

Specific Legislation and Legislation for Discussion
Board of Supervisors Legislative Committee
January 20, 2023

Specific Legislation

County Initiatives

HB 1587 (Sullivan) (HTRAN) adds contractors to the list of entities that the Commissioner of Highways, in agreement with Fairfax County, may authorize to act as agents for the enforcement of provisions related to signs or advertising within the limits of highways and the collection of associated civil penalties for violations of such provisions. The bill also requires such contractors to comply with applicable law and makes them subject to a right to reclaim a lawfully placed sign by the sign owner if such sign was confiscated in violation of the granted authority. (23102486D)

HB 1939 (Plum) (HTRAN) authorizes the governing body of any locality to reduce to less than 25 miles per hour, but not less than 15 miles per hour, the speed limit of highways that are part of the primary and secondary state highway systems located in a business district or residence district within the locality's boundaries, provided that the reduced speed limit is indicated by lawfully placed signs. Current law only authorizes the governing body of a locality that maintains its own roads to make such a reduction on highways in a business district or residence district within the locality's boundaries. (23103064D)

SB 1069 (Saslaw) (STRAN) requires the driver of a vehicle on a highway approaching a pedestrian who is crossing such highway to stop for such pedestrian. Currently, a driver is required to yield the right-of-way to such pedestrian by stopping and remaining stopped. The bill also provides that localities that are already authorized to install signs directing motor vehicles to yield the right-of-way to pedestrians crossing or attempting to cross a highway may also install signs directing motor vehicles to stop for such pedestrians. (23103053D)

Historical Positions of the Board

SUPPORT

Firearms

SB 918 (Morrissey) (SJUD) prohibits the sale of an assault firearm and a large capacity ammunition feeding device, as those terms are defined in the bill. The bill provides that an assault firearm does not include any firearm that is an antique firearm, has been rendered permanently inoperable, is manually operated by bolt, pump, lever, or slide action, or was manufactured before July 1, 2023. The bill provides that any person who willfully and intentionally (i) sells an assault firearm to another person or (ii) purchases an assault firearm from another person is guilty of a Class 1 misdemeanor and that any person who imports, sells, barter, or transfers a large capacity ammunition feeding device is guilty of a Class 1 misdemeanor. The bill also prohibits the carrying of certain shotguns and semi-automatic center-fire rifles and pistols on any public street, road, alley, sidewalk, or public right-of-way or in any public park or any other place of whatever nature that is open to the public. Under current law, the current prohibition on carrying certain shotguns and semi-automatic center-fire rifles and pistols applies to a narrower range of firearms, only in certain localities, and only when such firearms are loaded. The bill prohibits a firearms dealer from selling, renting, trading, or transferring from his inventory any assault firearm to any person. Recommend support; Board has historically supported. (23102000D)

SB 1382 (Deeds) (SJUD) creates a Class 1 misdemeanor for any person who imports, sells, manufactures, purchases, possesses, transports, or transfers an assault firearm, as that term is defined in the bill, and prohibits a person who has been convicted of such violation from purchasing, possessing, or transporting a firearm for a period of three years from the date of conviction. The bill provides that an assault firearm does not include any firearm that is an antique firearm, has been rendered permanently inoperable, is manually operated by bolt, pump, lever, or slide action, or was manufactured before July 1, 2023. The bill also prohibits the sale of a large capacity ammunition feeding device, as that term is defined in the bill. The bill provides that any person who willfully and intentionally (i) sells an assault firearm to another person or (ii) purchases an assault firearm from another person is guilty of a Class 1 misdemeanor and that any person who imports, sells, barter, or transfers a large capacity ammunition feeding device is guilty of a Class 1 misdemeanor. The bill also makes it a Class 1 misdemeanor for any person younger than 21 years of age to import, sell, manufacture, purchase, possess, transport, or transfer an assault firearm regardless of the date of manufacture of such assault firearm. Recommend support; Board has historically supported. (23104134D)

SB 901 (Marsden) (SJUD) provides that no person shall leave, place, or store a handgun in an unattended motor vehicle, as defined in the bill, unless the vehicle is locked and the handgun is secured in a locked container or locked compartment of the vehicle. The bill provides that any person violating such prohibition is subject to a civil penalty of no more than \$500 and such unattended motor vehicle may be subject to removal for safekeeping. Recommend support; Board has historically supported. (23103458D)

