

**Legislation Requiring Further Review, Staff “Watch List” and Legislation
Provided for Information
Board of Supervisors Legislative Committee
January 28, 2022**

Legislation Requiring Further Review

HB 702 (Keam) (HGL) requires an owner of a single-family detached residential property to disclose in writing to any prospective purchaser or lessee of the property the existing lot coverage and the maximum lot coverage for the property as permitted by zoning ordinance in the locality in which the property is located. (22102215D)

HB 837 (Wilt) (HAG) requires any food manufacturer, food storage warehouse, and retail food establishment to obtain a permit from the Commissioner of the Department of Agriculture and Consumer Services prior to operating. Any such entity issued a permit would be exempt from any other license, permit, or inspection required for the sale, preparation, or handling of food. The bill requires the Commissioner to notify such entities of the reason for denial of a permit and requires that any denial, suspension, or revocation of a permit be carried out in accordance with the Administrative Process Act. (22104157D)

HB 1290 (Hayes) (HTECH)/**SB 764** (Barker) (SGL) requires every public body to report to the Chief Information Officer (CIO) all known incidents that threaten the security of the Commonwealth's data or communications or result in exposure of data protected by federal or state laws and all other incidents compromising the security of the public body's information technology systems with the potential to cause major disruption to normal activities of the public body or other public bodies. The bill requires such reports to be made to the CIO within 24 hours from when the incident was discovered. (22103585D, 22104425D)

SB 46 (Petersen) (SFIN) 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) (SFIN) 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)

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)

HB 627 (Hudson) (HCCT) allows localities to create schedules of fines and penalties for violations of designated ordinances. The bill establishes limits on fine amounts and frequency, as well as guidance on separate offenses. The bill precludes prosecution as a criminal misdemeanor for aggregate penalties of all offenses from the same operative set of facts totaling less than \$5,000. The bill allows prosecution as a criminal misdemeanor for violations arising from the same operative set of facts for penalties totaling \$5,000 or more. The bill provides for civil summons, waiver of trial, admitting liability, and payment of the penalty. The bill provides trial procedure and abatement of the offense and it creates liens for unpaid penalties, and enforcement guidelines for such liens. (22103110D)

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)

HB 614 (Bourne) (HCT) 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. (22101404D)

HB 738 (Bell) (HCT) provides that whenever a court orders an evaluation of a defendant's competency to stand trial, the clerk of the court shall provide a copy of the order to the Department of Behavioral Health and Developmental Services. (22101063D)

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

and impose or resuspend any or all of the period previously suspended. Currently, a defendant's failure to refrain from the use, possession, or distribution of any controlled substance or paraphernalia is a technical violation. (22101505D)

HB 761 (Krizek) (HCT) requires that any standard complaint form utilized by the Judicial Inquiry and Review Commission shall be made available in paper form at every clerk's office in all courts across the Commonwealth. The bill also requires that a sign be posted in all state courts of the Commonwealth, in a location accessible to the public, detailing the availability and location of such form. Such sign shall also include information on how to access a downloadable electronic version of the form, which shall be made available on the official website of the judicial system of the Commonwealth, every individual appellate, circuit, general district, and juvenile and domestic relations district court website, if such website exists, and the website for the Division of Legislative Services. (22102454D)

HB 794 (Ballard) (HCT) 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. (22102321D)

HB 906 (Coyner) (HCT) provides a petition process for a person serving a sentence for any conviction or a combination of any convictions who remains incarcerated in a state or local correctional facility and meets certain criteria to petition the circuit court that entered the original judgment or order to (i) suspend the unserved portion of such sentence or run the unserved portion of such sentence concurrently with another sentence, (ii) place such person on probation for such time as the court shall determine, or (iii) otherwise modify the sentence imposed. (22103925D)

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 389 (Ebbin) (Senate Floor) 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. (2210245D)

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)

Economic Development

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 720 (Hackworth) (SLG) allows facilities owned by a non-authority that are utilized as part of a cooperative arrangement entered into by an authority promoting economic and workforce development to participate in localities' revenue sharing agreements. (22103940D)

Education and Schools

HB 293 (Freitas) (HED) establishes the Education Savings Account Program (the Program), to be administered by the Department of Education (the Department) with assistance from each local school board, whereby the parent of any elementary or secondary school student who (i) is a member of a household whose annual income does not exceed two times the annual household income that would qualify the student for free or reduced-price lunch and (ii) was eligible to attend a public school in the Commonwealth in the preceding semester or is starting elementary or secondary school in the Commonwealth for the first time is eligible to receive an education savings account, for as long as the student is of school age and the amount of which is determined pursuant to a calculation set forth in the bill, to cover certain enumerated educational expenses for his child. The bill requires the Department to establish rules and regulations for the Program and contains conditions, limitations, and other requirements for the Program, including provisions relating to the accountability and educational autonomy of individuals and entities receiving account funds to cover qualified expenses. (22102132D)

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) (SFIN) 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) (SFIN) 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)

SB 608 (Suetterlein) (SEH) permits the Board of Education (the Board) to receive, review, and rule upon applications for public charter schools and enter into agreements for the establishment of public charter schools. Under current law, the power to grant or deny a public charter school application and enter into an agreement for the establishment of a public charter school rests solely with local school boards. The bill also provides that the decision of the Board or a local school board to grant or deny a public charter school application or to revoke or fail to renew a public charter school agreement is final and is not subject to appeal. Current law contains an appeal process for such decisions. (22101743D)

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)

SB 80 (Stanley) (Senate Floor) 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. (22105282D-S1)

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)

Employment Issues

SB 1 (Boysko) (SCL) requires the Virginia Employment Commission to establish and administer a paid family and medical leave program with benefits beginning January 1, 2025. Under the program, benefits are paid to eligible employees for family and medical leave. Funding for the program is provided through premiums assessed to employers and employees beginning in 2024. The amount of a benefit is 80 percent of the employee's average weekly wage, not to exceed 80 percent of the state weekly wage, which amount is required to be adjusted annually to reflect changes in the statewide average weekly wage. The measure caps the duration of paid leave at 12 weeks in any application year. The bill provides self-employed individuals the option of participating in the program. (22100172D)

