

**Legislation Requiring Further Review, Staff “Watch List” and Legislation
Provided for Information
Board of Supervisors Legislative Committee
January 21, 2022**

Legislation Requiring Further Review

HB 467 (Bulova) (HAG) provides that a dog owner may be civilly liable for a bite or attack by his dog regardless of whether he knew or should have known of such dog's propensity for vicious, dangerous, or otherwise aggressive behavior. (22100645D)

SB 28 (Marsden) (SACNR) 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. (22100242D)

SB 46 (Petersen) (SEH) provides that any person who is affected by an order of quarantine may file an appeal in the circuit court for the city or county in which he resides or is located or the circuit court for the jurisdiction or jurisdictions for any affected area; currently, only a person who is subject to an order of quarantine may appeal the order. The bill also 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 Commissioner of Health shall apply. (22100560D)

SB 172 (Peake) (Passed Senate) requires county boards of supervisors, prior to July 1 of each year, to set a maximum annual compensation, which will become effective as of January 1 of the next year. (22102602D-E)

SB 250 (Surovell) (SACNR) 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)

SB 331 (Reeves) (SCL) permits individuals who work as both employees and on a volunteer basis for a public body, church, or nonprofit organization to earn overtime wages for hours worked as an employee only and continues to exclude hours worked on a volunteer basis from overtime wage requirements. (22102129D)

Administration of Government

HB 167 (Ransone) (HCCT) 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)

SB 224 (McPike) (SGL) requires any individual who is compensated to influence or attempt to influence a local government action through oral or written communication with a local government officer or employee to provide written notice of his status and a \$25 fee to the clerk of the governing body of the officer's or employee's locality. The bill exempts from this requirement (i) certain executive and legislative officials and employees, (ii) local government employees or officers acting in their official capacity, (iii) contractors or employees of a contractor performing services for the local government, and (iv) an attorney clearly identified on a land use application. Failure to provide notice is a Class 1 misdemeanor. (22103252D)

Courts

HB 279 (Coyner) (HCT) removes the requirement that a petitioner has not previously obtained the sealing of two other deferrals or convictions arising out of different sentencing events from the criteria that must be met for the court to enter an order requiring the sealing of the criminal history record information and court records related to certain convictions or charges that have been deferred or dismissed. The bill also adds convictions for driving on a suspended license and driving without a valid license to the list of convictions eligible for automatic sealing. Currently, such offenses are eligible for sealing upon petition. Also, for sealing of misdemeanor offenses by petition, the bill reduces from seven years to five years the period for which the person shall not have been convicted of any offense in order to be eligible for such sealing. The bill also specifies that the sealing of records related to a conviction includes the sealing of any criminal history record information and court records related to any violation of the terms and conditions of a suspended sentence or probation for such conviction. (22103883D)

HB 322 (Campbell, J) (HCT) makes changes to the sealing provisions as they shall become effective pursuant to Chapters 524 and 542 of the 2021 Acts of Assembly, Special Session I, related to the types of offenses eligible to be sealed by petition. The bill limits such offenses eligible for sealing by petition to convictions for a Class 2, 3, or 4 misdemeanor and deferral and dismissals of misdemeanor offenses, Class 5 or 6 felonies, or felony larceny-related offenses. Under the related provisions as they shall become effective pursuant to Chapters 524 and 542, a person convicted of or who has had a charge deferred and dismissed for a misdemeanor offense, Class 5 or 6 felony, or felony larceny-related offense is eligible to petition to have such conviction or charge sealed. The bill also changes the provisions related to criminal penalties for disclosure of sealed records to require proof that such disclosure was done maliciously and intentionally and reduces the penalty for such violation to a Class 1 misdemeanor. Under the related provisions as they shall become effective pursuant to Chapters 524 and 542, disclosure of such records done willfully is a Class 1 misdemeanor and disclosure done maliciously and intentionally is a Class 6 felony. (22101250D)

SB 564 (Lucas) (SJUD) provides that a person shall not pay any fees or costs for filing a sealing criminal records petition. Under current law, a person is required to file an indigence petition for any fees or costs to be waived. The bill also 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 adds convictions for (i) failure to pay child support, (ii) driving without a license, (iii) driving with a suspended or revoked license, and (iv) a misdemeanor violation of reckless driving to the list of offenses eligible for an automatic sealing. The bill also specifies that the sealing of records related to a conviction includes sealing any criminal history record information and court records related to any violation of the terms and conditions of a suspended sentence or probation for such conviction. (22104109D)

HB 404 (Delaney) (HCT) creates procedures allowing a forensic medical examination report conducted by a sexual assault nurse examiner or sexual assault forensic examiner to be admitted into evidence without the testimony of such examiner and allowing for such examiner to testify by two-way video conferencing if certain filing and notice provisions are met and the defendant does not object. (22101617D)

SB 138 (Edwards) (SFIN) 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 to the accused or his counsel. (22100389D)

SB 221 (Obenshain) (SFIN) requires circuit court clerks to make their will indices available to the public in online, searchable databases. (22102967D)

SB 228 (Obenshain) (SJUD) provides that any mandatory minimum term of imprisonment imposed for violating the electronic solicitation of a minor statute shall be served consecutively with any other sentence. (22101902D)

SB 389 (Ebbin) (SJUD) repeals the provision of the Code of Virginia requiring an adult child to assist in providing for the support and maintenance of his or her parent, when such parent requires assistance. Under current law, failure to comply with this provision is punishable as a misdemeanor with a fine not exceeding \$500 or imprisonment in jail for a period not exceeding 12 months or both. (22100338D)

SB 474 (McClellan) (SJUD) removes the requirement for an indigent defendant in civil actions to post an appeal bond in any civil case appealed from the general district court. The bill also removes provisions of the Code allowing a plaintiff in an unlawful detainer case that has been appealed to the circuit court to request the judge to order a writ of eviction immediately upon entry of judgment for possession. (22102455D)

SB 645 (Cosgrove) (SJUD) repeals provisions permitting the admission of evidence by the defendant concerning a defendant's mental condition at the time of an alleged offense, including expert testimony, if such evidence is relevant, is not evidence concerning an ultimate issue of fact, and (i) tends to show the defendant did or did not have the intent required for the offense charged and (ii) is otherwise admissible pursuant to the general rules of evidence. The bill also removes provisions permitting a court to issue an emergency custody order in cases where such evidence was admitted and repeals provisions requiring the Office of the Executive Secretary of the Supreme Court to collect data regarding the cases that use such evidence. (22104452D)

SR 1 (Edwards) (SJUD) directs the Virginia Indigent Defense Commission (the Commission) to establish a work group to study the feasibility, cost, and implementation of statewide coverage of public defender offices. The bill directs the Commission to report its findings and recommendations to the chairmen of the Virginia State Crime Commission, the House Committee for Courts of Justice, the Senate Committee on the Judiciary, the House Committee on Appropriations, and the Senate Committee on Finance and Appropriations by November 1, 2022. (22100390D)

Education and Schools

HB 356 (Tata) (HED) authorizes the Board of Education (the Board) to establish regional charter school divisions consisting of at least two but not more than three existing school divisions in regions in which each underlying school division has (i) an enrollment of more than 3,000 students and (ii) one or more schools that have accreditation denied status for two out of the past three years. The bill requires such regional charter school divisions to be supervised by a school board that consists of eight members appointed by the Board and one member appointed by the localities of each of the underlying divisions. The bill authorizes the school board, after a review by the Board, to review and approve public charter school applications in the regional charter school divisions and to contract with the applicant. The bill requires that the state share of Standards of Quality per pupil funding of the underlying school district in which the student resides be transferred to such school. (22103820D)

SB 156 (Hashmi) (SEH) requires state funding to be provided to support new division-wide ratios of English learner students in average daily membership to full-time equivalent teaching positions, as follows: (i) for each English language learner identified as proficiency level one, one position per 25 students; (ii) for each English language learner identified as proficiency level two, one position per 30 students; (iii) for each English language learner identified as proficiency level three, one position per 40 students; and (iv) for all other English language learners, one position per 50 students. Under the bill, in order to provide additional support for instruction of English language learners, \$150 shall be appropriated in year one to divisions for each English learner student to support professional development of instructional and support staff, purchase resources developed for students learning English, and offer grants to community-based organizations that offer support services to English language learners in school settings. (22102237D)