OPPOSE

Elections

SB 900 (McDougle) (SPE) requires presentation of a form of identification containing a photograph in order to vote. The bill repeals the provisions of law permitting a voter who does not have one of the required forms of identification to vote after signing a statement, subject to felony penalties for false statements, that he is the named registered voter he claims to be. Instead, the bill provides that such voter is entitled to cast a provisional ballot. Recommend oppose; Board has historically opposed. (23101118D)

SB 968 (Peake) (SPE) requires presentation of a form of identification containing a photograph in order to vote. The bill repeals the provisions of law permitting a voter who does not have one of the required forms of identification to vote after signing a statement, subject to felony penalties for false statements, that he is the named registered voter he claims to be. Instead, the bill provides that such voter is entitled to cast a provisional ballot. Recommend oppose; Board has historically opposed. (23101391D)

HB 1877 (Scott) (House: Committee substitute) limits absentee voting in person to the two weeks immediately preceding an election. During these two weeks, the bill requires that absentee voting in person be available Monday through Saturday, from 7:00 a.m. to 7:00 p.m. each day. Recommend oppose; Board has historically opposed. (23104633D-H1)

HB 1693 (McGuire) (HPE) repeals the provisions of the Code providing for the establishment of drop-off locations for the return of absentee ballots. Recommend oppose; Board has historically opposed. (23100133D)

HB 1947 (Bloxom) (HPE) eliminates the permanent absentee voter list and provides for an annual absentee voter list by which any eligible voter who annually files an application and is enrolled on the list receives an absentee ballot for any election in which he is eligible to vote in the ensuing calendar year. The application for the annual absentee voter list requires, at a minimum, the voter to provide his printed name, his date of birth, and the last four digits of his social security number. Recommend oppose. Board has historically opposed. (23100849D)

HB 2234 (Wachsmann) (HPE) provides that only members of a uniformed service, as defined in relevant law, persons who are residing temporarily outside of the United States, and spouses or dependents of such members or persons are entitled to register to vote after the close of registration records in person up to and including the day of the election. Under current law, any person who is qualified to register to vote is entitled to register to vote after the close of registration records up to and including the day of the election. Recommend oppose; Board has historically opposed. (23101695D)

Courts

HB 1429 (Anderson) (HCT) requires the governing body of any county or city that elects to supplement the compensation of the attorney for the Commonwealth, or any of his deputies or employees, above the salary set by the Compensation Board to proportionally supplement the compensation of the public defender, or any of his deputies or employees, commensurate with the compensation of the attorney for the Commonwealth, or any of his deputies or employees, and to pay for such additional compensation from the funds of the county or city. Recommend oppose; Funding court personnel is a critical state responsibility; Board has historically opposed. (23101071D)

Firearms

SB 1236 (Obenshain) (SLG) removes a locality's authority to prohibit the possession or carrying of firearms, ammunition, or components or any combination thereof in (i) any public park owned or operated by the locality; (ii) any recreation or community center facility operated by the locality; or (iii) any public street, road, alley, or sidewalk or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit. Recommend oppose; Board has historically opposed. (23102674D)

SB 805 (Chase) (SJUD) removes the authority for a locality by ordinance to prohibit the possession or carrying of firearms, ammunition, or components or any combination thereof in (i) any building, or part thereof, owned or used by such locality for governmental purposes; (ii) any public park owned or operated by the locality; (iii) any recreation or community center facility; or (iv) any public street, road, alley, or sidewalk or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit. The bill provides that any firearm received by the locality pursuant to a buy-back program shall be offered for sale by public auction or sealed bids to a person licensed as a dealer. Current law provides that any such firearm shall be destroyed by the locality unless the person surrendering the firearm requests in writing that the firearm be offered for sale. The bill also limits the authority of localities to bring lawsuits against certain firearms manufacturers and others and further provides that the right to bring any such action is reserved exclusively to the Commonwealth and shall be brought by the Attorney General. Recommend oppose; Board has historically opposed. (23100913D)

Taxation

HB 1484 (McNamara) (HFIN) provides an exemption from local sales and use tax beginning July 1, 2023, for food purchased for human consumption and essential personal hygiene products. The bill also provides an allocation of state revenues to fund the distribution to localities for funding that would have been distributed to them absent the exemption created by the bill. Under current law, such products are exempt from state sales and use tax but are subject to the standard local rate of one percent. Recommend oppose; Board has historically opposed. (23101010D)

Public Safety/Criminal Justice

SB 1315 (Chase) (SEH) prohibits any locality, school board, division superintendent, school principal, private school, institution of higher education, or employer from adopting, implementing, or enforcing any policy, rule, or order related to COVID-19 that requires individuals to wear a face covering. Recommend oppose; Board has historically opposed. (23102309D)