Environment/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 602 (Hayes) (HAG) creates the Commonwealth Flood Board as a policy board in the executive branch. The bill provides that the Board's duties shall include, among others, overseeing the development, implementation, and updating of the Commonwealth Flood Plan. The bill also creates the Department of Flood Control under the authority of the Secretary of Natural and Historic Resources to provide technical expertise in all aspects related to flood control, management, mitigation, abatement, and recovery. The Commonwealth Flooding Scientific and Technical Advisory Committee is also established in the bill as an advisory committee of the Commonwealth Flood Board to assist the Commonwealth in developing and implementing the Commonwealth Flood Plan. (22103972D)

HB 706 (Keam) (HCCT) changes the time for minimum canopy coverage for all localities from 20 years to 10 years and removes special provisions that had allowed for 10 years for the City of Williamsburg and local ordinances adopted pursuant to § 15.2-961 prior to July 1, 1990. The bill provides an additional one-quarter times the canopy area credit for preservation of trees that are taller than 30 feet, thereby increasing the canopy area credit from one and one-quarter to one and one-half. (22102708D)

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)

HB 558 (O'Quinn) (HCE)/**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. (22102047D, 22102111D)

SB 732 (Lewis) (SLG) requires a locality's comprehensive plan to consider strategies to address climate resilience in order to anticipate, prepare for, respond to, and adapt to changing conditions and hazardous events. (22104329D)

FOIA

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 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)

HB 669 (Hope) (HHWI) directs the Board of Health to adopt regulations governing swimming pools and other water recreational facilities operated in conjunction with a tourist facility or health spa, and provides that localities may adopt ordinances governing swimming pools that are more stringent than regulations adopted by the Board. The bill directs the Board to convene a stakeholder work group to provide recommendations related to regulations required to be adopted pursuant to the bill. Such work group is required by the bill to report its findings and recommendations to the Board by November 1, 2023. (22103720D)

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 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)

Housing

HB 596 (Clark) (HCCT) provides that any locality may by ordinance adopt rent stabilization provisions. The bill provides that no such ordinance shall be adopted until the proposed ordinance has been posted on the locality's website and advertised in a newspaper of general circulation in the locality at least two weeks prior to a public hearing on such ordinance. All landlords who are under rent stabilization may be required to give up to a two-month written notice of a rent increase and cannot increase the rent by more than the locality's rent stabilization allowance, the maximum amount a landlord can increase a tenant's rent during any 12-month period, in effect at the time of the increase, and the bill requires the locality to annually publish this allowance on its website. The allowance is equal to the annual increase in the Consumer Price Index for the region in which the locality sits and is effective for a 12-month period beginning July 1. The bill provides that no such ordinance shall apply to the following: (1) Any unit in a licensed facility, the primary purpose of which is the diagnosis, cure, mitigation, and treatment of illnesses; (2) Any unit in a facility owned or leased by an organization exempt from federal income taxes pursuant to § 501(c)(3) of the Internal Revenue Code, the primary purpose of which is to provide temporary sanctuary or shelter for qualified clients, provided that the organization has notified the clients residing in the facility of the temporary nature of their housing at the inception of their residence; (3) Any owner-occupied group house; (4) Religious facilities, such as churches, synagogues, parsonages, rectories, convents, and parish homes; (5) Transient facilities, such as motels, tourist homes, and bed and breakfast facilities; (6) School dormitories; (7) Licensed assisted living facilities and nursing homes; or, (8) Single-family residences. The bill states that such ordinance shall provide a procedure by which a landlord may apply for an exemption from the rent stabilization provisions in situations where the net operating income generated by the rental facility has not been maintained due to escalating operating expenses or for other appropriate reasons as established by the locality. The locality may establish a civil penalty for failure to comply with the requirements set out in the ordinance that shall not exceed \$2,500 per separate violation. (22101801D)

Land Use

HB 961 (Roem) (HCCT) requires every locality to adopt an ordinance setting forth a register of identified cemeteries, graveyards, or other places of burial located on private property not belonging to any memorial or monumental association. The bill provides that the official local register shall include an official map and that both the register and map shall be available on the locality's website, if one exists. The bill also provides that the governing body shall publish a notice

in a newspaper having general circulation in the locality at least two weeks prior to the sale of any property on such registry, or as soon thereafter as possible, and shall also publish the notice on the locality's website, if one exists. (22100951D)

HB 1276 (Simonds) (HCCT) authorizes cities with populations greater than 20,000 and counties with populations greater than 100,000 to consider, at the next and all subsequent reviews of the comprehensive plan, adopting a healthy communities strategy. The bill provides that the locality's strategy shall be to identify neighborhoods with major sources of pollution or hazardous waste, to identify objectives and policies to reduce health risks in such neighborhoods, to promote civic engagement by residents of such neighborhoods, and to prioritize improvements and programs that address the needs of such neighborhoods. (22104511D)

SB 145 (Cosgrove) (SGL) provides that once an applicant has obtained a permit for the construction of a deck, such applicant shall not be required to obtain or renew a permit to make alterations to, remove any structure to, or redesign such deck. (22100621D)

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)

SB 694 (Obenshain) (SJUD) makes various changes to the laws pertaining to condemnation procedures, including (i) providing that localities shall not condition or delay the timely advancement or approval of any application for or grant of any permit or other approval for real property for the purpose of allowing the condemnation or acquisition of the property; (ii) requiring a condemnor to provide the property owner with a copy of its title report and all recorded instruments found in the title examination; (iii) requiring the clerk of court, when funds are paid into the court during a condemnation proceeding, to deposit such funds into an interest-bearing account; (iv) requiring the court to order the condemnor to reimburse the property owner for the reasonable costs and fees for a survey (under current law, this amount is capped at \$1,000); (v) requiring temporary construction easements to have an expiration date included in the recorded certificate and requiring condemnors to record a certificate of completion within 90 days upon completion of construction of any public use project for which a portion of private property was taken; (vi) requiring that a condemnor who has been sued for just compensation pursuant to a "quick-take" condemnation procedure to reimburse the property owner for his fees and costs incurred in filing the petition; (vii) permitting the owner of property that the Commissioner of Highways has taken to petition the circuit court for the appointment of commissioners or the empanelment of a jury to determine just compensation under certain circumstances and requiring the Commission of Highways to reimburse the owner for his fees and costs incurred in filing the petition; and (viii) requiring a condemnor who has taken property for purposes of a public use project to pay for the costs incurred by the property owner for a written appraisal report or experts engaged to (a) review the plans for the public use project to determine the limits of the taking of the property, (b) determine the impact of the public use project on any remaining property, or (c) determine the uses to which the property could be put in the before and after project scenarios. (22104443D)