SB 157 (Hashmi) (SEH) declares it the goal of the Commonwealth that its public school teachers and all other individuals employed in Standards of Quality-funded positions be compensated at a rate that is competitive, defined as at or above the national average salary for the position, in order

to attract and keep highly qualified individuals in such positions. The bill requires state funding to be provided pursuant to the general appropriation act in a sum sufficient to fund a five percent annual pay increase for each such position, effective from the 2023-2024 school year through the 2027-2028 school year, provided that such five percent annual pay increase (i) is subject to a local matching requirement in accordance with each local school board's composite index of local ability-to-pay and (ii) shall be adjusted annually as necessary to account for rebenchmarking and to yield a rate of compensation percentage increase for all Standards of Quality-funded positions that is pegged to providing a competitive average teacher salary in the Commonwealth. The bill has a delayed effective date of July 1, 2023. (22103846D)

Elections

HB 305 (Ransone) (HPE) applies the provisions of the Virginia Personnel Act to the chief deputy and confidential assistant for policy or administration for the Department of Elections. The bill also (i) expands the membership of the State Board of Elections from five members to six members with equal representation given to both parties; (ii) gives the State Board of Elections the authority and duty to appoint the Commissioner of Elections of the Department of Elections by a supermajority vote; (iii) requires the Department of Elections to conduct periodic assessments to ensure that voters are assigned to the correct state legislative and congressional districts based on their residential addresses; (iv) requires the State Registrar of Vital Records to transmit lists of deceased persons weekly instead of the current monthly requirement; (v) requires the general registrars to use information in the lists of deceased persons to promptly remove deceased persons from the voter registration system; (vi) requires voters to present a valid form of photo identification when they vote; (vii) provides that audits of ballot scanner machines must take place prior to the certification of election results; (viii) provides that absentee ballots must be collected daily from absentee ballot drop-off locations by certain people and according to procedures for securing such ballots; (ix) provides that a postmark on an absentee ballot must be legible and no longer includes other official indicia of confirmation of mailing by a postal or delivery service; and (x) creates work groups to evaluate the performance of the Virginia voter registration system and to develop and implement a plan to provide oversight to local election administration to assess risks to Virginia's administration of elections. Portions of the bill affecting the composition of the State Board of Elections and the appointment of the Commissioner of Elections have a delayed effective date of January 1, 2023. (22100777D)

HB 439 (VanValkenburg) (HPE) requires explanations of proposed constitutional amendments and information about statewide referenda to be included with the other materials sent with absentee ballots. These neutral explanations are prepared by a nonpartisan legislative agency, in consultation with appropriate state agencies and entities, and provided to the State Board of Elections for distribution to the voters. Currently, the explanations are made available at registration sites and are posted in polling places only. (22100718D)

HB 544 (Batten) (HPE) allows a voter to opt into being required to show a valid photo identification issued by the Commonwealth, one of its political subdivisions, or the United States when voting in person. When a voter offers to vote and the pollbook indicates he has opted into such requirement, he shall be required to show a valid photo identification issued by the Commonwealth, one of its political subdivisions, or the United States in order to vote a regular

ballot. The bill requires the voter registration application to permit an applicant to opt into this requirement and the Department of Elections to provide the means for currently registered voters to opt in as well. (22100935D)

HB 880 (Lopez) (HPE) directs the Commissioner of Elections to establish and supervise a pilot program by which an overseas voter who is a registered voter of a county or city participating in the pilot program may return his voted military-overseas ballot by electronic means. The Commissioner is required by the bill to promulgate standards and develop procedures for the secure transmission and return, storage, and processing of voted military-overseas ballots, including security measures, methods for verifying and authenticating a voter's identity, and encryption methods for the voted ballots. Counties and cities participating in the pilot program are required under the bill to participate in a security review after each election. In each year of the pilot program, the bill requires the Commissioner to conduct a security assessment and update the security measures for the pilot program. The bill also requires that voters eligible to return their military-overseas ballots by electronic means through the pilot program be permitted to sign the statement of voter and any other documents related to absentee voting using the digital signature associated with their respective Common Access Cards issued by the U.S. Department of Defense. The bill provides that the pilot program is in effect for elections held on and after January 1, 2023. The Commissioner is required by the bill to submit a report on or before December 1, 2027, on the outcomes of the pilot program and to include a recommendation on whether to implement the electronic return of voted military-overseas ballots on a permanent, statewide basis. The bill has an expiration date of December 31, 2027. (22103141D)

HB 1140 (Walker) (HPE) 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)

SJ 37 (DeSteph) (SRUL) requests the Secretary of Administration to oversee and develop a charter and directives for the State Board of Elections to form a working group to study implementation of electronic return of voted military-overseas ballots. In conducting its study, the State Board of Elections with the working group shall study and develop initial instructions and procedures that (i) consider issues related to accessibility, auditability, authentication, verification, and security through encryption, in order to ensure that any process implemented would guarantee the accuracy and integrity of voted military-overseas ballots, and (ii) recommend (a) security measures necessary to reasonably secure the transmission, processing, and storage of voter data from interception and unauthorized access; (b) methods for verifying and authenticating the identity of the voter electronically when registering to vote and when requesting a ballot from and returning a ballot to the voter's jurisdiction; (c) methods for the encryption of voted ballots; and (d) a procedure for security reviews after an election. The study shall focus on implementation of electronic return of voted military-overseas ballots first as a limited pilot program in 2023 and later on a statewide basis. An executive summary and report shall be submitted as no later than the first day of the 2023 Regular Session of the General Assembly. (22100894D)

HB 205 (Wachsmann) (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 the operation of a polling place or voter satellite office in a facility furnished by a private individual or nongovernmental entity is not a violation of this prohibition. (22103013D)

HB 1101 (LaRock) (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 the operation of a polling place or voter satellite office in a facility furnished by a private individual or nongovernmental entity is not a violation of this prohibition. (22102653D)

SB 80 (Stanley) (SPE) 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 the operation of a polling place or voter satellite office in a facility furnished by a private individual or nongovernmental entity is not a violation of this prohibition. (22102180D)

Risk-Limiting Audit

HB 895 (Kilgore) (HPE) requires local electoral boards and general registrars to perform certain risk-limiting audits, defined in the bill, under the supervision of the Department of Elections and in accordance with the procedures prescribed by the State Board of Elections. The bill provides that localities are required to participate in such audits at least once every five years. The bill also provides that the Department shall submit a report on the results of such audits to the State Board. The provisions of the bill requiring that such audits be conducted (i) for at least one randomly selected contested race for the General Assembly in the year of a general election for members of the General Assembly and (i) for any other contested race that is necessary to ensure that each locality participates in a risk-limiting audit of an office within its jurisdiction at least once every five years or that the State Board finds appropriate has a delayed effective date of July 1, 2023. The provision of the bill requiring that such audits be conducted for at least one randomly selected contested race for an office that requires certification by the State Board in the year of general election for any local office has a delayed effective date of July 1, 2024. (22104191D)

SB 370 (Bell) (SPE) requires local electoral boards and general registrars to perform certain risk-limiting audits, defined in the bill, under the supervision of the Department of Elections and in accordance with the procedures prescribed by the State Board of Elections. The bill provides that localities are required to participate in such audits at least once every five years. The bill also provides that the Department shall submit a report on the results of such audits to the State Board. The provisions of the bill requiring that such audits be conducted (i) for at least one randomly selected contested race for the General Assembly in the year of a general election for members of the General Assembly and (i) for any other contested race that is necessary to ensure that each

locality participates in a risk-limiting audit of an office within its jurisdiction at least once every five years or that the State Board finds appropriate has a delayed effective date of July 1, 2023. The provision of the bill requiring that such audits be conducted for at least one randomly selected contested race for an office that requires certification by the State Board in the year of general election for any local office has a delayed effective date of July 1, 2024. (22104252D)