AMEND

Taxation

HB 1470 (Watts) (HFIN) provides that a person who is eligible for the real property tax exemption for certain disabled veterans and surviving spouses is entitled to a refund, retroactive to his date of eligibility, of taxes paid during the period of exemption, excluding interest or penalties. Under the bill, the refund is exempt from the statute of limitations for applications for correction of an assessment. Recommend amend. Amend to address implementation issues. Board has historically recommended amendment. (23101709D)

HB 2361 (Wiley) (HFIN) provides that a person who is eligible for the real property tax exemption for certain disabled veterans and surviving spouses is entitled to a refund, retroactive to his date of eligibility, of taxes paid during the period of exemption, excluding interest or penalties. Under the bill, the refund is exempt from the statute of limitations for applications for correction of an assessment. Recommend amend. Amend to address implementation issues. Board has historically recommended amendment. (23103477D)

HJ 497 (Reid) (committee referral pending) provides that the General Assembly may by general law exempt from taxation the real property of a surviving spouse of a member of the armed forces of the United States who died in the attack on the Pentagon on September 11, 2001. Under a current constitutional provision, only the surviving spouse of a member of the armed forces who was killed in action is eligible for the real property tax exemption. Recommend amend. Amend to support as state tax credit. Board has historically recommended amendment. (23100519D)

New Bills – 2023 GA

Elections

SB 884 (Chase) (SPE) repeals provisions of law permitting registration on election day; requires an excuse to vote absentee; removes the option to vote absentee in person; requires absentee ballots to either be accompanied by a copy of an approved form of identification or be notarized; requires absentee ballots returned to drop boxes to be returned by the voter; requires absentee ballots to be received by the general registrar by the close of polls on election day in order to be counted; requires presentation of a form of identification containing a photograph in order to vote; repeals the provisions of law permitting a voter who does not have one of the required forms of identification to vote after signing a statement that he is the named registered voter he claims to be; eliminates the use of electronic poll books and voting machines while polls are open; and requires that ballots be manually tabulated in order to determine the results of an election. Recommend oppose. (23102294D)

HB 1444 (Ware) (HPE) requires presentation of a form of identification containing a photograph in order to vote. A voter who does not show an accepted form of identification is entitled to cast a provisional ballot. The bill limits the period that absentee voting in person is available to the seven days prior to an election and allows localities to offer extended hours for absentee voting in person. Additionally, the bill repeals the provision that allows an absentee ballot that is returned after the close of polls to be counted if it is postmarked by election day and arrives by the Friday after the election. The bill makes changes to the processing of returned absentee ballots and repeals the permanent absentee voter list. Recommend oppose. (23100770D)

HB 1467 (Wyatt) (SPE) requires presentation of a form of identification containing a photograph in order to vote and provides that a voter who does not have one of the required forms of identification is entitled to cast a provisional ballot. The bill repeals a provision that would permit any person who is qualified to register to vote to do so in person up to and including the day of the election and limits the persons who are entitled to register to vote after the close of registration records to members of a uniformed service on active duty, persons who are residing temporarily outside of the United States, and their spouses and dependents. The bill limits the period during which absentee voting in person is available from 45 days preceding the date of the election to the Wednesday, Thursday, Friday, and Saturday immediately preceding the date of the election. The bill requires that absentee ballots returned by mail be returned to the office of the general registrar by the close of polls on election day and be postmarked on or before the Saturday preceding the date of the election. The bill eliminates the use of drop-off locations for the return of absentee ballots. The bill requires absentee ballot applications to contain the last four digits of the applicant's social security number and provides that the failure of an absentee ballot to include a witness signature is a material omission, rendering the ballot void. Recommend oppose. (23101089D)

Health and Human Services

SB 792 (Chase) (SEH) prohibits the State Health Commissioner and the Board of Health, the Board of Behavioral Health and Developmental Services, the Department of Health Professions and any regulatory board therein, and the Department of Social Services from requiring any person, including any child, to undergo vaccination for COVID-19 and prohibits discrimination based on a person's COVID-19 vaccination status (i) with regard to education, employment, or issuance of a driver's license or other state identification or (ii) in numerous other contexts. The bill establishes a civil penalty for violation of this prohibition by an employer. Recommend oppose. (23100914D)

SB 833 (Chase) (SEH) prohibits the State Health Commissioner and the Board of Health, the Board of Behavioral Health and Developmental Services, the Department of Health Professions and any regulatory board therein, and the Department of Social Services from requiring any person, including any child, to undergo vaccination for COVID-19 and prohibits discrimination based on a person's COVID-19 vaccination status (i) with regard to education, employment, or issuance of a driver's license or other state identification or (ii) in numerous other contexts. The bill establishes a civil penalty for violation of this prohibition by an employer. Recommend oppose. (23102361D)

