the law-enforcement agency may destroy the physical evidence recovery kit, or in its discretion, may elect to retain the physical evidence recovery kit for a longer period of time. The bill also provides that when a state or local law-enforcement agency located within the Commonwealth has taken over responsibility for the investigation related to the physical evidence recovery kit, unless one of the other exceptions for submitting such kit to the Department of Forensic Science applies, the physical evidence recovery kit shall be transferred to such law-enforcement agency and such law-enforcement agency shall

submit the physical evidence recovery kit to the Department of Forensic Science within 60 days of receipt from the original receiving law-enforcement agency. The bill also requires the law-enforcement agency to inform the victim, parent, guardian, or next of kin of the unique identification number assigned to the physical evidence recovery kit utilized by the health care provider and the personal identification number required to view the status of the physical evidence recovery kit and provide information regarding the Physical Evidence Recovery Kit Tracking System, unless disclosing this information would interfere with the investigation or prosecution of the offense, in which case the victim, parent, guardian, or next of kin shall be informed of the estimated date on which the information may be disclosed, if known. (22105508D-S1)

SB 674 (Hanger) (Passed Senate; HCT) authorizes the attorney for the Commonwealth for each judicial circuit of the Commonwealth to create and administer a Pretrial Intervention and Diversion Program for the purpose of providing an alternative to prosecuting offenders in the criminal justice system. The bill provides that entry into such program shall be at the discretion of the attorney for the Commonwealth based upon written guidelines and that no attorney for the Commonwealth shall accept any offender into such program for an offense for which punishment includes a mandatory minimum sentence of imprisonment. The bill also provides that the attorney for the Commonwealth is authorized to assess and collect a fee from each offender who enters the Program which shall be waived upon affirmation under oath of indigency by the offender. (22103733D-E)

SB 742 (Surovell) (Passed Senate; HCT) provides for the automatic sealing of misdemeanor marijuana offenses and the petition-based sealing for certain felony marijuana offenses. The bill requires a business screening service, defined in the bill, to destroy all expunged records, as defined in the bill, and to follow reasonable procedures to ensure that it does not maintain or sell expunged records. The bill also provides that any petition for expungement shall be kept under seal and that an indigent person may file a petition for expungement without the payment of fees and costs and can request court-appointed counsel, who shall be paid from the Sealing Fee Fund. The bill has staggered delayed effective dates in order to develop systems for implementing the sealing provisions of the bill. (22104596D-E)

Economic Development

HB 1271 (Morefield) (Passed House; SLG)/**SB 720** (Hackworth) (Passed Senate; HCCT) allows facilities owned by a non-authority that are utilized as part of a cooperative arrangement entered into by an authority promoting economic and workforce development to participate in localities' revenue sharing agreements. (22103946D, 22103940D)

SB 28 (Marsden) (Passed Senate; HAPP) establishes the Virginia Business Ready Sites Program Fund (the Fund). The Fund would be administered by the Governor and the Virginia Economic Development Partnership Authority and would provide grants to political subdivisions to prepare sites for industrial or commercial development. The bill repeals existing law that created the Major Employment and Investment Project Site Planning Grant Fund and provides that any remaining funds would be allocated to the Fund. The bill also authorizes grants from the Virginia Brownfields Restoration and Economic Redevelopment Assistance Fund for site remediation and requires the

prioritization of sites with potential for redevelopment and economic benefits to the surrounding community. (22103800D-S1)

Elections

HB 700 (Keam) (Passed Both Houses) changes the date of elections for the mayor and all councilmen from May 2022 to November 2023, with the accompanying start date changed to the first day of January 2024 and end date changed to the last day of December 2025. Starting in 2025, the bill changes the date for all subsequent elections to November, with the start date as the first day of January of the next year, and sets the term length for each councilman and mayor to two years. (22102048D)

SB 377 (Petersen) (Passed Senate; HCCT) changes the date of elections for the mayor and all councilmen from May 2022 to November 2023, with the accompanying start date changed to the first day of January 2024 and end date changed to the last day of December 2025. Starting in 2025, the bill changes the date for all subsequent elections to November, with the start date as the first day of January of the next year, and sets the term length for each councilman and mayor to two years. (22102149D)

Employment Issues

HB 710 (Keam) (Passed Both Houses) requires any locality to take into consideration or give preference to an individual's status as a person with a disability in its employment hiring policies and practices, provided that such person with a disability meets all of the knowledge, skills, and eligibility requirements for the available position. (22102125D)

Environment and Energy

HB 141 (McQuinn) (Passed Both Houses) establishes the Virginia Black, Indigenous, and People of Color Historic Preservation Fund for the purpose of awarding grants to eligible state-recognized and federally recognized Indian tribes, private nonprofit organizations, and localities for the eligible costs of acquiring land or permanent protective interest therein, and of undertaking preservation activities on such land, that is of cultural or historic significance to Black, indigenous, or people of color communities. The bill provides that land or interests acquired with grant funds shall grant the Board of Historic Resources or other holder a perpetual preservation interest in the property. (22103149D)