SB 390 (Obenshain) (SPE) requires that each local electoral board and general registrar conduct a post-election audit annually of at least one fifth of all ballot scanner machines in use in the locality such that all ballot scanner machines in use in the locality are audited at least once every five years. The bill requires the local electoral board and general registrar to submit a report on the results of each audit to the State Board of Elections. The bill removes the requirement that annual audits be risk-limiting audits. (22103024D)

Emergency Operations and Services

SB 166 (Peake) (SGL) limits the duration of any executive order issued by the Governor pursuant to his powers under the Emergency Services and Disaster Law to no more than 30 days from the date of issuance. The bill provides that if the General Assembly does not take any action on the rule, regulation, or order within the 30 days during which the rule, regulation, or order is effective, the Governor may once again issue the same rule, regulation, or order but shall thereafter be prohibited from issuing the same or a similar rule, regulation, or order relating to the same emergency. Under current law, once issued, such executive orders are effective until June 30 following the next adjournment of the regular session of the General Assembly. The bill contains technical amendments. (22102274D)

Environment/Energy

HB 184 (Marshall) (HAG) authorizes a locality that administers a Virginia Stormwater Management Program or a Virginia Erosion and Stormwater Management Program to review, approve, and administer the permits of a regional industrial facility authority of which it is a member. (22101449D)

HB 276 (Coyner) (HAG) allows any applicant for a Virginia Water Protection Permit to purchase or use credits from the secondary service area of a mitigation service provider. (22102074D)

HB 351 (Sullivan) (HAG) establishes a driving decarbonization program and fund to assist developers with non-utility costs associated with the installation of electric vehicle charging stations. A developer would be eligible to grants of 50 to 70 percent of the non-utility costs, depending on where the charging station is located in the Commonwealth. The total amount of grants awarded in a fiscal year is capped at \$20 million, with at least \$5 million in grants reserved for charging stations located in historically economically distressed communities. (22100264D)

HB 479 (Bulova) (HAG) provides the Department of Environmental Quality the authority to allow applicants for permits with stream mitigation requirements to satisfy all or part of the requirements through dam removal credits generated in the same or adjacent stream or watershed basin. A dam removal credit is defined in the bill as a credit generated through the removal of a significant

obstruction, which is also defined in the bill. The bill includes certain requirements with which the applicant must comply in order to use dam removal credits from an adjacent river watershed. (22101134D)

SB 187 (Hanger) (SACNR) allows the Department of Environmental Quality to accelerate the release of nutrient credits generated by a stream restoration project if a qualified applicant, defined in the bill, provides sufficient bond to (i) provide a high degree of confidence that performance standards will be achieved and (ii) cover the cost of correcting a failure to achieve the performance standards. (22101102D)

SB 188 (Hanger) (SACNR) 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 565 (Surovell) (SACNR) 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 also removes calculation requirements for how the Commission should grant cost recovery of performance-based incentives for delivering conservation and energy efficiency benefits that are included in the utility's purchased gas adjustment mechanism. 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. (22102111D)

FOIA

HB 444 (Bennett-Parker) (HGL) amends existing provisions concerning electronic meetings by keeping the provisions for electronic meetings held in response to declared states of emergency, repealing the provisions that are specific to regional and state public bodies, and allowing public bodies to conduct all-virtual public meetings where all of the members who participate do so remotely and that the public may access through electronic communications means. Definitions, procedural requirements, and limitations for all-virtual public meetings are set forth in the bill, along with technical amendments. (22104056D)

SB 324 (Vogel) (SGL) provides that public agencies shall not request personal information, defined in the bill. The bill amends the Virginia Freedom of Information Act definition of "public record" to exclude personal information. The bill also exempts the Campaign Finance Disclosure Act of 2006 from the requirements that public agencies protect personal information and refrain from requesting personal information. (22102713D)

Health and Human Services

HB 277 (Coyner) (HCCT) requires every person who operates a recovery residence to disclose to potential residents whether the recovery residence is a certified recovery residence and that no health care provider or behavioral health service provider who receives public funds or state agency shall refer a person with substance abuse disorder to a recovery residence unless the recovery residence has been certified by the Department of Behavioral Health and Developmental Services (the Department) in accordance with regulations adopted by the Board of Behavioral Health and Developmental Services (the Board). The bill also provides that credentialing agencies by which the Board may require accreditation or in which the Board may require membership shall administer credentialing and certification programs in accordance with standards of the National Alliance for Recovery Residences; requires the Board to adopt regulations requiring each certified recovery residence include one or more resident or nonresident staff persons who is employed by the provider for compensation and who is responsible for oversight or management of the recovery residence; and requires the Department to provide, for each certified recovery residence included on the list maintained on the Department's website the level of support provided by the certified recovery residence. The bill also provides that certified recovery residences shall constitute residential occupancy by a single family for zoning purposes, regardless of the number of persons residing in the certified recovery residence, and exempts certified recovery residences from the provisions of the Virginia Landlord and Tenant Act. (22103500D)

HB 413 (Delaney) (HCT) provides that a minor engaged in prostitution or keeping, residing in, or frequenting a bawdy place shall not be proceeded upon as delinquent and shall be referred to the local department of social services for an assessment and services. (22104026D)

SB 205 (Petersen) (SEH) requires the Department of Health to establish an expedited review process for certain projects involving addition of imaging equipment, addition of a new ambulatory or outpatient surgery center, addition of operating rooms at an existing ambulatory or outpatient surgery center, and addition of psychiatric beds or conversion of existing beds at a medical care facility to psychiatric beds and requires the Board of Health to include in regulations governing

the certificate of public need program a provision for the development of review criteria and standards for specific medical care facilities and health care services for each health planning region that take into account the unique needs and characteristics of such region. The bill also amends the definition of "charity care" and defines "health care service" and "indigent." (22101209D)

SB 293 (Barker) (SEH) requires the Commissioner of Health (the Commissioner) to impose conditions related to the provision of care to individuals who are the subject of a temporary detention order on certificates of public need for projects involving inpatient psychiatric services and facilities and provides that when determining the public need for a proposed project involving an inpatient psychiatric service or facility, the Commissioner shall not take into consideration existing inpatient psychiatric services or facilities or the impact of approving the application and issuing the certificate of public need for the proposed project on an existing inpatient psychiatric service or facility if the existing inpatient psychiatric service or facility does not provide an adequate amount of service to individuals who are subject to a temporary detention order, as determined by the Commissioner in accordance with regulations of the Board of Health (the Board). The bill directs the Board to adopt regulations establishing a process by which the Commissioner shall annually establish the amount of services for individuals who are subject to a temporary detention order that an existing inpatient psychiatric service or facility must provide. (22101329D)

SB 361 (Stuart) (SEH) provides that participation in the Marcus alert system shall be optional for localities and that no locality, community services board, or behavioral health authority shall be required to participate in the Marcus alert system. (22102006D)

SB 406 (Barker) (SEH) requires nursing homes to meet a baseline staffing level based on resident acuity in alignment with the Centers for Medicare and Medicaid Services staffing level recommendations. The bill requires nursing homes to collect and submit to the Department of Health certain data related to staffing. The bill gives the Commissioner of Health the power to impose administrative sanctions on nursing homes and directs the Board of Health to promulgate regulations related to the criteria and procedures for imposition of administrative sanctions or initiation of court proceedings for violations of the bill. The bill provides that nursing homes shall only be subject to administrative sanctions upon initial funding for the state share of the cost to implement the provisions of the bill. The bill establishes the Long-Term Care Services Fund for the purpose of making grants to assist in the provision of activities that protect or improve the quality of care or quality of life for residents, patients, and consumers of long-term care services. (22103793D)

SB 448 (Boysko) (SEH) requires hospitals to develop and implement written policies and procedures related to the screening and treatment of victims of domestic violence and sexual assault. (22103845D)

Temporary Detention Orders

HB 135 (Cherry) (HCT) provides that, in cases in which transportation of a person subject to an emergency custody order or temporary detention order is ordered to be provided by an alternative

transportation provider, the primary law-enforcement agency that executes the order may transfer custody of the person to the alternative transportation provider immediately upon execution of the order, and that the alternative transportation provider shall maintain custody of the person from the time custody is transferred to the alternative transportation provider by the primary law-enforcement agency until such time as custody of the person is transferred to the community services board or its designee that is responsible for conducting the evaluation or the temporary detention facility, as is appropriate. The bill also adds employees of and persons providing services pursuant to a contract with the Department of Behavioral Health and Developmental Services to the list of individuals who may serve as alternative transportation providers. (22102457D)