HB 2248 (Cordoza) (HHWI) requires providers of treatment for substance use disorder who administer methadone or opioid replacements as treatments to utilize biometric certification to verify the identity of the clinician and patient. Biometric certification includes iris scans of patients and either iris scans or two-finger fingerprint scans of clinicians. The bill requires the Board of Pharmacy to establish a statewide data repository for the storage of records of every transaction involving the administration of methadone or opioid replacements to a patient, with such records being held for no fewer than 10 years. Recommend oppose. (23102388D)

SB 922 (Hashmi) (SFIN) exempts income earned from the sale of a manufactured home park, as defined in relevant law, to either (i) an entity that is owned by at least 25 percent of the residents of such manufactured home park or (ii) an organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code, provided that such sale terms require the guaranteed maintenance of the property as a manufactured home park for a period of at least 30 years following the sale. Recommend support. (23101649D)

Courts

SB 814 (Surovell) (Senate Floor) allows a court to appoint interpreters for persons who are deaf or hard of hearing without procuring an interpreter through the Department for the Deaf and Hard-of-Hearing if another certified interpreter is readily available. Recommend support. (23104569D-S1)

Public Safety/Criminal Justice

SB 1183 (Reeves) (SJUD) requires the Department of State Police (the Department) to participate in the Federal Bureau of Investigation's (FBI) Next Generation Identification (NGI) Rap Back Service, through the Virginia Rap Back Service (the Service), for the purpose of allowing those agencies and governmental entities that require a fingerprint-based criminal background check as a condition of (i) providing care to (a) children, (b) the disabled, or (c) the elderly or (ii) (a) licensure, (b) certification, (c) employment, or (d) volunteer service to be advised when an individual subject to such screening is arrested for, or convicted of, a criminal offense. The bill provides that fingerprints submitted to the FBI through the Virginia Rap Back Service may be used for future searches, including latent searches.

The bill requires the Department to ensure that notification is made to the participating entity, defined in the bill, when an FBI Rap Back report is received. Any unauthorized use of the information submitted to the Service is prohibited; any willful violation with the intent to harass or intimidate another is a Class 1 misdemeanor. The bill requires the Department to promulgate regulations governing the Service and the removal and destruction of records on persons who are deceased or are no longer enrolled in the Service. The bill authorizes the Department to charge a reasonable fee per individual enrolled in the Service, paid by any participating entity enrolling the individual in the Service and provides that when more than one participating agency enrolls the same individual in the Service, both entities shall be responsible for paying the full cost for maintenance and notification. The bill requires that any fees collected shall be deposited in a special account to offset costs of subscription fees, maintenance fees, and enhancements related to the Criminal and Rap Back Information Service.

Under current law, the Department maintains an Applicant Fingerprint Database (the Database) that functions similarly to the Service. The bill transitions the Department from using the Database and requires the Service to be operational no later than July 1, 2025, contingent upon appropriation of funds. Recommend support. (23104211D)

SB 966 (Peake) (SRSS) requires the Department of Corrections to compensate local jails for the actual cost, based on the rate calculated in the Compensation Board's annual jail cost report, of incarcerating felons who should otherwise be confined in a state correctional facility. Current law provides for local jails to be compensated at the rate set forth in the general appropriation act. Recommend support. (23101388D)

Firearms

SB 1139 (Boysko) (SJUD) requires any person who possesses a firearm in a residence where such person knows or reasonably should know that a minor under 18 years of age is present to store such firearm unloaded in a locked container, compartment, or cabinet and to store all ammunition in a separate locked container, compartment, or cabinet. The bill requires that the key or combination to such locked containers, compartments, or cabinets be inaccessible to any minor. The bill provides that a violation is a Class 1 misdemeanor, and, in a case where there is more than one firearm stored in violation of these provisions, a violation for each firearm shall constitute a separate Class 1 misdemeanor. The bill exempts any person in lawful possession of a firearm who

carries such firearm on or about his person, the storage of antique firearms, and the lawful authorization of a minor to access a firearm. Recommend support. (23104008D)