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 147 (Wiley) (HPS) requires the State Board of Local and Regional Jails (the Board) to establish minimum standards for identification and care of individuals with developmental disabilities in local correctional facilities and procedures for enforcing such minimum standards, including requirements for (i) screening of individuals committed to local correctional facilities for developmental disabilities, (ii) referral of individuals committed to local correctional facilities for whom a screening indicates reason to believe the person may have a developmental disability to an appropriate provider for an assessment to determine whether the individual has a developmental disability and is in need of developmental services, and (iii) transfer of an individual determined to have a developmental disability and to be in need of developmental services from a local correctional facility to a facility at which appropriate developmental services are provided within 72 hours of completion of the assessment. The bill also requires the Board to amend standards governing the delivery of behavioral health services in local correctional facilities and lock-ups to provide that if an individual is assessed as being in need of behavioral health services, such individual shall be transferred from the local correctional facility or lock-up to a behavioral health facility within 72 hours of the assessment. Currently, standards governing behavioral health services in local correctional facilities and lock-ups require that if a person is assessed as being in need of behavioral health services, the local correctional facility or lock-up shall provide such services. (22103164D)

HB 292 (Freitas) (HRUL) removes the requirement that concealed handgun permit applicants demonstrate competence with a handgun by completing an in-person course and adds the option for applicants to demonstrate competence by completing an electronic, video, or online course conducted by a state-certified or National Rifle Association-certified firearms instructor. (22102063D)

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)

HB 609 (Bourne) (HCT) creates a civil cause of action for the deprivation of any rights, privileges, or immunities pursuant to the constitutions and laws of the United States and the Commonwealth due to the acts or omissions of either a public employer or its employee and provides that a plaintiff may maintain an action to establish liability and recover compensatory damages, punitive damages, and equitable relief against the public employer and its employee. The bill provides that sovereign immunity is not a defense to such an action. The bill further provides that public employers owe a duty of reasonable care to third parties in the hiring, supervision, training, retention, and use of their employees and that a person who claims to have suffered injury or sustained damages caused, in whole or in part, by a breach of this duty may maintain an action to establish liability and recover compensatory damages, punitive damages, and equitable relief against such public employer. (22103926D)

HB 611 (Bourne) (HPS) requires the Department of Criminal Justice Services (the Department) to establish a best practices model for the implementation, training, and management of an Early Identification System (EIS). The bill defines an EIS as a system through which a law-enforcement agency collects and manages data to identify and assess patterns of behavior, including misconduct and high-risk behavior, or performance of law-enforcement officers and law-enforcement agency employees. The bill directs each sheriff or chief of police to implement an EIS by July 1, 2024, and requires that law-enforcement officers receive training prior to implementation of the EIS and annually thereafter. The bill also directs the Department to establish and administer written policies and procedures for law-enforcement agencies to report to the Office of the Attorney General all judgments or settlements in cases relating to negligence or misconduct of a law-enforcement officer. (22104023D)

HB 660 (Wampler) (HCT) removes provisions requiring that search warrants for the search of any place of abode be executed by initial entry of the abode only in the daytime hours between 8:00 a.m. and 5:00 p.m. (22102154D)

HB 736 (Bell) (HCT) provides that a law-enforcement officer may seek, execute, or participate in the execution of a no-knock warrant if authorized by a judge for good cause shown by particularized facts. The bill also clarifies that a search warrant for any place of abode shall require that at least one law-enforcement officer be recognizable and identifiable as a uniformed law-enforcement officer and provide audible notice of his authority and purpose reasonably designed to be heard by the occupants of such place to be searched prior to the execution of such search warrant. The bill changes the hours of execution of a search warrant for the search of any place of

abode from the daytime hours between 8:00 a.m. and 5:00 p.m. to between 6:00 a.m. and 9:00 p.m. The bill also provides that a magistrate may authorize the execution of such search warrant at another time as necessary for law-enforcement officers to obtain the objects or persons described in the warrant or in the interest of public safety. Currently, a judge or a magistrate, if a judge is not available, may authorize the execution of such search warrant at another time. The bill removes provisions stating that any evidence obtained from a search warrant in violation of any of the execution requirements shall not be admitted into evidence for the Commonwealth in any prosecution. (22100839D)

HB 749 (Bell) (HCT) provides that the Department of Criminal Justice Services shall adopt guidelines to make funds from the Virginia Sexual and Domestic Violence Victim Fund, which is used to support the prosecution of domestic violence cases and victim services, available to sexual assault service providers and hospitals for the purpose of funding the cost of salaries and equipment for sexual assault forensic examiners, sexual assault nurse examiners, and pediatric sexual assault nurse examiners, with priority for funding such costs given to such forensic examiners and nurse examiners serving rural or underserved areas of the Commonwealth. The bill also increases the amount apportioned to the Fund from the fixed fees for misdemeanors and traffic infractions tried in district court. (22102530D)

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

HB 1053 (Shin) (HPS) eliminates certain fees charged to inmates within a local correctional facility, including a fee to defray the costs associated with an inmate's keep, travel and other expenses associated with an inmate's work release employment or participation in an educational or rehabilitative program, and telephone systems. The bill also reduces certain fees charged to inmates within a local correctional facility, including that the cost of items within a correctional facility's store or commissary shall not exceed 10 percent of the typical market rate for the same goods or services, and that the fee associated with electronic visitation and messaging systems shall not exceed the actual costs of establishing and operating such systems. The bill removes provisions that if an inmate is unable to pay in full such fees, the inmate must enter into a deferred or installment payment agreement with the local correctional facility, or that such facility may enter into a contract for collection of such fees with a private entity, a local governing body, or the county or city treasurer. The bill also provides that, upon discharge from a local correctional facility, an inmate shall receive, in the form of a check, electronic transfer, or a debit or other

account card, the balance of all accounts maintained by the facility for an inmate's use. (22102508D)

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

SB 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)

SB 25 (Ruff) (Passed Senate) 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)

SB 432 (Dunnavant) (SFIN) provides that only accommodations furnished to transients for overnight sleeping are subject to sales tax. The provisions of the bill are retroactive to January 1, 2018. (22104077D)

SB 686 (Mason) (SFIN) provides that any solar facility installed pursuant to existing local regulation of solar facilities laws is declared a separate class of property and shall be classified for local taxation separately from other classifications of real or personal property. Such facilities shall be wholly exempt from state and local taxation under the Constitution of Virginia. (22103937D)