HB 159 (Byron) (HCT) requires a facility or location to which a minor or adult who is subject to an emergency custody or temporary detention order is transported to accept custody of the minor or adult upon completion of transportation and arrival of the minor or adult at the facility and specifies that the primary law-enforcement agency shall provide transportation of a person who is involved in the involuntary commitment process, rather than a sheriff, as provided under current law . (22103519D)

HB 163 (Ransone) (HCT) amends numerous sections governing emergency custody and temporary detention of minors and adults to clarify duties of law-enforcement agencies and mental health facilities with regard to custody. The bill requires facilities to take custody of a minor or person who is the subject of an emergency custody order or temporary detention order immediately upon completion of transportation and arrival of the minor or person at the facility; specifies that if a facility does not take custody of a minor or person immediately upon completion of transportation and arrival at the facility, the order is void and the minor or person shall be released; provides that emergency custody orders shall not be extended; and makes other changes to clarify the role and obligations of law enforcement in the emergency custody and temporary detention process. (22103592D)

HB 1037 (Sewell) (Committee Referral Pending) provides that, in cases in which transportation of a person subject to an emergency custody order or temporary detention order is ordered to be provided by an alternative transportation provider, the primary law-enforcement agency that executes the order may transfer custody of the person to the alternative transportation provider immediately upon execution of the order, and that the alternative transportation provider shall maintain custody of the person from the time custody is transferred to the alternative transportation provider by the primary law-enforcement agency until such time as custody of the person is transferred to the community services board or its designee that is responsible for conducting the evaluation or the temporary detention facility, as is appropriate. The bill also adds employees of and persons providing services pursuant to a contract with the Department of Behavioral Health and Developmental Services to the list of individuals who may serve as alternative transportation providers. The bill also requires the Department of Behavioral Health and Developmental Services to expand its existing contract for the provision of alternative transportation of a person who is subject to a temporary detention order or enter into new contracts for alternative transportation of a person who is subject to a temporary detention order to ensure sufficient availability of alternative transportation providers to take custody of and provide alternative transportation for all persons for whom alternative transportation is ordered. (22102701D)

HB 1147 (Bell) (HCT) provides that if the facility indicated on a temporary detention order is a state facility, no bed for the person detained or in custody pursuant to the temporary detention order is immediately available at such state facility, and an employee or designee of such state facility is available to take custody of such person, such employee or designee of the state facility may assume custody of such person wherever such person is located and maintain custody of such person and transport such person to such state facility or to an alternative facility of temporary detention. The bill also provides that a person who is an inmate who is subject to an order authorizing treatment shall remain in law-enforcement custody at all times prior to admission to the facility designated for treatment of the person pursuant to such order. (22103534D)

SB 176 (Peake) (SEH) makes clear that, in cases in which transportation of a person subject to an emergency custody order or temporary detention order is ordered to be provided by an alternative transportation provider, the primary law-enforcement agency that executes the order may transfer custody of the person to the alternative transportation provider immediately upon execution of the order, and that the alternative transportation provider shall maintain custody of the person from the time custody is transferred to the alternative transportation provider by the primary law-enforcement agency until such time as custody of the person is transferred to the community services board or its designee that is responsible for conducting the evaluation or the temporary detention facility, as is appropriate. The bill also adds employees of and persons providing services pursuant to a contract with the Department of Behavioral Health and Developmental Services to the list of individuals who may serve as alternative transportation providers. (22102915D)

SB 268 (Favola) (SEH) provides that, in cases in which transportation of a person subject to an emergency custody order is ordered to be provided by an alternative transportation provider, the primary law-enforcement agency that executes the order may transfer custody of the person to the alternative transportation provider immediately upon execution of the order, and the alternative transportation provider shall maintain custody of the person from the time custody is transferred to the alternative transportation provider by the primary law-enforcement agency until such time as an evaluation is conducted and custody is transferred pursuant to a temporary detention order or the person is released upon determination the person does not meet the criteria for temporary detention or custody of the person is transferred to the community services board or its designee that is responsible for conducting the evaluation. The bill also provides that in cases in which transportation of a person subject to a temporary detention order is ordered to be provided by an alternative transportation provider, the primary law-enforcement agency that executes the order may transfer custody of the person to the alternative transportation provider immediately upon execution of the order, and that the alternative transportation provider shall maintain custody of the person from the time custody is transferred to the alternative transportation provider by the primary law-enforcement agency until such time as custody of the person is transferred to the temporary detention facility. The bill also adds employees of and persons providing services pursuant to a contract with the Department of Behavioral Health and Developmental Services to the list of individuals who may serve as alternative transportation providers. (22103833D)

SB 373 (Deeds) (SEH) provides that a magistrate may, upon the sworn petition of the Commissioner or his designee, issue an order extending an emergency custody order for a period of up to 48 hours upon finding that probable cause exists to believe that the behaviors upon which a finding that the person meets the criteria for emergency custody are the result of a medical or

physical condition, including substance intoxication or withdrawal, and that the medical standard of care for such medical or physical condition calls for testing, observation, or treatment to prevent harm to the person resulting from such medical or physical condition. Upon issuance of an order extending the period of emergency custody, the person shall be transported to and detained in an appropriate medical care facility for testing, observation, and treatment. (22101375D)

SB 593 (Newman) (SEH) provides that auxiliary police officers may execute emergency custody orders and provide transportation for a person subject to an emergency custody or temporary detention order; adds an employee or designee of the Department of Behavioral Health and Developmental Services to the list of persons who may provide alternative transportation of a person who is subject to an emergency custody or temporary detention order, and provides that, in cases in which transportation of a person subject to an emergency custody order or temporary detention order is ordered to be provided by an alternative transportation provider, the primary law-enforcement agency that executes the order may transfer custody of the person to the alternative transportation provider immediately upon execution of the order, and that the alternative transportation provider shall maintain custody of the person from the time custody is transferred to the alternative transportation provider by the primary law-enforcement agency until such time as custody of the person is transferred to the community services board or its designee that is responsible for conducting the evaluation or the temporary detention facility, as is appropriate. The bill also directs the Department of Criminal Justice Services to establish compulsory minimum training standards for auxiliary police officers who are called into service solely for the purpose of executing emergency custody orders and providing transportation for such person subject to an emergency custody order or to provide transportation for a person in the temporary detention process. (22104326D)

SB 650 (Hanger) (SEH) requires every hospital with an emergency department to employ sufficient security staff to be able to accept custody of a person who is subject to emergency custody or temporary detention and who is transported to such hospital by a law-enforcement officer or receiving services at such hospital and requires every provider of behavioral health services licensed by the Department of Behavioral Health and Developmental Services to a person who is subject to emergency custody and may be transported for the required evaluation to (i) be licensed to provide the level of security necessary to protect both the person and others from harm, and actually capable of providing the level of security necessary to protect the person and others from harm, and (ii) accept custody of every person transported to such provider for evaluation by law enforcement. (22103826D)

Land Use

HB 445 (Murphy) (HCCT) allows localities to require broadband service and associated infrastructure be installed for new residential and commercial development. (22103045D)

HB 465 (Bennett-Parker) (HCCT) provides that any project may be required, outside of an affordable housing dwelling unit program, to contribute to a county or city housing fund but not for density covered by the program. The bill's provision applies to any county where the urban county executive form of government (Fairfax County) or the county manager plan of government (Arlington County) is in effect, as well as to the Counties of Albemarle and Loudoun and the Cities of Alexandria, Charlottesville, and Fairfax. (22104053D)

SB 35 (Favola) (Passed Senate) 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 extends from 60 days to 100 days, or such longer period as agreed to by an applicant, the period of time during which the governing body shall hear and determine an appeal from a planning commission decision. (22100996D-E)