SB 1167 (Petersen) (SJUD) creates standards of responsible conduct for firearm industry members, as that term is defined in the bill. The bill requires any firearm industry member that sells, manufactures, distributes, markets, or intends to sell, manufacture, distribute, or market firearm industry products, as that term is defined in the bill, within the Commonwealth, or that sells, manufactures, distributes, markets, or intends to sell, manufacture, distribute, or market firearm industry products to be used or possessed within the Commonwealth to comply with such standards of responsible conduct. Such standards include establishing and implementing reasonable controls regarding the manufacture, distribution, importation, marketing, and wholesale or retail sale of firearm industry products and taking reasonable precautions to ensure that such firearm industry products are not sold or distributed to a distributor or retailer that fails to establish and implement such reasonable controls. The bill also creates a civil cause of action for any person who suffers harm as a result of a firearm industry member's violation of the provisions of the bill. Recommend support. (23102513D)

Land Use

HB 1665 (Marshall) (HCCT) / **SB 1205** (Lewis) (SLG) extends from July 1, 2023, to July 1, 2025, the sunset date for various local land use approvals that were valid and outstanding as of July 1, 2020. The bill also provides that its provisions shall not be construed to extend previous extensions related to the housing crisis and that any extension of approvals outstanding as of July 1, 2020, shall apply to any such approvals granted subsequent to July 1, 2020, that expire prior to July 1, 2025. This provision is declarative of existing law. Recommend monitor. (23104197D), (23104290D)

Short-Term Lodging

HB 2271 (Marshall) (HCCT) / **SB 1391** (Lewis) (SLG) provides that a locality may not restrict by ordinance any short-term rental property managed by a Virginia realtor, defined in the bill. The bill provides that a locality may not enforce an ordinance against such property where the ordinance (i) prohibits short-term rentals; (ii) limits occupancy in a short-term rental property to less than what is allowed under the building code or local zoning regulations; (iii) limits the number of days in a calendar year for which a short-term rental property can be rented; (iv) requires an owner to occupy the short-term rental property as his primary residence for any number of days in a calendar year; (v) requires any type of remote monitoring device to be installed on the short-term rental property, including decibel, audio, or video; (vi) requires exterior or interior inspections of the short-term rental property pertaining to any items defined under the building code more frequently than every five years, unless a complaint has been filed with the locality or building authority; (vii) requires repairs, renovations, or updates to the structure of the short-term rental property that are greater than those required under the applicable building code; or (viii) requires an owner to add additional or otherwise alter existing parking spaces for the short-term rental property. The provisions of the bill shall apply to any short-term rental property managed by a realtor and operating as such on or after January 1, 2023. Recommend oppose. (23104168D), (23104169D)

Parks

HB 2041 (Shin) (HCCT) / **SB 807** (Favola) (Senate Floor) authorizes a locality or park authority to establish, conduct, and regulate a system of walking trails and releases from certain civil liability the owner of any property leased, licensed, or provided by easement for such use in the absence of gross negligence or willful misconduct. Recommend support. (23102799D), (23101893D)

Environment

HB 1378 (Wilt) (HAG) repeals the requirement that the State Air Pollution Control Board implement a low-emissions and zero-emissions vehicle program for motor vehicles with a model year of 2025 and later. The bill prohibits the Board from adopting or enforcing any model year standards related to control of emissions from new motor vehicles or new motor vehicle engines, including low-emission vehicle and zero-emission vehicle standards pursuant to the federal Clean Air Act and prohibits the Commonwealth from requiring any new motor vehicle or new motor vehicle engine to be certified as compliant with model year standards related to the control of emissions adopted by California for which a waiver has been granted pursuant to the federal Clean Air Act. Recommend oppose. (23100526D)

Taxation

HB 2176 (Sickles) (HFIN) requires distribution of five percent of the individual income tax revenues collected from residents of a locality to be distributed to that locality. The bill requires such funds to be used for school construction or renovation purposes and to be repaid to the state if used for any other purpose. The bill provides that a locality shall be required to maintain its level of expenditure for public school purposes as a condition of receiving the income tax revenues; however, a locality may reduce its level of expenditure to account for a loss of revenues resulting from a reduction in machinery and tools taxes. Recommend support. (23104072D)

HB 1685 (Greenhalgh) (HFIN) caps the maximum amount of penalties that may be assessed on unpaid license taxes or tangible personal property taxes owed by a business at five percent of the amount due. The bill provides the same cap for penalties assessed for failing to apply for a license or file a return on time for such taxes. The bill requires the assessing official, upon assessing any such penalty, to notify the affected taxpayer of the amount of such penalty, any interest assessed, and the total amount of tax owed. The bill is a recommendation of the Small Business Commission. Recommend oppose. (23100943D)

