

Specific Legislation and Legislation for Discussion
Board of Supervisors Legislative Committee
February 3, 2023

Specific Legislation

New Bills – 2023 GA

Courts

SB 1025 (Stuart) (SJUD) adds an officer or agent of a partnership, governmental agency, or other entity to the list of persons who are exempt from the rule allowing the exclusion of witnesses during a proceeding in a civil case. Recommend support. (23100836D)

Environment

HB 2209 (Tran) (SACNR) permits a locality to prohibit the sale and distribution of any pavement sealant that contains polycyclic aromatic hydrocarbon concentrations greater than one percent by weight on or after July 1, 2023, except that a retailer may continue to sell any existing inventory that remains in stock on that date. The bill allows a local governing body to prohibit the use of such sealants beginning July 1, 2024, and subject any person who violates either prohibition to a civil penalty of \$250, to be paid into the Virginia Environmental Emergency Response Fund. Recommend support. (23101700D)

SB 999 (Mason) (Passed Senate) requires the Department of Professional and Occupational Regulation (the Department) to issue a reciprocal license for waterworks and wastewater works operators licensed in another state within 15 days of receipt of a complete application. Such license is to be issued, without examination, for the highest Virginia classification that is generally comparable to the applicant's existing license or certificate with appropriate credit given for an applicant's education and experience. The bill entitles an applicant to appeal the Department's denial or classification decision and directs the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals to adopt regulations to implement the provisions of the bill. Recommend support. (23105284D-S1)

SB 1091 (Ebbin) (Passed Senate) expands the allowable uses of grants from a local Stormwater Management Fund, established under current law to grant funds to private property owners and common interest communities for certain stormwater management and erosion control projects, to include joint flooding mitigation projects of condominium owners. Recommend support. (23100427D)

HB 2282 (Edmunds) (HAG) clarifies that the exemptions for the harvesting of forest crops from the provisions of the Virginia Stormwater Management Program and the Erosion and Sediment Control Program apply only to land-disturbing activity that is (i) the minimum land disturbance necessary, including clearing, grading, excavating, or removal of stumps, for the harvesting of timber, the construction of roads and trails for forest management purposes, or the preparation of the property for reforestation or (ii) for a conversion to bona fide agricultural or improved pasture use. Recommend oppose. (23105340D-H1)

SB 1365 (Lewis) (SACNR) provides that a locality may not adopt a local ordinance that would prevent or prohibit the disposal of garbage, trash, or refuse at any materials recovery facility as such term is defined in the bill. Recommend oppose. (23105817D-S1)

Firearms

HB 2449 (Ballard) (Passed House) limits the exception to the requirement that the State Police withhold from public disclosure concealed handgun permittee information submitted to the State Police for purposes of entry into the Virginia Criminal Information Network provided under current law for any law-enforcement agency, officer, or authorized agent thereof acting in the performance of official law-enforcement duties or an entity that has a valid contract with any local, state, or federal law-enforcement agency for the purpose of performing official duties of the law-enforcement agency to apply only when such permittee information is related to a criminal investigation or prosecution. Recommend oppose. (23104483D)

HB 1428 (LaRock) (HPS) repeals the prohibition on carrying certain loaded shotguns and semi-automatic center-fire rifles and pistols in certain localities in the Commonwealth. Recommend oppose. (23100753D)

HB 1462 (Wiley) (Passed House) removes the provision that prevents a firearms dealer from selling or otherwise transferring a firearm to a prospective purchaser until 30 days after the date of issue of the prospective purchaser's original or duplicate photo identification. Recommend oppose. (23101809D)

Land Use

HB 1671 (Wyatt) (Passed House, SLG) requires localities with a population greater than 3,500 to submit an annual report no later than March 1 to the Department of Housing and Community Development containing the total fee revenue collected by the locality over the preceding calendar year in connection with the processing, reviewing, and permitting of applications for residential land development and construction activities. The bill requires the report to be submitted by the locality in accordance with any guidelines and forms developed by the Department and the Commission on Local Government. The Department shall make the reports available on its website. Recommend monitor. (23103925D)

HB 2494 (Ware) (HCCT) requires any locality with a population greater than 3,500 to submit a report to the Department of Housing and Community Development. Such report shall summarize any information collected or changes made regarding such locality's policies, ordinances, or processes affecting the development and construction of housing. The bill requires such localities to submit the report annually by September 1 in accordance with any forms developed by the Department of Housing and Community Development. Recommend monitor. (23103473D)