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

Public Safety/Criminal Justice

HB 122 (Wyatt) (HCT) removes the provisions stating that no law-enforcement officer may lawfully stop a motor vehicle for operating (i) with an expired registration sticker prior to the first day of the fourth month after the original expiration date; (ii) with defective and unsafe equipment; (iii) without tail lights or brake lights; (iv) without an exhaust system in good working order; (v) with certain signs, posters, stickers or decals; (vi) with objects or other equipment suspended so as to obstruct the driver's view; or (vii) with an expired inspection prior to the first day of the fourth month after the original expiration date, as well as the accompanying exclusionary provisions. (22101544D)

HB 475 (Murphy) (HCT) adds to the definitions of "family abuse" and "act of violence, force, or threat" used in the protective order provisions that acts of violence, force, or threat include acts in furtherance of human trafficking or commercial sex trafficking. The bill also allows a minor to petition for a protective order on his own behalf without the consent of a parent or guardian and without doing so by next friend. (22101278D)

SB 174 (Peake) (SJUD) 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. (22102835D)

HB 497 (Mullin) (HCT) makes it a Class 1 misdemeanor for any person granted authority to act for a principal under a power of attorney to knowingly or intentionally engage in financial exploitation of an incapacitated adult. The bill also provides that the power of attorney terminates upon such conviction. This bill is a recommendation of the Virginia Criminal Justice Conference. (22100840D)

SB 299 (Deeds) (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 forensic nurses, with priority for funding such costs given to such forensic examiners, nurse examiners, and forensic nurses serving rural and underserved communities. The bill also increases the amount apportioned to the Fund from the fixed-fee assessments for misdemeanors and traffic infractions tried in district court. (22101487D)

SB 310 (Ebbin) (SJUD) 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 several Class 1 misdemeanors, which are punishable as a Class 4 felony for a second or subsequent offense, making it unlawful (i) for any person to knowingly possess, transport, or receive an unfinished frame or receiver unless the party possessing or receiving 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 and (ii) 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. The provisions related to the prohibition for possessing, transporting, or receiving an unfinished frame or receiver have a delayed effected date of January 1, 2023. (22103963D)

Retirement

SB 213 (McPike) (SFIN) requires the Virginia Retirement System and local retirement systems to divest from fossil fuel companies by January 1, 2027. (22100517D)

Taxation

HB 90 (McNamara) (HFIN)/**SB 380** (McDougle) (SFIN) exempts food purchased for human consumption and essential personal hygiene products (the grocery tax) from all state, regional, and local sales taxes. The bill dedicates state sales tax revenue to provide a supplemental school payment to counties and cities. For fiscal year 2023, the payment is the county or city's fiscal year 2022 distribution of revenue from the grocery tax. For fiscal year 2024 and after, the payment is the previous year's payment multiplied by the county or city's local sales tax index, defined in the bill as the ratio by which sales tax revenues in a county or city for the current year exceed the previous year's revenues. (22100681D, 22101364D)

HB 267 (McNamara) (HCCT) grants localities permissive authority to return surplus personal property tax revenues to taxpayers. Under current law, localities may return only surplus real property tax revenues. (22101096D)

HB 698 (Keam) (HCCT) authorizes localities to exempt any class of taxpayers from license taxes and fees. The bill provides that such exemption shall be made by general law and shall be uniform upon taxpayers operating in the same line of business or trade and that localities shall have discretion to determine the classes of taxpayers that shall be exempted. The bill does not apply to any severance tax that is levied as a license tax. (22101974D)

HB 957 (Tran) (HFIN) provides that beginning with taxable year 2022, any locality may declare real property owned by a surviving spouse of a member of the armed forces of the United States who died in the line of duty with a line of duty determination from the U.S. Department of Defense, where the spouse occupies the real property as his principal place of residence and does not remarry, a separate class of property for local taxation of real property that may be taxed at a different rate than that imposed on the general class of real property, provided that the rate of tax is greater than zero and does not exceed the rate of tax on the general class of real property. (22100675D)

HJ 83 (Tran) (Committee referral pending) amends the Constitution of Virginia by allowing localities to exempt from the real property tax of any surviving spouse of any member of the armed forces of the United States who was killed in the line of duty with a line of duty determination as determined by the United States Department of Defense who occupies the real property as his or her principal place of residence. Under current law, the exemption is only available to the surviving spouse of a member of the armed forces who was killed in action. (22100676D)

SB 25 (Ruff) (Senate Floor) 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. (22101773D)

SB 107 (Norment) (SFIN) reallocates revenues from the state marijuana tax so that the 30 percent currently allocated to the Cannabis Equity Reinvestment Fund would be reallocated to the general fund. (22100683D)

SB 360 (Stuart) (SFIN) requires the Commonwealth to subsidize local real estate tax relief for disabled veterans and surviving spouses of members of the United States Armed Forces killed in action when more than one percent of a locality's real estate tax base is lost due to such state-mandated tax relief programs. The Commonwealth would subsidize only that portion of tax-exempt real estate that exceeds the one percent threshold. The bill requires the Auditor of Public Accounts to establish an application process whereby a locality would demonstrate that more than one percent of its real estate tax base was lost. The Auditor would certify to the Governor and the General Assembly those localities that would be eligible for a subsidy, and the Governor would include in the Budget Bill a proposed appropriation of the amount of the state subsidy to be provided to localities certified as eligible localities. (22102164D)

Transportation

HB 261 (Wyatt) (HTRAN) authorizes localities to reduce the speed limit by up to 10 miles per hour on any highway within its boundaries if indicated by lawfully placed signs and based on a

traffic engineering study and analysis. Current law authorizes localities to reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, on highways within its boundaries that are located in a business district or residence district and maintained by the locality. (22102856D)

SB 333 (Bell) (STRAN) authorizes localities to reduce speed limits on any highway in the locality, provided that such speed limit is indicated by lawfully placed signs. Current law authorizes localities to reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, on highways within its boundaries that are located in a business district or residence district, provided that such reduced speed limit is indicated by lawfully placed signs. (22101386D)

HB 633 (Carr) (HTRAN) expands the current authority of any locality to reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, on highways within its boundaries that are located in a business district or residence district, provided that such reduced speed limit is indicated by lawfully placed signs, to include highways within the state highway system. (22100393D)

HB 275 (Coyner) (HTRAN) 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. (22101566D)

HB 625 (Hudson) (HTRAN) prohibits the issuance of a safety inspection approval sticker to a vehicle that is not equipped with an exhaust system in good working order. (22102061D)

HB 632 (Carr) (HTRAN) prohibits any individual from operating a motor vehicle with a gross weight of 6,500 pounds or less with an exhaust system that emits noise in excess of 85 decibels. The bill also allows the governing body of any county, city, or town located within the Northern Virginia Planning District or Richmond Regional Planning District to provide by ordinance that no person shall operate any motor vehicle on a highway or on public or private property within 500 feet of any residential district unless such motor vehicle is equipped with an exhaust system of a type installed as standard equipment, or comparable to that designed for use on that particular vehicle or device as standard factory equipment, in good working order and in constant operation to prevent excessive noise. (22100082D)

SB 180 (Saslaw) (STRAN) prohibits any individual from operating a motor vehicle with a gross weight of 6,500 pounds or less with an exhaust system that emits noise in excess of 85 decibels. The bill also allows the governing body of any county, city, or town located within the Northern Virginia Planning District to provide by ordinance that no person shall operate any motor vehicle on a highway or on public or private property within 500 feet of any residential district unless such motor vehicle is equipped with an exhaust system of a type installed as standard equipment, or comparable to that designed for use on that particular vehicle or device as standard factory equipment, in good working order and in constant operation to prevent excessive noise. (22100194D)

SB 220 (McPike) (STRAN) makes bridges with a general condition rating of no greater than five eligible for state of good repair funding. Under current law, structurally deficient bridges and highways with deficient pavement conditions are eligible for state of good repair funds. The bill eliminates the minimum and maximum percentage of the state of good repair funds that each construction district can receive. (22101012D)

SB 334 (Bell) (STRAN) authorizes towns that have not established their own police department to authorize the placement and operation of a photo speed monitoring device to record speed limit violations. Current law authorizes state and local law-enforcement agencies to place and operate such devices. The bill requires any such town to provide all data collected from the device to the chief law-enforcement office for the town or of the county in which the town is located. The bill removes the limitation that such devices only be used in highway work zones and school crossing zones. (22101388D)