HB 1749 (Walker) (HFIN) provides that a governing body of a locality may increase the real property tax rate (i) by an amount lower than three percent through a public hearing and a majority vote of the governing body; (ii) by an amount of three percent or more, but lower than five percent through a public hearing and a two-thirds majority vote of the governing body; and (iii) by an amount of five percent or more through holding a referendum. The bill provides that the governing

body of a locality may not hold a public hearing for a proposed rate increase on the same day as the annual budget hearing. Under current law, the governing body of a locality is required to limit the real property tax rate to a rate that would collect no more than 101 percent of the amount of real property taxes collected for the previous year; increases above this rate may only be imposed if the locality holds a public hearing. Recommend oppose. (23104015D)

HJ 533 (Tran) (committee referral pending) expands the current tax exemption for real property available to the surviving spouses of soldiers killed in action to the surviving spouses of soldiers who died in the line of duty with a Line of Duty determination from the U.S. Department of Defense. Recommend amend; amend to provide localities with local option, flexible authority for enacting and implementing property tax exemption. (23100802D)

SJ 231 (McPike) (SFIN) expands the current tax exemption for real property available to the surviving spouses of soldiers killed in action to the surviving spouses of soldiers who died in the line of duty with a Line of Duty determination from the U.S. Department of Defense. Recommend amend; amend to provide localities with local option, flexible authority for enacting and implementing property tax exemption. (23101950D)

SB 1408 (McClellan) (SFIN) authorizes all counties and cities to impose an additional local sales and use tax at a rate not to exceed one percent with the revenue used only for capital projects for the construction or renovation of schools if such levy is approved in a voter referendum. Under current law, only Charlotte, Gloucester, Halifax, Henry, Mecklenburg, Northampton, Patrick, and Pittsylvania Counties and the City of Danville are authorized to impose such a tax. This bill is a recommendation of the Commission on School Construction and Modernization. Recommend support. (23102623D)

HB 2316 (Bourne) (HFIN) authorizes all counties and cities to impose an additional local sales and use tax at a rate not to exceed one percent with the revenue used only for capital projects for the construction or renovation of schools if such levy is approved in a voter referendum. Under current law, only Charlotte, Gloucester, Halifax, Henry, Mecklenburg, Northampton, Patrick, and Pittsylvania Counties and the City of Danville are authorized to impose such a tax. This bill is a recommendation of the Commission on School Construction and Modernization. Recommend support. (23103527D)

Administration of Government

HB 1591 (Davis) (HTECH) repeals the sunset provision enacted in 2021 that created the Office of Data Governance and Analytics and the position of Chief Data Officer within the Office of the Secretary of Administration, making both permanent. The provision is currently scheduled to expire on July 1, 2023. Recommend support. (23100957D)

SB 1351 (Marsden) (SGL) allows, with certain exceptions, local and regional public bodies to convene as many all-virtual public meetings as each such public body deems acceptable in its individual remote participation meeting policy, to be adopted at least once annually by recorded vote at a public meeting. Current law limits all-virtual public meetings to no more than two times

per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater, and prohibits any such meeting from being held consecutively with another all-virtual public meeting. Recommend support. (23102031D)

HB 2050 (Bennett-Parker) (HGL) allows, with certain exceptions, local and regional public bodies to convene as many all-virtual public meetings as each such public body deems acceptable in its individual remote participation meeting policy, to be adopted at least once annually by recorded vote at a public meeting. Current law limits all-virtual public meetings to no more than two times per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater, and prohibits any such meeting from being held consecutively with another all-virtual public meeting. Recommend support. (23100348D)

Transportation

HB 1609 (Tata) (HTRAN) includes the development and implementation of on-demand microtransit operations, defined in the bill, to incentivize and promote transit ridership, as part of the goal of the Transit Ridership Incentive Program. The bill provides that an approved initiative or service is eligible to continue receiving funding for the duration of the Program on an annual basis, for up to 80 percent of costs, from funds that are available to the urbanized area in which the initiative or service is located. Recommend support. (23103058D)

SB 977 (Mason) (STRAN) includes the development and implementation of on-demand microtransit operations, defined in the bill, to incentivize and promote transit ridership, as part of the goal of the Transit Ridership Incentive Program. The bill provides that an approved initiative or service is eligible to continue receiving funding for the duration of the Program on an annual basis, for up to 80 percent of costs, from funds that are available to the urbanized area in which the initiative or service is located. Recommend support. (23102068D)