Transportation

SB 705 (Marsden) (STRAN) adds various prohibitions and responsibilities for towing and recovery operators and tow truck drivers. The bill creates a private cause of action against towing and recovery operators, expands the authority of the Office of the Attorney General in enforcing towing laws, and provides that a violation of certain towing offenses is a violation of the Virginia Consumer Protection Act. (22103299D)

Workers' Compensation

SB 289 (DeSteph) (SFIN) 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 705 (Keam) (HGL) allows a public body to participate in cooperative procurement for construction contracts purchased by localities if the contract is valued at no greater than \$200,000. (22102313D)

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

SB 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) (SFIN) 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) (Senate Floor) 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 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)

HB 661 (Wampler) (HCT) authorizes punishment by death for the willful, deliberate, and premeditated killing of a law-enforcement officer. (22101175D)

HB 811 (Williams) (HCT) creates a rebuttable presumption against bail for certain criminal offenses enumerated in the bill and for persons identified as being illegally present in the United States by U.S. Immigration and Customs Enforcement who are charged with certain offenses. The bill also provides that a magistrate, clerk, or deputy clerk of a district court or circuit court shall not admit to bail, that is not set by a judge, any person who is charged with an offense giving rise to a rebuttable presumption against bail without the concurrence of an attorney for the Commonwealth. The bill also requires the court to consider specified factors when determining whether the presumption against bail has been rebutted and whether there are appropriate conditions of release. (22100829D)

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

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 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) (Passed Senate) 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) (SFIN) 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 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)

Guardianships

HB 424 (Herring) (HCT) requires a guardian to visit an incapacitated person at least once every three months and make certain observations and assessments during each visit. (22102637D)

HB 623 (Hudson) (HCT) adds to the duty of a guardian ad litem appointed to represent the interests of a respondent in a guardianship or conservatorship case the requirement to recommend that counsel be appointed to represent such respondent upon the respondent's request. Under current law, the guardian ad litem is required to recommend counsel be appointed only when he believes appointment is necessary. The bill further directs the guardian ad litem to include in his report to the court an explanation by the guardian ad litem as to any (i) decision not to recommend the appointment of counsel for the respondent, (ii) determination that a less restrictive alternative to guardianship or conservatorship is not available, and (iii) determination that appointment of a limited guardian or conservator is not appropriate. (22101866D)

HB 634 (Roem) (HCT) requires a guardian to visit an incapacitated person at least once every 90 days and make certain observations and assessments during each visit. The bill provides that a guardian may utilize a person who is directly employed and supervised by the guardian, or contract

the services of a care manager who is a trained professional who specializes in the field of life-care management, geriatrics, older adults and aging or adults with disabilities and who provides written reports to the guardian regarding any such visits to satisfy the duties imposed upon such a guardian. (22104036D)

HB 1212 (Glass) (HCT) requires 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. (22101034D)

SB 514 (McPike) (SFIN) 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. (22105019D-S1)

Education and Schools

SB 603 (Stanley) (SEH) requires the Board of Education (the Board) to make recommendations to the General Assembly for amendments to the Standards of Quality to establish standards for the maintenance and operations, renovation, and new construction of public elementary and secondary school buildings. The bill requires such recommendations to include standards for the percentage of the current replacement value of a public school building that a school board should budget for the maintenance and operations of the building and such other standards as the Board deems appropriate. The bill also requires the Board to solicit the input of relevant stakeholders and the public in developing such recommendations. Finally, the bill requires the Board to submit its recommendations to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than December 1, 2022. This bill is a recommendation of the Commission on School Construction and Modernization. (22104287D)

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) (Senate Floor) 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)

Employment Issues

SB 181 (Saslaw) (Senate Floor) 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)

FOIA

HB 734 (Bell) (HGL) provides that no criminal investigative file or portion thereof shall be disclosed to any requester except (i) the victim, (ii) members of the victim's immediate family, if the victim is deceased, or (iii) the victim's parent or guardian, if the victim is a minor, unless the public body has notified any such individual of the request for such information. Upon notification of a request, such persons may file a petition in an appropriate court for an injunction to prevent disclosure of the records. The bill requires the court to consider certain information in making its determination and provides that a public body shall be prohibited from disclosing criminal investigative files if the court awards an injunction. (22100814D)

HB 980 (Williams Graves) (HGL) adds email addresses as information that, when made in confidence to the local governing body, with respect to complainants in local investigations are exempt from disclosure under the Virginia Freedom of Information Act. The bill expands the applicability of the exemption to zoning enforcement complaints for all such complaints, not just individual enforcement complaints. The bill also adds local public health and safety, nuisance, and

waste and recycling complaints to the list of complainants whose personal information is exempt from disclosure. (22102670D)

SB 152 (Locke) (Reported from 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) (Reported from 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. (22105409D-S1)

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)

Taxation

HB 106 (McNamara) (HFIN)/**SB 630** (Barker) (SFIN) provides that, beginning with taxable year 2022, Virginia shall generally conform to federal tax laws on a rolling basis, meaning that Virginia tax laws incorporate changes to the Internal Revenue Code as soon as Congress enacts them. However, the bill provides that Virginia shall not conform to (i) any changes in a single act of Congress with an impact of more than 0.3 percent on revenues in the year in which the amendment

was enacted or any of the next four years and (ii) all changes enacted by Congress during the taxable year if their aggregate impact is more than 0.6 percent on the revenues for that year or any of the next four years. (22103395D, 22104076D)

HB 289 (McNamara) (HFIN) starting with taxable year 2022, indexes income tax brackets, the personal exemption, and the additional personal exemption for the blind or the aged. The bill requires the indexing ratio to be based on any increase in the Chained Consumer Price Index for All Urban Consumers (C-CPI-U) compared with 2021 as a reference year; however, the indexing ratio shall not be less than zero and therefore does not function to reduce any bracket or exemption. (22103394D)

HB 295 (McNamara) (HFIN) reduces the corporate income tax from its current rate of six percent to five percent in taxable year 2022, four percent in taxable year 2023, three percent in taxable year 2024, and two percent in taxable year 2025 and subsequent years. (22101108D)

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)