Workers' Compensation

SB 181 (Saslaw) (SCL) 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 289 (DeSteph) (SCL) 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)

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

HB 372 (Convirs-Fowler) (HCCT) prohibits localities from imposing age restrictions on trick-or-treating that exceed current loitering and curfew provisions. (22102248D)

SB 153 (Locke) (SFIN) 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 Code to reflect the new position by eliminating references to the Office of Diversity, Equity, and Inclusion and replacing these references with the Secretary of Diversity, Equity, and Inclusion. (22104752D-S1)

SB 270 (Hashmi) (SGL) 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)

SB 305 (Deeds) (SACNR) 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 343 (Barker) (SFIN) allows low-income individuals and married persons to claim either (i) a nonrefundable income tax credit equal to \$300 for each individual, his spouse, and any dependents or (ii) a refundable income tax credit equal to 20 percent of the federal earned income tax credit claimed that year by the individual or married persons for the same taxable year. Under current law, low-income individuals and married persons may elect either of these amounts; however, both options for claiming the credit are nonrefundable. The provisions of the bill apply to taxable years 2022 through 2028. (22102700D)

Courts/Public Safety

HB 375 (Williams Graves) (HCT) changes the period of limitations for the collection of court fines and costs from within 60 years from the date of the offense or delinquency giving rise to imposition of such penalty if imposed by a circuit court or within 30 years if imposed by a general

district court to within three years from the date of the judgment whether imposed by a circuit court or general district court. The bill also states that upon the expiration of the period of limitations, the fines imposed and costs taxed are extinguished and there shall be no right to collect the debt and that the period of limitations shall not be extended or revived on account of a partial payment; a written or verbal affirmation of any fines, monetary penalties, or costs; or a change in collection methods. (22102114D)

HB 415 (Ballard) (HCT) provides that if a jury finds a person guilty of a criminal offense, such jury shall ascertain the punishment of the offense. Under current law, unless the accused has requested that the jury ascertain punishment, the court shall fix punishment after the accused has been found guilty by a jury. (22102281D)

SB 98 (Hanger) (SJUD) 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. (22100053D)

SB 104 (Morrissey) (SFIN) except for aggravated murder of a law-enforcement officer, eliminates all mandatory minimum sentences of confinement from the Code of Virginia. The bill directs the Secretary of Public Safety and Homeland Security to establish a work group to evaluate the feasibility of resentencing persons previously convicted of a felony offense that was punishable by a mandatory minimum term of confinement and to report its findings by November 1, 2022. (22104619D-S1)

SB 105 (Morrissey) (SFIN) 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. (22102985D)

SB 106 (Surovell) (Reported from SJUD) requires that retired district court judges sitting as substitutes be found qualified every three years by the Senate Committee on the Judiciary and House Committee for Courts of Justice instead of authorized by the Chief Justice of the Supreme Court of Virginia. The bill also requires the Office of the Executive Secretary of the Supreme Court of Virginia to prepare and distribute an evaluation form for each circuit and district court retired judge who has requested to be called upon to sit in recall during his final year of the three-year period following qualification. The bill further requires that the Office of the Executive Secretary of the Supreme Court of Virginia annually prepare and transmit a report including such evaluations conducted that year to the Senate Committee on the Judiciary and the House Committee for Courts of Justice by the first day of the next regular session of the General Assembly. (22100295D)

SB 134 (Edwards) (SJUD) 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. (22100118D)

SB 136 (Edwards) (SFIN) increases the statutory caps for fees paid to court-appointed counsel in indigent cases. (22100119D)

SB 207 (Petersen) (Reported from SJUD) removes the requirement that a sworn law-enforcement officer be employed in a full-time capacity at the time of his retirement to purchase his service handgun. (22102156D)

SB 227 (Obenshain) (SJUD) 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 230 (Hanger) (SJUD) creates a cause of action against an alcoholic beverage control retail licensee who sells alcohol to a customer who subsequently injures another by driving while impaired if the consumption of the alcohol caused or contributed to an injury to person or property while the customer operated a motor vehicle. (22103961D)

SB 262 (Hashmi) (SJUD) provides that any person 21 years of age or older who knowingly or intentionally possesses psilocybin or psilocyn shall be punished by a civil penalty of no more than \$100 and such civil penalties shall be deposited into the Drug Offender Assessment and Treatment Fund. Under current law, a person who knowingly or intentionally to possesses psilocybin or psilocyn is guilty of a Class 5 felony. (22101765D)

SB 323 (Vogel) (SJUD) provides that an individual who is subject to arrest or prosecution for the unlawful purchase, possession, or consumption of alcohol, possession of a controlled substance, possession of marijuana, intoxication in public, or possession of controlled paraphernalia may be offered a first offender deferred disposition program or drug treatment court docket program if such person is reporting an overdose and seeking emergency medical attention. Under current law, such person would be immune from arrest and prosecution. (22101840D)

SB 379 (DeSteph) (SJUD) authorizes punishment by death for the willful, deliberate, and premeditated killing of a law-enforcement officer. (22101324D)

SB 411 (Morrissey) (SJUD) reduces the penalty for possession of a Schedule I or II controlled substance from a Class 5 felony to a Class 1 misdemeanor and the penalty for possession of a Schedule IV or V controlled substance from a Class 2 misdemeanor and a Class 3 misdemeanor, respectively, to a Class 4 misdemeanor. Consequently, the bill removes felony violations of

possession of a controlled substance from the definition of barrier crime related to criminal history checks for eligibility for various types of employment, to volunteer or provide certain services, or to establish or operate certain types of regulated businesses. The bill also limits the previous convictions that make a person ineligible for disposition under the first offender statute to a previous conviction for possession of a controlled substance or manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute a controlled substance or an imitation controlled substance. Under current law, a previous conviction for any drug-related criminal offense, or under any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant, depressant, or hallucinogenic drugs makes a person ineligible for such disposition. The bill also amends the required conditions of probation under the first offender statute. The bill changes the penalty for an attempt to commit a felony drug offense from imprisonment for not less than one nor more than 10 years to a Class 6 felony and removes the felony offenses for a prisoner to secrete or have in his possession any chemical compound that he has not lawfully received, any Schedule III controlled substance, or marijuana. The bill makes secreting or possessing a controlled substance or marijuana by a prisoner punishable the same as possession of such controlled substances or marijuana by a person who is not in prison. Lastly, the bill provides that the definition of "controlled substance" for purposes of the Drug Control Act shall not include mere residue of any drug, substance, or immediate precursor in Schedules I through VI that is not a countable dosage unit. The bill contains technical amendments. (22101679D)

SB 514 (McPike) (SJUD) 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, oversight, and guidance with respect to such guardianships; (ii) 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; (iii) 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 (iv) 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. (22104012D)

SB 518 (Lucas) (SJUD) 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, may receive an automatic hearing to consider modification of such person's sentence. The bill also allows persons convicted of any felony offense committed prior to July 1, 2021, who remain incarcerated or on community supervision on July 1, 2022, and whose sentence may have been enhanced because of a previous felony marijuana offense or without the

involvement of marijuana such felony offense conviction or felony sentence enhancement would not have been possible, as the involvement of marijuana was necessary to satisfy the elements of the charged offense or the sentence enhancement, to petition the circuit court for modification of such person's sentence. The bill requires such petition to be filed by July 1, 2024. The provisions of this bill sunset on July 1, 2025. (22104150D)

SB 531 (DeSteph) (SJUD) creates a civil action for damages caused during a riot or unlawful assembly if a person with the lawful authority to direct a law-enforcement agency uses that authority to prohibit law-enforcement officers from taking action that would prevent or materially mitigate significant bodily injury, death, or damage or destruction of property caused by or related to a riot or unlawful assembly. The bill also creates an affirmative defense in a civil action for wrongful death or injury to a person or property that such action arose from injury or damage sustained by a participant in furtherance of a riot. If such affirmative defense is raised, the court shall, upon the defendant's motion, stay the proceedings during the pendency of the criminal proceedings. This bill also directs that any locality that reduces the operating budget of its local law-enforcement agency shall (i) receive no appropriation in the general appropriation act for highway system maintenance and operations or for maintenance and operation of roads; (ii) receive no allocation of highway funds for roads within such locality; and (iii) receive no payments for maintenance, construction, or reconstruction of highways. The bill also makes it a Class 1 misdemeanor to (a) electronically publish another person's personal identifying information with the intent to (1) incite violence or commit a crime against such other person or (2) threaten or harass such other person in a manner as to place the person in reasonable fear of bodily harm; (b) maliciously block access to any business; (c) maliciously obstruct a highway; and (d) injure, destroy, or tamper with a conspicuously marked law-enforcement vehicle. Additionally, this bill makes it a Class 6 felony to commit an assault and battery while participating in a riot and to interfere with a conspicuously marked law-enforcement vehicle occupied by a law-enforcement officer with the intent to prevent a law-enforcement officer from performing his official duties. (22103359D)