HB 2338 (McQuinn) (HTRAN) directs the Commonwealth Transportation Board to use up to 30 percent of available funds in the Transit Ridership Incentive Program to support local, regional, and state entities in improving the accessibility of transit bus passenger facilities and transitioning public transit bus fleets and infrastructure to zero-emission bus fleets and infrastructure. The bill directs the Board to develop guidelines for applications for grants to any local, regional, or state public entity that supports a transit system. Recommend support. (23103486D)

SB 1326 (McClellan) (STRAN) directs the Commonwealth Transportation Board to use up to 30 percent of available funds in the Transit Ridership Incentive Program to support local, regional, and state entities in improving the accessibility of transit bus passenger facilities and transitioning public transit bus fleets and infrastructure to zero-emission bus fleets and infrastructure. The bill directs the Board to develop guidelines for applications for grants to any local, regional, or state public entity that supports a transit system. Recommend support. (23102475D)

SB 862 (Newman) (STRAN) eliminates the highway use fee and mileage-based user fee program. The bill directs the Commissioner of the Department of Motor Vehicles to continue to reimburse the cost of the highway use fee to any applicant that paid a highway use fee and is eligible for reimbursement of the original vehicle registration fee pursuant to relevant law. The bill directs the

Commissioner to refund the cost of the highway use fee to any owner of a vehicle who prepaid the fee before the effective date of the bill, prorated for the period after which the highway use fee is no longer in effect. Recommend oppose. (23103025D)

Vehicle Exhaust Systems

HB 1559 (Watts) (HTRAN) allows local governing bodies to regulate, by ordinance, noise from vehicles not conforming to exhaust system requirements that are operated on highways or on public or private property in or within 500 feet of any residential district. Current law only allows such regulation by ordinance from such vehicles that are operated on a highway. Recommend support. (23102375D)

SB 1085 (Ebbin) (STRAN) prohibits the sale and use of devices designed to create or amplify noise emitted from a motor vehicle, moped, or motorized skateboard or scooter to a level higher than that of the originally manufactured vehicle and requires motor vehicle inspection regulations to include compliance with such requirements. The bill creates a noise limit of 85 decibels as measured from a distance of 50 feet that a motor vehicle, moped, or motorized skateboard or scooter may emit. Recommend support. (23103884D)

Legislation Provided for Discussion

Transportation

HB 1496 (Austin) (HAPP) allocates 3.5 percent of the Commonwealth Mass Transit Fund (the Fund) to commuter rail systems jointly operated by transportation districts and excludes such commuter rail systems from receiving allocations pursuant to other distributions of the Fund. The bill requires such commuter rail systems to submit reports to the Commonwealth Transportation Board. The bill limits allocations by the Northern Virginia Transportation Commission (NVTC) for distribution to the Washington Metropolitan Area Transit Authority (WMATA) to 50 percent of the total operating and capital assistance required to be provided by NVTC or other Virginia entities in the approved WMATA budget and establishes reporting requirements for NVTC. The bill codifies requirements for WMATA to adopt and submit certain planning documents first required pursuant to the eighth enactment of Chapter 854 and the eighth enactment of Chapter 856 of the Acts of Assembly of 2018 and repeals the original requirements. (House Transportation Committee Substitute) (23104630D)

SB 1079 (Cosgrove) (SFIN) allocates 3.5 percent of the Commonwealth Mass Transit Fund (the Fund) to commuter rail systems jointly operated by transportation districts and excludes such commuter rail systems from receiving allocations pursuant to other distributions of the Fund. The bill requires such commuter rail systems to submit reports to the Commonwealth Transportation Board. The bill limits allocations by the Northern Virginia Transportation Commission (NVTC) for distribution to the Washington Metropolitan Area Transit Authority (WMATA) to 50 percent of the total operating and capital assistance required to be provided by NVTC or other Virginia entities in the approved WMATA budget and establishes reporting requirements for NVTC. The bill codifies requirements for WMATA to adopt and submit certain planning documents first required pursuant to the eighth enactment of Chapter 854 and the eighth enactment of Chapter 856 of the Acts of Assembly of 2018 and repeals the original requirements. (23101351D)

Towing

HB 1649 (Wyatt) (HTRAN) prohibits localities from setting limits on towing fees and other associated fees for trespassing passenger cars and vehicles that are lower than the respective statewide maximum charges authorized for such fees in localities without a local ordinance setting towing fees; removes current specified limits for Planning Districts 8 and 16 that would fall below those limits; and requires an ordinance adopted by a locality that sets such limits to provide that no more than two additional fees can be charged for towing any vehicle between 7:00 p.m. and 8:00 a.m. or on any Saturday, Sunday, or holiday. The bill changes current statewide trespass towing fee limits on hookup and initial towing fees of passenger cars from \$150 to \$180 and additional fees for towing between 7:00 p.m. and 8:00 a.m. or on any Saturday, Sunday, or holiday from \$30 to \$35. (23102265D)