SB 560 (Norment) (SFIN) increases the standard deduction, starting with taxable year 2022, from \$4,500 to \$9,000 for single filers and from \$9,000 to \$18,000 for married filers (one-half of such amount in the case of a married individual filing a separate return). The increase would remain in effect for taxable years 2026 and after, when, under current law, the standard deduction is scheduled to be reduced to \$3,000 for single filers and to \$6,000 for married filers. (22100742D)

SB 579 (Hanger) (SFIN) provides an income tax refund of up to \$300 for individuals and up to \$600 for married persons filing a joint return for taxable year 2021. The bill provides that the refund shall not exceed the taxpayer's tax liability. (22100746D)

SB 583 (Newman) (SFIN) advances Virginia's date of conformity with the Internal Revenue Code from December 31, 2020, to December 31, 2021. The bill also deconforms from provisions of the (i) federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act) related to the net operating loss limitation and carryback, a loss limitation applicable to taxpayers other than corporations, the limitation on business interest, and certain loan forgiveness and other business financial assistance and (ii) federal American Rescue Plan Act related to restaurant revitalization grants and emergency injury disaster loans received for taxable years beginning before January 1, 2021. The bill also increases from \$100,000 to \$1 million the maximum individual and corporate income tax deduction or subtraction, as applicable, for Rebuild Virginia grants and certain amounts related to Paycheck Protection Program loans for taxable year 2020. The bill contains an emergency clause. (22103772D)

SB 692 (Petersen) (SFIN) permits a qualifying pass-through entity, defined in the bill, to make an annual election in taxable years 2021 through 2025 to pay an elective income tax at a rate of 5.75 percent, created by the bill, at the entity level for the taxable period covered by the return. The bill

also creates a corresponding individual income tax subtraction for taxable years 2021 through 2025 for any amount of income derived from a pass-through entity having Virginia taxable income if such pass-through entity makes such election and pays the elective income tax imposed at the entity level. (22104491D)

Transportation

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)

Legislation Provided for Information

HB 323 (Rasoul) (Reported from 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)

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 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)

SB 526 (Lucas) (Senate Floor) 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-E)

SB 572 (Kiggans) (Reported from SGL) directs the Secretary of Veterans and Defense Affairs and the Secretary of Commerce and Trade, in conjunction with the Department of Small Business and Supplier Diversity, to examine the waiving of fees associated with permits necessary to establish a small business for veteran-owned small businesses. (22100770D)

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) (SJUD) 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) (Passed Senate) 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) (Senate Floor) 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)

HB 283 (Brewer) (HPS) requires the Department of Criminal Justice Services to establish training standards for law-enforcement personnel regarding the recognition, prevention, and reporting of human trafficking. (22102365D)

HB 503 (Mullin) (HCT) provides that any person who was previously admitted to bail shall be granted bail and have the terms of bond or recognizance fixed in the amount or manner consistent with the prior admission to bail, but if the court having jurisdiction of the subsequent proceeding believes bail is inappropriate, or the amount of bond or security inadequate or excessive, it may deny bail, or change the amount of such bond or security, require new and additional sureties, or set other terms of bail as are appropriate to the case. Under current law, any person who was previously admitted to bail is not required to be admitted to bail in any subsequent proceeding arising out of the initial arrest unless the court having jurisdiction of such subsequent proceeding deems the initial amount of bond or security taken inadequate. This bill is a recommendation of the Virginia Criminal Justice Conference. (22101928D)

HB 536 (Convirs-Fowler) (HCT) provides that any adult criminal disposition for a misdemeanor or felony in a juvenile and domestic relations district court may be submitted to the general district court of the same territorial jurisdiction to be filed as a general district court record upon a petition filed by the victim of the offense and with the consent of the juvenile and domestic relations district court. (22102264D)

HB 578 (Convirs-Fowler) (HCT) makes changes to the definitions of victim of sex trafficking used for the purposes of the issuance of a writ of vacatur and the affirmative defense available to victims of sex trafficking to include a minor charged with, convicted, or adjudicated delinquent of a qualifying offense in the Commonwealth who committed such offense while younger than 18 years of age. (22103924D)

HB 579 (Convirs-Fowler) (HCT) expands the definition of qualifying offense for the purposes of the issuance of a writ of vacatur for victims of commercial sex trafficking and the affirmative defense available to victims of sex trafficking to include a number of additional offenses enumerated in the bill. Current law only allows the issuance of such writ of vacatur or the use of such affirmative defense for convictions and adjudications of delinquency or charges for prostitution and keeping, residing in, or frequenting a bawdy place. The bill also changes the term "victim of sex trafficking" to "victim of human trafficking" as used in reference to such writ of vacatur and affirmative defense and adds to the definition of "victim of human trafficking" any person subjected to human trafficking, as defined in the bill, and any person who committed such offense while younger than 18 years of age. For the purposes of the issuance of the writ of vacatur, the bill also provides that there shall be a rebuttable presumption that a petitioner is a victim of human trafficking if the petitioner provides official government documentation of the petitioner's status as a victim of human trafficking at the time of the qualifying offense. The bill also states

that a petitioner for a writ of vacatur shall not be required to pay any fees or costs for filing such petition if the petitioner is found to be unable to pay fees or costs. (22103923D)

HB 678 (Hope) (HCT) includes in the definition of "person under a disability" persons made defendants by the general description of "parties unknown" in suits involving real property. This bill is a recommendation of the Boyd-Graves Conference. (22101578D)

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

HB 719 (Filler-Corn) (HCT) provides that for a physical evidence recovery kit that (i) was collected by the Office of the Chief Medical Examiner as part of a routine death investigation, and the medical examiner and the law-enforcement agency agree that analysis is not warranted, (ii) was determined by the law-enforcement agency not to be connected to a criminal offense, or (iii) is connected to an offense that occurred outside of the Commonwealth or another law-enforcement agency has taken over responsibility of the investigation and such kit is not transferred to another law-enforcement agency, the law-enforcement agency that received the physical evidence recovery kit shall store such kit for a period of 10 years or until 10 years after the victim reaches the age of majority if the victim was a minor at the time of collection, whichever is longer. The bill provides that after the mandatory retention period, the law-enforcement agency may destroy the physical evidence recovery kit, or in its discretion, may elect to retain the physical evidence recovery kit for a longer period of time. The bill also requires the law-enforcement agency to inform the victim, parent, guardian, or next of kin of the unique identification number assigned to the physical evidence recovery kit utilized by the health care provider and provide information regarding the Physical Evidence Recovery Kit Tracking System, unless disclosing this information would interfere with the investigation or prosecution of the offense, in which case the victim, parent, guardian, or next of kin shall be informed of the estimated date on which the information may be disclosed, if known. (22103051D)