Education and Schools

SB 275 (DeSteph) (SEH) requires each local school board to adopt policies that address the selection and evaluation of all printed and audiovisual materials purchased by, donated to, or otherwise made available to the school division that will be available to students in school libraries and requires such policies to contain clear procedures for (i) parental involvement in and a reasonable opportunity for public comment before the selection and evaluation of printed and audiovisual materials that will be available to students in school libraries; (ii) mandatory prior written parental consent before a student is permitted to check out from the school library any such printed or audiovisual materials that could be considered grooming video or materials, as that term is defined in relevant law; and (iii) the removal from the school library of any such printed or audiovisual materials that could be considered grooming video or materials, as that term is defined in relevant law. (22101481D)

SJ 20 (Newman) (SPE) provides that for any year in which there is a surplus, the budget shall include an appropriation of five percent of such surplus for the operational costs of local school divisions. The resolution provides for an equivalent decrease in the amount of operational costs

funded by the Lottery Proceeds Fund and an equivalent increase in the amount of funds in the Fund restricted exclusively for local school divisions' capital construction and renovation costs. If the restricted amount is equal to or greater than the amount in the Fund, the increases and decreases are no longer required under the resolution. (22103564D)

Elections

HB 972 (Simon) (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. (22104066D)

SB 495 (McClellan) (SPE) 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. (22101043D)

SB 371 (Vogel) (SFIN) expands the membership of the State Board of Elections from five members to eight members with equal representation given to both parties. The bill also gives the State Board of Elections the authority and duty to appoint the Commissioner of Elections of the Department of Elections. The appointment and removal of the Commissioner require an affirmative vote of six of the eight Board members. The bill has a delayed effective date of January 1, 2023. (22104694D-S1)

SB 459 (Chase) (SPE) requires the State Board of Elections to establish and the Department of Elections to conduct a program for the evaluation of the performance of general registrars. Under such evaluation program, general registrars with below satisfactory performance are subject to remedial requirements and possible removal. The bill prohibits general registrars from conducting the duties of officers of election. The bill also provides that no general registrar may have a spouse, relative, or person with whom he resides who serves as the chairman of a political party or other officer of a state, local, or district level political party committee nor a spouse, relative, or person with whom he resides who serves as a paid or volunteer worker in the campaign of a candidate for nomination or election to an office filled by election in whole or in part by the qualified voters of the registrar's jurisdiction. The bill also applies certain prohibitions on registrars and their spouses to all assistant registrars, some of which only apply to paid assistant registrars under current law. (22101503D)

FOIA

SB 152 (Locke) (SGL) 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

SB 192 (Mason) (SEH) allows local health directors to possess a Doctor of Public Health degree, a Master of Public Health degree, or a doctoral degree in the area of public health as an alternative to the current requirement that local health directors be physicians licensed to practice medicine in the Commonwealth. (22100567D)

SJ 10 (Surovell) (SRUL) 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) (SRUL) 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) (SRUL) 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

SJ 3 (Locke) (SPE) allows easements on public property to be granted in perpetuity to a public body, political subdivision, or authority of the Commonwealth or to the United States or any of its departments or agencies. The requirement to advertise and publicly receive bids does not apply to easements conveyed to any such governmental entity. (22101371D)

Legislation Provided for Information

HB 38 (Convirs-Fowler) (HCCT) subjects any person appointed by a constitutional officer to serve as deputy as provided by law to the same dual office holding requirements and prohibitions applicable to the constitutional officer. (22102401D)

HB 323 (Rasoul) (HAG) 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)

SB 140 (Edwards) (SLG) expands the requirement to retrofit buildings with one or more dwelling units, hotels and motels, and rooming houses with smoke alarms without regard to the time of construction of such buildings. (22102255D)

SB 526 (Lucas) (SLG) 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 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)

SB 203 (Morrissey) (SGL) adds Petersburg to the list of cities eligible to host a casino in the Commonwealth. The bill also provides that the governing body of any eligible host city that holds a local referendum on the question of whether casino gaming should be permitted in such city that subsequently fails shall be prohibited from holding another local referendum on the same question for a period of five years from the date of the last referendum. (22100709D)

HB 377 (Subramanyam) (HCCT) allows localities to make appropriations to nonprofit faith-based organizations that provide community services in the locality for nonreligious purposes and regardless of recipients' faith affiliation. (22101041D)

SB 319 (Vogel) (SLG) allows localities to make appropriations to nonprofit faith-based organizations that provide community services in the locality for nonreligious purposes and regardless of recipients' faith affiliation. (22101496D)

Animals

HB 373 (Williams Graves) (HAG) authorizes an animal shelter to return a cat to the place from which it was taken after the expiration of the stray hold period. Any such cat shall be vaccinated for rabies, spayed or neutered, and eartipped. (22102841D)

SB 87 (Stanley) (SACNR) prohibits a dealer or commercial dog or cat breeder 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. (22101357D)

SB 88 (Stanley) (SACNR) 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 89 (Stanley) (SACNR) prohibits a pet shop from selling a dog or cat unless it has first been spayed or neutered. A violation is a Class 3 misdemeanor. (22101414D)

SB 90 (Stanley) (SACNR) 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)

SB 249 (Surovell) (SACNR) provides that any person who knowingly (i) engages in sexual contact with an animal; (ii) causes another person by force, threat, or intimidation to engage in sexual contact with an animal; (iii) advertises, solicits, offers, sells, purchases, or possesses an animal with the intent that the animal be subject to sexual contact; (iv) permits sexual contact with an animal to be conducted on any premises under his ownership or control; (v) produces, distributes, publishes, sells, transmits, finances, possesses with the intent to distribute, publish, sell, or transmit, or makes any attempt to produce, distribute, publish, sell, transmit, or finance an obscene item depicting a person engaged in sexual contact with an animal is guilty of a Class 6 felony. The bill also provides that any person convicted of sexual abuse of an animal may be prohibited from possessing, owning, or exercising control over any animal for a period of up to five years and may be ordered to attend an appropriate treatment program or obtain psychiatric or psychological counseling. (22100190D)

SB 604 (Stanley) (SACNR) clarifies that dogs and cats in the possession of a person who or an entity that breeds dogs or cats for sale or transfer to an animal research facility are considered companion animals for the purposes of animal cruelty statutes. The bill also provides that breeding dogs or cats for sale or transfer to a research facility, or breeding dogs or cats within a research facility, does not constitute bona fide scientific or medical experimentation for purposes of animal cruelty statutes. (22104107D)

Hunting

HB 111 (Edmunds) (HAG) allows hunting on Sundays in wildlife management areas owned by the Department of Wildlife Resources. (22103739D)

HB 124 (Wyatt) (HAG) authorizes the use rifle equipped with .22 caliber centerfire ammunition for hunting big game. Current Department of Wildlife Resources regulations allow the use of rifles with a caliber of .23 or greater. (22101557D)

SB 8 (Petersen) (Senate Floor) 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) (SACNR) prohibits the use of snare traps to hunt or kill game animals. (22100901D)

Courts/Public Safety

HB 265 (Campbell, R) (HCT) adds the following to the list of crimes that a multi-jurisdiction grand jury may investigate: (i) financial exploitation of mentally incapacitated persons and (ii) abuse and neglect of incapacitated adults. (22102393D)

SB 143 (Edwards) (Reported from SJUD) 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. The bill contains an emergency clause that is applicable only to this correction. (22103323D)