HB 184 (Marshall) (Passed House; Senate Floor) authorizes a locality that administers a Virginia Stormwater Management Program (VSMP) or a Virginia Erosion and Stormwater Management Program (VESMP) to administer such program of a regional industrial facility authority of which the locality is a member. The bill requires that such administration be conducted in accordance with an agreement entered into with all relevant localities and the existing VSMP or VESMP for the property. (22105124D-H1)

HB 206 (Webert) (Passed House; SACNR) requires, as a condition for a permit by rule for a small energy project, that the applicant conduct an analysis of the beneficial and adverse impacts of the

proposed project on natural resources. The bill requires that if the Department of Environmental Quality determines that there will be a significant adverse impact on wildlife, historic resources, prime agricultural soils, or forest lands, the applicant must also submit a mitigation plan with a 90-day public comment period. The bill specifies that a disturbance of (i) more than 10 acres of prime agricultural soils, (ii) more than 50 acres of contiguous forest lands, or (iii) forest lands enrolled in a forestry preservation program is deemed to be a significant adverse impact on natural resources. The bill directs the Department to convene an advisory panel to assist in developing regulations to further develop criteria for determining significant adverse impact on natural resources and guidelines for plans to mitigate such adverse impacts. Any application for a small renewable energy project received by the promulgation of new regulations or December 31, 2024, whichever is earlier, would not be subject to the act. (22106540D-H2)

HB 314 (Krizek) (Passed House; SACNR) requires the Commissioner of Agriculture and Consumer Services to develop, by January 1, 2023, a brochure for use by retail establishments that sell plants that explains the value of native plants and the harm of noxious weeds and other invasive plants. (22105502D-H1)

HB 516 (Bulova) (Passed House; Senate Floor) implements recommendations from the first Virginia Coastal Resilience Master Plan. The bill provides guidelines for the development of a Virginia Flood Protection Master Plan for the Commonwealth and requires that the Coastal Resilience Master Plan be updated by December 31, 2022, and every five years thereafter. The bill establishes the Virginia Coastal Resilience Technical Advisory Committee to assist with the updates and requires the development of a community outreach and engagement plan to ensure meaningful involvement by affected and vulnerable community residents. The bill also requires that the Chief Resilience Officer report every two years, beginning July 1, 2023, on the status of flood resilience in the Commonwealth. (22103091D-E)

HB 771 (Hodges) (Passed House; Senate Floor) requires each locality in Tidewater Virginia to publish on its website the criteria and elements adopted by the locality to implement its local plan as required by the Chesapeake Bay Preservation Act. (22105713D-H1)

HB 1309 (Bulova) (Passed House; SACNR)/**SB 756** (Lewis) (Passed Senate; HAG) creates the Resilient Virginia Revolving Loan Fund. The bill provides guidelines for deposits, expenditures, and investments and requires an annual audit of the Virginia Resources Authority. The bill provides that the Fund be used for loans or to refinance projects for local governments, or to provide grants to local government to be used for grants or loans to individuals, and establishes guidelines for the priority of such loans and grants. (22106154D-H1, 22105709D-S1)

SB 187 (Hanger) (Passed Senate; HAG) allows the Department of Environmental Quality to adopt guidance allowing for the accelerated release of nutrient credits generated by a stream restoration project based on (i) a determination that the level of risk is low, (ii) the provision of additional financial assurance, and (iii) the experience of the applicant. (22106083D-S1)

SB 188 (Hanger) (Passed Senate; HAG) authorizes the Department of Environmental Quality to allow the use of third-party long-term stewards to hold and manage the long-term management fund to maintain stream restoration projects. (22101103D)

SB 248 (Surovell) (Passed Senate; Reported from HAG) clarifies that a regulated product, for the purposes of fertilizer law, includes digestate. Digestate is defined in the bill as a biologically stable material derived from the process of anaerobic digestion. The bill also includes digestate in fertilizer labeling requirements. (22105061D-S1)

SB 657 (Stuart) (Passed Senate; Reported from HAG) limits the authority of the Air Pollution Control Board and the State Water Control Board to issuance of regulations and transfers the Boards' existing authority to issue permits and orders to the Department of Environmental Quality. The bill provides procedures for public comment on pending controversial permits, defined in the bill, and on regulatory changes necessary to implement the provisions of the bill. (22106534D-S2)

SB 684 (Mason) (Passed Senate; Reported from HFIN) provides that for pollution control equipment to be used as part of a political subdivision's water, wastewater, stormwater, or solid waste management facilities or systems, such equipment may be certified by the political subdivision itself instead of by the state certifying authority. (22103538D)

SB 707 (Marsden) (Passed Senate; HAG) establishes the Wildlife Corridor Grant Fund to provide grants to localities to develop wildlife corridor plans and implement the provisions of such plans. (22104347D)