HB 813 (Williams) (HPS) repeals the provisions prohibiting a state or local law-enforcement agency from acquiring or purchasing (i) weaponized unmanned aerial vehicles; (ii) aircraft that are configured for combat or are combat-coded and have no established commercial flight application; (iii) grenades or similar explosives or grenade launchers from a surplus program operated by the federal government; (iv) armored multi-wheeled vehicles that are mine-resistant, ambush-protected, and configured for combat from a surplus program operated by the federal government; (v) bayonets; (vi) firearms of .50 caliber or higher; (vii) ammunition of .50 caliber or higher; or (viii) weaponized tracked armored vehicles. The bill removes the prohibition on the use of kinetic impact munitions except in situations where their use is necessary to protect a law-enforcement officer or another person from bodily injury. The bill also removes the requirement that the Department of Criminal Justice Services establish training standards for law-enforcement on the use of kinetic impact munitions and tear gas. (22101153D)

HB 1015 (Durant) (HCT) 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. (22103928D)

SB 143 (Edwards) (Passed Senate) 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-E2)

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

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

SB 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)

SB 658 (McClellan) (SJUD) provides that for a physical evidence recovery kit that (i) was collected by the Office of the Chief Medical Examiner as part of a routine death investigation, and the medical examiner and the law-enforcement agency agree that analysis is not warranted, (ii) was determined by the law-enforcement agency not to be connected to a criminal offense, or (iii) is connected to an offense that occurred outside of the Commonwealth or another law-enforcement agency has taken over responsibility of the investigation and such kit is not transferred to another law-enforcement agency, the law-enforcement agency that received the physical evidence recovery kit shall store such kit for a period of 10 years or until 10 years after the victim reaches the age of majority if the victim was a minor at the time of collection, whichever is longer. The bill provides that after the mandatory retention period, the law-enforcement agency may destroy the physical evidence recovery kit, or in its discretion, may elect to retain the physical evidence recovery kit for a longer period of time. The bill also requires the law-enforcement agency to inform the victim, parent, guardian, or next of kin of the unique identification number assigned to the physical evidence recovery kit utilized by the health care provider and provide information

regarding the Physical Evidence Recovery Kit Tracking System, unless disclosing this information would interfere with the investigation or prosecution of the offense, in which case the victim, parent, guardian, or next of kin shall be informed of the estimated date on which the information may be disclosed, if known. (22104324D)

SB 674 (Hanger) (SJUD) authorizes the attorney for the Commonwealth for each judicial circuit of the Commonwealth to create and administer a Pretrial Intervention and Diversion Program for the purpose of providing an alternative to prosecuting offenders in the criminal justice system. The bill provides that entry into such program shall be at the discretion of the attorney for the Commonwealth based upon written guidelines and that no attorney for the Commonwealth shall accept any offender into such program for an offense for which punishment includes a mandatory minimum sentence of imprisonment. (22103733D)

SB 713 (Deeds) (SJUD) provides that a law enforcement officer may transfer custody of a person who is the subject of an emergency custody order to a facility or location that has been authorized by the Department to accept custody of a person who is the subject of an emergency custody order upon a finding by the Department that the facility or location is capable of providing the level of security necessary to protect such person and others from harm and that in cases in which custody of a person who is the subject of an emergency custody order has been transferred to a facility licensed to provide up to 23 hours of crisis stabilization services, the emergency custody order shall be valid for a period not to exceed 23 hours from the time of execution. Currently, all emergency custody orders are valid for a period of up to 8 hours. (22104395D)

SB 730 (Lewis) (SJUD) increases the daily compensation for jurors from \$30 to \$100. (22104517D)

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

Education/Schools

HB 271 (Byron) (HAPP) requires local school boards and comprehensive communities colleges to enter into local or regional agreements for the establishment and implementation of a competitive compensation structure to recruit and retain adjunct instructors to be jointly compensated by the relevant school boards and colleges to prepare both high school students and college students to earn noncredit workforce credentials, as that term is defined in relevant law. (22102709D)

HB 636 (Carr) (HED) requires the Board of Education, in consultation with the Department of Environmental Quality, the Department of Health, any other stakeholder that it deems appropriate, and the public, and in order to assist each local school board in developing and implementing a program of instruction for grades kindergarten through 12 that is aligned to the Standards of Learning and emphasizes environmental literacy as an essential skill and concept of citizenship that is necessary for responsible participation in American society and in the international community, to establish and update at least once every five years a Virginia student environmental literacy plan (the plan) that (i) prepares students to understand, analyze, and address the major environmental challenges facing the Commonwealth and the United States; (ii) provides field experiences as part of regular school curricula and creates programs that contribute to healthy lifestyles through outdoor recreation and sound nutrition; and (iii) creates opportunities for the enhanced and ongoing professional development of teachers that improves teachers' environmental subject matter knowledge and pedagogical skills in teaching about environmental issues, including the use of interdisciplinary, field-based, and research-based learning and innovative technology in the classroom. The bill requires the plan to include a description of (a) how the Board will measure the environmental literacy of students, including relevant Standards of Learning and related curricula and courses or subjects where environmental education instruction will be integrated throughout grades kindergarten through 12 curricula, and the relationship of the plan to the high school graduation requirements established by the Board; (b) programs for the professional development of teachers to improve teachers' environmental subject matter knowledge and pedagogical skills in teaching about environmental issues, including the use of interdisciplinary, field-based, and research-based learning and innovative technology in the classroom; and (c) how the Board will implement the plan, including securing funding and other necessary support. The bill establishes the Virginia Student Environmental Literacy Plan Grant Fund and Program, to be administered by the Department of Education, for the purpose of awarding grants on a competitive basis to any local school board that seeks assistance to initiate, expand, or improve teacher professional development opportunities or student environmental education programs that align with the content and objectives of the plan. (22101013D)