Health and Human Services

HB 1874 (Helmer) (Reported from HHWI) prohibits the Board of Social Services from requiring persons applying to participate or renewing their participation in the Supplemental Nutrition Assistance Program to appear in person. The bill also codifies the Department of Health's authority to implement a Special Supplemental Nutrition Program for Women, Infants, and Children (WIC program), which is currently authorized by regulation, and prohibits the Department of Health from requiring persons applying to participate or renewing their participation in the WIC program to appear in person. Recommend support. (23102771D)

HB 2437 (Roem) (HAPP) directs the Department for Aging and Rehabilitative Services to develop and provide training for court-appointed guardians by July 1, 2024. The bill requires an appointed guardian and any staff employed by such guardian to perform guardianship duties to complete the initial training developed by the Department within four months of the date of the initial court order of appointment and guardians and such staff appointed prior to July 1, 2024, to complete such training by January 1, 2026. The bill further requires a guardian to include in his annual report to the local department of social services a statement as to whether such training has been completed. Recommend support. (23105934D-H1)

Elections

SJ 223 (Locke) (SPE) / **HJ 520** (Herring) (HPE) provides that every person who meets the qualifications of voters set forth in the Constitution of Virginia shall have the fundamental right to vote in the Commonwealth and that such right shall not be abridged by law, except for persons who have been convicted of a felony and persons who have been adjudicated to lack the capacity to understand the act of voting. A person who has been convicted of a felony shall not be entitled to vote during any period of incarceration for such felony conviction, but upon release from incarceration for that felony conviction and without further action required of him, such person shall be invested with all political rights, including the right to vote. Currently, in order to be qualified to vote a person convicted of a felony must have his civil rights restored by the Governor or other appropriate authority. The amendment also provides that a person adjudicated by a court of competent jurisdiction as lacking the capacity to understand the act of voting shall not be entitled to vote during this period of incapacity until his capacity has been reestablished as prescribed by law. Currently, the Constitution of Virginia provides that a person who has been adjudicated to be mentally incompetent is not qualified to vote until his competency is reestablished. Recommend support. (23100705D), (23102047D)

Antisemitism

HB 2208 (Kilgore) (HCT) provides that it is the policy of the Commonwealth to safeguard all individuals within the Commonwealth from unlawful discrimination in employment and in places of public accommodation because of anti-Semitism. The bill also adds victims who are intentionally selected because of anti-Semitism to the categories of victims whose intentional selection for a hate crime involving assault, assault and battery, or trespass for the purpose of damaging another's property results in a higher criminal penalty for the offense and adds anti-Semitism to the categories of hate crimes that are to be reported to the central repository of information regarding hate crimes maintained by the Virginia State Police. The bill provides that a person who is subjected to acts of intimidation or harassment, violence directed against his person, or vandalism to his real or personal property, where such acts are motivated by anti-Semitism, may bring a civil action to recover his damages. The bill also provides that no provider or user of an interactive computer service on the Internet shall be liable for any action voluntarily taken by it in good faith to restrict access to material that the provider or user considers to be intended to incite hatred on the basis of anti-Semitism. Recommend support. (23103994D),

SB 1184 (Reeves) (Reported from SFIN) provides that it is the policy of the Commonwealth to safeguard all individuals within the Commonwealth from unlawful discrimination in employment and in places of public accommodation because of anti-Semitism. The bill also adds victims who are intentionally selected because of anti-Semitism to the categories of victims whose intentional selection for a hate crime involving assault, assault and battery, or trespass for the purpose of damaging another's property results in a higher criminal penalty for the offense and adds anti-Semitism to the categories of hate crimes that are to be reported to the central repository of information regarding hate crimes maintained by the Virginia State Police. The bill provides that a person who is subjected to acts of intimidation or harassment, violence directed against his person, or vandalism to his real or personal property, where such acts are motivated by anti-Semitism, may bring a civil action to recover his damages. The bill also provides that no provider or user of an interactive computer service on the Internet shall be liable for any action voluntarily taken by it in good faith to restrict access to material that the provider or user considers to be intended to incite hatred on the basis of anti-Semitism. Recommend support. (23105369D-S1)

Legislation Provided for Discussion

Administration of Government

SB 1151 (Edwards) (Passed Senate) / **HB 2161** (Williams) (Passed House) standardizes the frequency and length of time that notices of certain meetings, hearings, and other intended actions of localities must be published in newspapers and other print media. The notice provisions included in the bill are organized into the following three groups: (i) publication required one week before the meeting, hearing, or intended action; (ii) publication required two consecutive weeks before the meeting, hearing, or intended action; and (iii) publication required three consecutive weeks before the meeting, hearing, or intended action. In addition, the bill amends provisions related to the content of notices for zoning ordinances and amendments to such ordinances by removing the requirement that such notices contain a descriptive summary of the proposed action and providing that such notices shall include the street address or tax map parcel number of the parcels subject to the action. In cases where the intended action affects more than 25 parcels, the notice must also include the approximate acreage subject to the intended action. The bill also removes the requirement that notices of proposed amendments to a zoning map state the general usage and density range of the proposed amendment and the general usage density set forth in the applicable part of the comprehensive plan. The bill directs the Virginia Code Commission to convene a work group to continue review of the notice requirements throughout the Code of Virginia and requires the Virginia Code Commission to submit a report to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology summarizing the work and any recommendations of the work group by November 30, 2023. (23100325D-E), (23101898D)