Health and Human Services

HB 1194 (Carr) (Passed House; SLG) authorizes an industrial development authority to make grants associated with the construction of affordable housing in order to promote safe and affordable housing in the Commonwealth and to benefit thereby, the safety, health, welfare, and prosperity of the inhabitants of the Commonwealth. (22103736D)

SB 146 (Suetterlein) (Passed Senate; HGL) provides that regulations adopted by the State Board of Health shall not require an establishment that sells only prepared food to have a certified food protection manager on site during all hours of operation. (22106502D-S1)

Land Use

HB 1362 (Wiley) (Passed House; SLG) clarifies that short-term rentals may be operated in any locality in the absence of an ordinance pursuant to the locality's general land use and zoning authority restricting short-term rentals. (22104334D)

SB 35 (Favola) (Passed Senate; HCCT) allows a planning commission to extend the 60-day period during which it makes a recommendation to the governing body on a comprehensive plan amendment if an applicant agrees to such extension. The bill also allows the extension to such longer period as agreed to by an applicant of the period of time during which the governing body shall hear and determine an appeal from a planning commission decision. (22100996D-E)

SB 52 (Cosgrove) (Passed Senate; HCCT) requires localities that adopt subdivision ordinances that permit subdividers or developers to install certain utilities to provide within that ordinance the subdivider's or developer's entitlement to pro rata reimbursement for costs of such installations. Under current law, localities are permitted to provide such entitlement but are not required to do so. (22100623D)

SB 286 (Ebbin) (Passed Senate; HCCT) allows any locality within Planning District 8 that establishes a local historic district to require that a survey of property lines be completed prior to a land purchase within the historic district. (22100713D-E)

Transportation

HB 142 (McQuinn) (Passed Both Houses) changes from a maximum of 25 percent to a minimum of 25 percent the amount of Transit Ridership Incentive Program (TRIP) funds to be used to support the establishment of programs to reduce the impact of fares on low-income individuals. The bill requires at least 25 percent of TRIP funds to be used to support regional transit initiatives and provides that the Commonwealth Transportation Board has the discretion to allocate the remaining funds available as authorized by law and based on the programs and initiatives submitted during the application process. (HB142ER)

HB 275 (Coyner) (Passed Both Houses) requires the regulations adopted by the Commonwealth Transportation Board regarding ensuring connectivity of highway and pedestrian networks with transportation networks during secondary street acceptance to include flexibility to limit the number of such connections to adjacent property or highway networks. The bill requires the Department of Transportation to convene a stakeholder advisory group to develop and provide recommended amendments to such regulations. (HB275ER)

HB 641 (Carr) (Passed House; Reported from STRAN) authorizes the collection of cash fares by a transportation network company partner if the ride is arranged through a transit system for an eligible paratransit passenger. The bill sets certain receipt and accounting requirements. (22101396D)

HB 703 (Keam) (Passed Both Houses) authorizes localities to pay the initial issuance fee costs for the development and issuance of special license plates displaying the seal, symbol, emblem, or logotype of the locality in lieu of collecting 350 paid applications for such license plates. (HB703ER)

HB 920 (Kilgore) (Passed Both Houses) provides that a person is guilty of a Class 1 misdemeanor if he operates a vehicle in a careless or distracted manner and causes the death or serious bodily injury of a vulnerable road user. Current law only imposes the penalty if such careless or distracted operation causes serious bodily injury to the vulnerable road user. The bill also allows a court to suspend the driver's license or restrict the driver's license of a person convicted of careless driving for up to six months. (HB920ER)

SB 247 (Surovell) (Passed Senate; Reported from HTRAN) provides that a person is guilty of a Class 1 misdemeanor if he operates a vehicle in a careless or distracted manner and causes the

death or serious bodily injury of a vulnerable road user. Current law only imposes the penalty if such careless or distracted operation causes serious bodily injury to the vulnerable road user. The bill also allows a court to suspend the driver's license or restrict the driver's license of a person convicted of careless driving for up to six months of a person. (22103903D-E)

SB 342 (Barker) (Passed Senate; Reported from HTRAN) directs the Commonwealth Transportation Board to use at least 25 percent of the funds available for the Transit Ridership Incentive Program for grants to fund reduced-fare or zero-fare transit projects. Under current law, the amount that may be used for such programs is capped at 25 percent. The bill provides that funds awarded for reduced-fare or zero-fare transit projects shall not be included in the requirement that funds be awarded in accordance with a statewide equitable ratio. (22101760D)

SB 362 (Stuart) (Passed Senate; HTRAN) prohibits persons riding bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, or motorized skateboards or scooters two abreast from impeding the normal and reasonable movement of traffic and requires such persons to move into a single-file formation as quickly as is practicable when being overtaken from the rear by a faster-moving vehicle. (22102032D-E2)