HB 781 (Williams) (HED) requires the Board of Education to incorporate into each relevant Standard of Learning and associated curriculum framework a requirement that each student demonstrate the understanding of, among other concepts, the fundamental moral, political, and intellectual foundations of the American experiment in self-government, as well as the history, qualities, traditions, and features of civic engagement in the United States. The bill prohibits any public school teacher or other instructional staff member from being required to discuss any current event or widely debated and currently controversial issue of public policy or social affairs and provides that any such employee who chooses to discuss any such event or issue in the scope of his instructional duties shall, to the best of his ability, strive to explore such issues from diverse and contending perspectives, without giving deference to any one perspective. The bill prohibits the Board and Department of Education and each local school board from teaching, instructing, or training certain individuals and groups, including teachers and students, to support, believe, endorse, embrace, confess, act upon, or otherwise assent to a divisive concept, as defined in the bill, or penalizing or discriminating against any such individual or group for refusing to do so. The bill also prohibits any school board or employee thereof from teaching or incorporating into any course or class any such divisive concept or creating a position or hiring a consultant with the job title of equity director or diversity director or a substantially similar title and with a job description

that includes any activity that would result in a violation of a provision of the bill. The bill further declares that the parent of each student enrolled in a public elementary or secondary school has the right to be aware of all curricula, instructional materials, lessons, and other forms of instruction provided to his child and may request that the student's teacher provide any such item for review. Finally, the bill provides that in the event that a local school board finds that a school board employee has persistently, knowingly, and intentionally violated any of the bill's provisions, the parent of any student affected by such violations may request and the local school board shall provide a voucher in an amount equal to all sums from any source that the local school board received for the education of such student and the parent shall use such voucher to provide for the education of his child in any setting set forth in relevant law. (22101538D)

HB 787 (LaRock) (HED) declares it an unlawful and discriminatory practice for any local school board or employee or contractor thereof to train or instruct any individual on any divisive concept, as defined in the bill, for the purpose of promoting and encouraging such individual to adopt or believe such concept. The bill requires the Department of Education to establish model policies for the prevention of such unlawful and discriminatory practice and each local school board to adopt policies that are consistent with but may be more comprehensive than the model policies established by the Department. (22104087D)

SB 570 (Kiggans) (SEH) requires each public elementary or secondary school principal to ensure that no curriculum utilized or instruction delivered in the school includes inherently divisive concepts, as that term is defined in the bill, regardless of whether such curriculum or instruction is provided by a school board employee or any other individual or entity. (22103754D)

HB 786 (LaRock) (HED) requires the Board of Education to establish, and each local school board to comply with, a policy to require each public elementary or secondary school to (i) annually notify the parent of any student enrolled in a class or course in which the instructional material or related academic activities includes or may include sexually explicit content, as defined in the bill, or content that depicts sexual misconduct, as defined in the bill; (ii) permit the parent of any student to review instructional material that includes sexually explicit content or content that depicts sexual misconduct, upon request; and (iii) provide, as a replacement or an alternative to instructional material and related academic activities that include sexually explicit content or content that depicts sexual misconduct, instructional material and related academic activities that do not include sexually explicit content or content that depicts sexual misconduct to any student whose parent so requests. (22104073D)

SB 161 (Hashmi) (Senate Floor) 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 430 (Dunnivant) (SEH) requires the Department of Education to create or request proposals for a system for value-added modeling to assess growth of students in public schools. The bill requires each school board in the Commonwealth to, upon the creation of such system, implement the system and make reports made by the system available to parents or guardians for their child's report and the Department. (22104126D)

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)

SB 481 (McClellan) (SEH) encourages each school board to enter into a collaborative agreement with the local governing body to set aside in a separate fund any sums appropriated to the school board by the local governing body that are unexpended by the school board in any year in order to use such sums to finance school maintenance, renovation, or construction in the local school division. The bill declares any school board that fails to enter into such a collaborative agreement ineligible to participate in any state grant, loan, or bond program that supports school maintenance, renovation, or construction. This bill is a recommendation of the Commission on School Construction and Modernization. (22104215D)

Elections

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

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)

Employment Issues

HB 639 (Carr) (HRUL) creates within the Commission on Unemployment Compensation a subcommittee that shall be responsible for monitoring the Virginia Employment Commission's management of the unemployment insurance program. The subcommittee shall meet at least once each quarter and shall report annually, beginning on December 1, 2022, to the House Committee on Appropriations, the House Committee on Labor and Commerce, the Senate Committee on Commerce and Labor, and the Senate Committee on Finance and Appropriations. (22101389D)

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

Environment and Energy

HB 184 (Marshall) (Reported from 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. (22105124D-H1)

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)

HB 771 (Hodges) (HAG) requires localities in Tidewater Virginia to submit, and the Department of Environmental Quality to publish on its website, criteria and elements adopted by the locality concerning Chesapeake Bay Preservation Areas. (22101953D)

HB 841 (Lopez) (HPS) prohibits electric, gas, water, and wastewater utilities from disconnecting service to a residential customer for nonpayment of bills or fees during a declared state of

emergency, emergency, major disaster, disaster, resource shortage, or local emergency, as those terms are defined in the Code. The prohibition lasts for 60 days after the state of emergency, emergency, major disaster, disaster, resource shortage, or local emergency has ended or state or local officials determine that the prohibition need no longer be in place. (22103260D)

HB 899 (Lopez) (HAG) directs the State Water Control Board to regulate aboveground storage tanks that measure more than 250 gallons in capacity and are used to contain hazardous substances other than oil. The bill directs the Board to adopt regulations that establish requirements for registration, and other requirements of tank owners, and that establish a schedule of registration and renewal fees. The bill authorizes the Board to undertake corrective action in the event of a discharge of a hazardous substance. The bill requires tank owners notify certain parties in the event of a release of a regulated substance. The bill also creates the Hazardous Substance Aboveground Storage Tank Fund, with moneys from the Fund to be used solely for the administration of the bill, and provides for civil penalties for violations of requirements of the bill, with such moneys received to be deposited into the existing Virginia Environmental Emergency Response Fund. (22103807D)

HB 949 (Tran) (HAG) prohibits the sale and distribution of any pavement sealant that contains coal tar on or after July 1, 2022, except that a retailer may continue to sell any existing inventory that remains in stock on that date. The bill prohibits the use of such sealants beginning July 1, 2023. The bill subjects any person who violates either prohibition to a civil penalty of \$250, to be paid into the Virginia Environmental Emergency Response Fund. (22100399D)