SB 378 (Petersen) (SJUD) 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 412 (Morrissey) (SJUD) requires the court to terminate the parental rights of a parent upon finding, based upon clear and convincing evidence, that termination of parental rights is in the best interests of the child and that the parent has been convicted of an offense under the laws of the Commonwealth or a substantially similar law of any other state, the United States, or any foreign jurisdiction that constitutes murder or voluntary manslaughter, or a felony attempt, conspiracy, or solicitation to commit any such offense, and the victim of the offense was the child of the parent over whom parental rights would be terminated. The bill also requires local boards of social services to file a petition to terminate parental rights in such instances. (22103115D)

SB 423 (Edwards) (SJUD) 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) (SJUD) 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 443 (Boysko) (SJUD) provides that a defendant with a disorder or disability, as defined in the bill, may file a petition that requests the sealing of the criminal history record information and court records of a Class 4 felony conviction or deferred and dismissed disposition. Under current

law, Class 4 felony convictions or deferred and dismissed dispositions are ineligible to be sealed. (22103094D)

SB 483 (McClellan) (SJUD) eliminates the civil statute of limitations period for injury resulting from sexual abuse occurring during the infancy of the abused person and allows persons who have previously been time-barred from filing such an action due to the expiration of the limitations period in effect prior to July 1, 2022, to file such an action. The bill requires youth sports leagues to (i) require all coaches, staff members, employees, and other volunteers who will be alone with, in control of, or supervising children to complete a fingerprint-based background check; (ii) provide to all coaches, staff members, employees, and other volunteers who will be alone with, in control of, or supervising children and the parent of any child participating in the sports league written notice of the duty of all coaches, directors, and persons 18 years of age or older employed by or volunteering with the sports league to report suspected child abuse or neglect, information regarding how to report suspected child abuse or neglect, an explanation of the penalties that may be imposed for failure to file a required report, contact information for the local department of social services, and the telephone number for the Department of Social Services' toll-free child abuse and neglect hotline; and (iii) require all paid coaches, staff members, and employees who will be alone with, in control of, or supervising children to complete no less than four hours of training annually regarding child abuse prevention and response and require all volunteers who will be alone with, in control of, or supervising children to complete no less than two hours of training annually regarding child abuse prevention and response. The bill directs the Board of Education to promulgate regulations to implement the provisions of the bill and to develop and provide to sports leagues resources regarding child abuse prevention and response training opportunities. (22104008D)

SB 486 (McClellan) (SJUD) provides that an employer may petition the court for a preliminary protective order or a protective order to protect the health and safety of its employees. The bill provides that the venue for a workplace violence protective order is the jurisdiction where the workplace is located from which the petitioner seeks to have the respondent prohibited. (22103935D)

Education/Schools

SB 161 (Hashmi) (SFIN) directs the Department of Education, in conjunction with stakeholders, to develop guidelines on policies to inform and educate coaches and student athletes and their parents or guardians of the nature and risk of heat-related illness, how to recognize the signs of heat-related illness, and how to prevent heat-related illness to be distributed to local school divisions by August 1, 2022. (22101762D)

SB 178 (Peake) (SEH) permits each school board to extend for up to two additional years the three-year probationary term of service that is required for each teacher in the school division before the issuance of a continuing contract and prohibits each school board from reemploying a teacher whose performance evaluation during such probationary period is not satisfactory. The bill provides that, for the purpose of the dismissal of a teacher for cause, the term "incompetency" may be construed to include consistent failure to meet the endorsement requirements for the position or one or more unsatisfactory performance evaluations. The bill also eliminates the option for a

school board to conduct a teacher dismissal hearing before a three-member fact-finding panel, requires each such hearing to be set no later than 15 days after the request for the hearing, and reduces from 10 days to five days the minimum period of advance written notice to the teacher of the time and place of such hearing. (22103200D)

SB 454 (Boysko) (SFIN) establishes the Teacher Training Corps for the purpose of attracting and retaining public elementary and secondary school teachers in school divisions in the Commonwealth by awarding scholarships to students who obtain teaching degrees and certifications at participating institutions and requiring such students to fill teacher positions for specified periods of time at high-needs schools, as defined in the bill, and meet other requirements. The bill also establishes the Teacher Training Corps Scholarship Fund and Program for the purpose of funding such scholarships at the participating institutions of Longwood University, Norfolk State University, Radford University, and Virginia Commonwealth University. Finally, the bill establishes the 12-member Teacher Training Corps Commission to administer the Teacher Training Corps Scholarship Program and directs the Commission to begin meeting on or after September 1, 2022, establish the parameters for the Program, and award the first scholarships pursuant to the Program prior to the beginning of the 2023-2024 academic year. (22104758D-S1)

Elections

SB 377 (Petersen) (SLG) 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)

Environment and Energy

HB 202 (Webert) (HAG) lowers from 150 to 20 megawatts the maximum generation capacity of an electrical generation facility that generates electricity only from sunlight to qualify for issuance of a permit by rule. (22101017D)

HB 206 (Webert) (HAG) 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 more than 10 acres of prime agricultural soils, as defined in the bill, or 50 acres of contiguous forest lands, as defined in relevant law, is deemed to be a significant adverse impact on natural resources. Finally, 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. (22101438D)

HB 364 (Willett) (HCCT) requires regional planning commissions to include climate resilience as part of their strategic plans. (22103876D)

SB 248 (Surovell) (SACNR) clarifies that composting, for the purposes of fertilizer law, includes anaerobic digestion. Anaerobic digestion is defined in the bill as the controlled anaerobic biological decomposition of organic waste materials to produce biogas and digestate. (22103305D)

SB 452 (Boysko) (SLG) requires the Board of Housing and Community Development to adopt optional building energy efficiency standards and allows localities to adopt and enforce these standards. The bill allows localities to require disclosure of energy use intensity (EUI) information to prospective buyers, lessees, and lenders at the point of sale, and to require an energy audit for the building prior to the completion of the sale if there is insufficient available data or upon request. The bill allows localities to implement energy benchmarking, requiring utilities to collect and report energy use data for covered buildings to owners, and to require utilities to maintain 12 months of aggregated data for any building with an active utility account. The bill permits localities to create a scorecard program using Energy Star Portfolio Manager and require owners to disclose data to it, subject to program guidelines. The bill allows localities to incentivize owners, operators, and agents of certain buildings to report EUI information and reduce EUI amounts. The bill allows localities to set EUI requirements for certain buildings and develop local incentive programs. (22101904D)

SB 551 (Marsden) (SACNR) 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. (22103100D)

Health and Human Services

SB 146 (Suetterlein) (SACNR) provides that an establishment that sells prepared food shall not be required to have a certified food protection manager on site during all hours of operation. (22100724D)

Land Use

SB 52 (Cosgrove) (SLG) 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)

Transportation

HB 142 (McQuinn) (HTRAN) 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. (22102849D)

SB 342 (Barker) (STRAN) 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)

HB 436 (Sewell) (HTRAN) directs the Commonwealth Transportation Board to invite the National Capital Region Transportation Planning Board to participate in and present information at the joint transportation meeting held annually concerning projects in Planning District 8. (22103300D)

HB 704 (Keam) (HTRAN) prioritizes projects for new sidewalks and circular intersections when selecting projects to be funded with Northern Virginia Transportation Authority funds. (22102271D)

SB 247 (Surovell) (STRAN) 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)

SB 362 (Stuart) (STRAN) prohibits persons riding bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, or motorized skateboards or scooters riding 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 and to ride in a single lane on a laned roadway. (22102032D)

SB 445 (Boysko) (STRAN) directs the Commissioner of Highways to evaluate whether it is in the public interest for any roadway operated pursuant to the Virginia Highway Corporation Act of 1988 (HCA) to operate instead under the authority and requirements provided by the Public-Private Transportation Act of 1995 (PPTA). The bill authorizes the Commissioner, if he determines it is in the public interest for any such roadway to operate under the PPTA and if the Secretary of Transportation and the Transportation Public-Private Partnership Steering Committee concur, to negotiate and execute a new comprehensive agreement with the operator of such

roadway to operate under the authority and requirements provided by the PPTA. The bill has an expiration date of January 1, 2024. (22102542D)