SB 1470 (Ruff) (SGL) / **HB 2195** (Byron) (Reported from HAPP) creates the Department of Workforce Development and Advancement (the Department) to serve as administrator and fiscal agent for the Commonwealth's workforce development programs. The bill consolidates statewide workforce program evaluation and data sharing under the Department and provides protections against improper disclosure of data. The bill provides for the Virginia Board of Workforce Development to conduct an independent evaluation of the operations and program objectives of the Department on a biennial basis with the first report due on December 1, 2025. The bill also (i) transfers administration of apprenticeship programs from the Department of Labor and Industry to the Department, (ii) changes the name of the Office of Education and Labor Market Analysis to the Office of Education and Workforce Research and moves the Office from the Virginia Economic Development Partnership Authority to the Department, and (iii) shifts the administration and implementation of adult education programs from the Board of Education and local school boards to the State Board for Community Colleges and comprehensive community colleges. The bill directs the Secretary of Labor to conduct a comprehensive review of the Commonwealth's workforce development programs and make recommendations to address a wide range of subjects relating to improving the effectiveness and efficiency of such programs. This bill is a recommendation of the Small Business Commission. (23103908D),(23105937D-H2)

HB 2207 (Tran) (Reported from HAPP) makes numerous organizational changes to the Information Technology Access Act. The bill defines "information and communications technology" that is used to promote digital accessibility, also defined in the bill, for all persons with disabilities. The bill requires the head of each covered entity, defined in the bill, to designate an employee to serve as such covered entity's digital accessibility coordinator and to be responsible for developing and implementing such covered entity's digital accessibility policy and report. The bill has a delayed effective date of January 1, 2024. (23106111D-H2)

Health and Human Services

HB 1976 (Bell) (HCT) permits the director of a facility where a person is awaiting transport to the facility of temporary detention pursuant to a temporary detention order to release the person prior to a commitment hearing if the person no longer meets the commitment criteria. (HCT Subcommittee Substitute)

SB 1299 (Deeds) (Reported from SRSS) permits the director of a facility where a person is awaiting transport to the facility of temporary detention pursuant to a temporary detention order to release the person prior to a commitment hearing if the person no longer meets the commitment criteria. (SRSS Substitute)

SB 1512 (Mason) (Reported from SEH) authorizes hospitals with a psychiatric emergency department located in Planning District 21 to employ certain trained individuals to perform evaluations to determine whether a person meets the criteria for temporary detention for behavioral health treatment. The bill requires participating hospitals with psychiatric emergency departments in Planning District 21 to annually report the number of temporary detention order evaluations completed, the number of temporary detention orders petitioned, the number of individuals evaluated for temporary detention who were determined to not meet the criteria for temporary detention, and the number of individuals under a temporary detention order admitted to a state facility to the Chairmen of the Senate Committee on Education and Health, the House Committee on Health, Welfare and Institutions, and the Behavioral Health Commission. The bill has an expiration date of July 1, 2025. (23105314D-S1)

SB 1474 (Obenshain) (Reported from SEH) directs the Department of Health to amend its regulations and each local health department and health district to amend its regulations and guidance documents relating to mobile food units to allow up to 20 percent of the sanitation and food preparation activities of a mobile food unit to take place within a 50-foot radius of the mobile food unit. (23103888D)

Transportation

HB 1649 (Wyatt) (HTRAN) allows towing and recovery operators to charge a fuel surcharge fee of no more than \$30 for each vehicle towed or removed from private property without the consent of its owner. Prohibits local governing bodies from limiting or prohibiting this fee. The provision expires on July 1, 2024. (23106018D-H1)

Courts

HB 2410 (Watts) (HCT) includes the termination of a period of involuntary temporary detention on any day or part of a day on which the clerk's office is lawfully closed as a reason to extend the duration of the period of involuntary temporary detention for adults and juveniles. Current law allows the period to extend past 72 hours for an adult only if the detention would terminate on a Saturday, Sunday, legal holiday, or day on which the court is closed and allows the period to extend past 96 hours for a juvenile only if the detention terminates on a Saturday, Sunday, or legal holiday. Recommend support. (23103505D)