HB 1054 (Shin) (HPS) prohibits telecommunications electric, gas, water, and wastewater utilities and broadband companies from disconnecting service to a residential customer for nonpayment of bills or fees during a declared state of emergency, emergency, major disaster, disaster, resource shortage, or local emergency, as those terms are defined in the Code. The bill provides that the prohibition lasts for 60 days after the state of emergency, emergency, major disaster, disaster, resource shortage, or local emergency has ended or state or local officials determine that the prohibition need no longer be in place, whichever occurs first. The bill further prohibits electric, gas, water, or wastewater utilities from disconnecting service to a residential customer for nonpayment of bills or fees during the heating period of each year, during the cooling period of each year, when the forecasted temperature low is below 32 degrees Fahrenheit or the forecasted temperature high is to exceed 95 degrees Fahrenheit, and during, as declared by the National Weather Service, a winter storm watch or warning, winter weather advisory, freeze warning, heat advisory, or excessive heat watch or warning. Prior to disconnecting a residential customer for the repayment of bills, the utility shall apply any available resources to help reduce the customer's debt or enroll the customer in a repayment plan. Disconnections and reconnections based on a residential customer's nonpayment of bills or fees shall not involve extra fees. Under the bill, the State Corporation Commission is required to report annually on disconnections and reconnections for nonpayment of bills, beginning December 1, 2022, and report monthly certain information as described in the bill, beginning December 15, 2022. (22101536D)

HB 1244 (Scott) (HCE) directs the State Corporation Commission to evaluate by locality the availability and accessibility of electric vehicle (EV) charging infrastructure and rooftop solar energy collection device installation to residents of the Commonwealth. The Commission shall

report the findings of its evaluation and analysis by December 1, 2022, to the Chairmen of the House Committee on Commerce and Energy and the Senate Committee on Commerce and Labor. (22104567D)

SB 248 (Surovell) (Senate Floor) 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. (22105061D-S1)

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) (SFIN) 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. (22105258D-S1)

Finance

HB 244 (Webert) (HGL) directs the Department of Planning and Budget, under the direction of the Secretary of Finance, to establish a continuous Regulatory Budget Program with the goal of setting a target for each executive branch agency subject to the Administrative Process Act to (i) reduce regulations and regulatory requirements, (ii) maintain the current number of regulations and regulatory requirements, or (iii) allow regulations and regulatory requirements to increase by a specific amount over a two-year period. The bill requires the Secretary of Finance to report to the Speaker of the House of Delegates and the Chairman of the Senate Committee on Rules on the status of the Program no later than October 1 of each odd-numbered year. Finally, the bill provides that the Department, in consultation with the Office of the Attorney General, shall, by October 1, 2024, issue guidance for agencies regarding the Program and how an agency can comply with the requirements of the Program. (22100575D)

HB 263 (Head) (Reported from HCE) permits banks in the Commonwealth to provide virtual currency custody services so long as the bank has adequate protocols in place to effectively manage the associated risks. The bill defines "virtual currency" and provides that a bank may choose to offer such custody services in a nonfiduciary capacity or a fiduciary capacity. If it chooses to provide such custody services in a fiduciary capacity, it must possess trust powers and have a trust department approved by the State Corporation Commission. (22100187D)

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

HB 626 (Roem) (HCCT) alters certain land use disclosure requirements applicable to officials in any county with the urban county executive form of government (Fairfax County) by replacing "relationship of employee-employer, agent-principal, or attorney-client" with the broader phrase of "business or financial interest." The same change is made to existing provisions that currently apply only to Loudoun County but will now apply statewide. (22101241D)

HB 635 (Carr) (HCCT) requires cities and towns in the Commonwealth to develop and promulgate housing plans that address the supply of safe, sanitary, and affordable shelter for all current and anticipated residents of their communities. Such plans must connect economic development efforts that bring new jobs to the supply of safe, sanitary, and affordable shelter for all who will fill those jobs; the location of housing and the location of mobility resources; and the availability of accredited high-quality affordable education, parks, indoor and outdoor recreation, libraries, health care, and healthy living resources, including the availability of fresh food. Such housing plans shall be reviewed and revised no less frequently than every five years. Cities and towns that promulgate a housing plan may create, implement, and enforce inclusionary housing programs applicable to new housing development and conversions of previously nonresidential uses into residential uses. Counties utilizing the urban county executive form of government (Fairfax County) or the county manager plan of government (Arlington County) may also follow and use these provisions to provide inclusionary housing. (22101004D)

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 52 (Cosgrove) (Senate Floor) 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)

Taxation

HB 222 (Coyner) (HFIN) requires the Tax Commissioner to offer to enter into an installment agreement with any individual taxpayer under which the taxpayer may satisfy his entire tax liability over a payment term of up to five years. The bill maintains the current law for corporate taxpayers whereby the Tax Commissioner may enter into a written agreement with any taxpayer under which such taxpayer is allowed to satisfy his entire tax liability in installment payments if the Tax Commissioner determines that such agreement will facilitate collection. The bill also removes the power under which the Tax Commissioner may alter, modify, or terminate an installment agreement if it is determined that the financial condition of the taxpayer has significantly changed or if the taxpayer fails to provide a financial condition update upon request. (22100231D)

Transportation

HB 142 (McQuinn) (Reported from 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)

HB 275 (Coyner) (Reported from 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 920 (Kilgore) (HTRAN) provides that a person is guilty of a Class 1 misdemeanor if he operates a vehicle in a careless or distracted manner and causes the death or serious bodily injury of a vulnerable road user. Current law only imposes the penalty if such careless or distracted operation causes serious bodily injury to the vulnerable road user. The bill also allows a court to suspend the driver's license or restrict the driver's license of a person convicted of careless driving for up to six months of a person. (22103904D)

SB 247 (Surovell) (Passed Senate) provides that a person is guilty of a Class 1 misdemeanor if he operates a vehicle in a careless or distracted manner and causes the death or serious bodily injury of a vulnerable road user. Current law only imposes the penalty if such careless or distracted operation causes serious bodily injury to the vulnerable road user. The bill also allows a court to suspend the driver's license or restrict the driver's license of a person convicted of careless driving for up to six months of a person. (22103903D-E)

HB 992 (Tran) (HTRAN) directs the Commonwealth Transportation Board to develop a statewide plan for the allocation of certain funds from the federal Infrastructure Investment and Jobs Act and to identify projects that can be funded through competitive grants through the Act. The bill requires the Board to conduct a risk-based assessment of vulnerabilities of transportation assets and systems in the Commonwealth to weather events and natural disasters. (22100896D)

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

SB 362 (Stuart) (Senate Floor) 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-E)

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)