SB 979 (Marsden) (STRAN) prohibits localities from setting limits on towing fees and other associated fees for trespassing passenger cars and vehicles that are lower than the respective statewide maximum charges authorized for such fees in localities without a local ordinance setting towing fees; removes current specified limits for Planning Districts 8 and 16 that would fall below

those limits; and requires an ordinance adopted by a locality that sets such limits to provide that no more than two additional fees can be charged for towing any vehicle between 7:00 p.m. and 8:00 a.m. or on any Saturday, Sunday, or holiday. The bill changes current statewide trespass towing fee limits on hookup and initial towing fees of passenger cars from \$150 to \$180 and additional fees for towing between 7:00 p.m. and 8:00 a.m. or on any Saturday, Sunday, or holiday from \$30 to \$35. (23100534D)

SB 790 (Favola) (STRAN) provides that violations of current law regarding tow truck drivers and towing and recovery operators are subject to the Virginia Consumer Protection Act. The bill repeals the \$150 civil penalty for certain towing violations in Planning District 8. (23101200D)

Bicycle/ Pedestrian Safety

HB 1589 (Sullivan) (HTRAN) allows persons riding bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, mopeds, or motorized skateboards or scooters to follow the pedestrian Walk signal at an intersection when traveling in the direction of the signal, provided they yield to pedestrians in the crosswalk traveling in the same direction. The bill provides that a person riding a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, moped, or motorized skateboard or scooter may not start to cross a highway in the direction of a Don't Walk signal, but such person who has partially completed his crossing on the Walk signal shall proceed to a sidewalk or safety island and remain there while the Don't Walk signal is showing. (23102848D)

SB 847 (Favola) (STRAN) allows persons riding a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, moped, or motorized skateboard or scooter to follow the pedestrian control signal at an intersection when traveling in the direction of the signal, provided they yield to pedestrians in the crosswalk traveling in the same direction. The bill specifies that such persons shall not start to cross the highway in the direction of such signal while the signal is solid, that pedestrians shall not start to cross the highway when such signal is solid or flashing, and that any person who has partially crossed the highway shall proceed to a sidewalk or safety island when the solid Don't Walk signal begins. (23102496D)

SB 1293 (Deeds) (STRAN) Authorizes the local governing body of any county, city, or town to by ordinance authorize a bicyclist to treat a stop light as a stop sign and a stop sign as a yield right-of-way sign, provided that certain safety measures are observed. (23100569D)

Environment

SB 1158 (Marsden) (SLG) grants localities in Planning District 8 (Northern Virginia) authority to establish exclusive service areas and award such service areas to businesses that as of July 1, 2024, are legally engaged in the pickup and disposal of garbage, trash, or refuse, wherein service will be provided to the residents of the locality. For each such business, the locality may establish a separate service area with a customer base that approximates the number of residential customers served by the business in the locality on July 1, 2023. The ordinance shall establish procedures for removing or adding businesses and adjusting the boundaries of such service areas as needed.

Property owners' associations may continue to contract with properly licensed businesses of their choice notwithstanding the establishment of exclusive service areas. The bill contains a reenactment clause. (23103885D)

HB 2095 (Bulova) (HAG) / **SB 1149** (Marsden) (SACNR) requires the State Water Control Board to recognize service areas for water utilities in the Commonwealth that use the Potomac River as a water supply source as a distinct drought evaluation region. The bill requires the Board to incorporate certain provisions from the Metropolitan Washington Water Supply and Drought Awareness Response Plan: Potomac River System into the existing drought evaluation plans that are applicable to the Potomac River drought evaluation region. (23104033D), (23104277D)

Public Safety/Criminal Justice

HB 1501 (Runion) (HPS) requires every member appointed to a locality's law-enforcement civilian oversight body to observe within 90 days of the member's appointment a law-enforcement officer employed with such locality's law-enforcement agency while such law-enforcement officer is engaged in his official duties and that such observation total no fewer than 24 hours, a portion of which includes a ride-along with a law-enforcement officer. 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. Finally, the bill 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. (23100457D)

SB 821 (Surovell) (Reported from SEH) requires each division superintendent to identify, update as necessary, and make available to the Department of Education and to other appropriate individuals a fax number, an email address, and a mailing address at which the division superintendent will receive the reports required to be transmitted pursuant to relevant law from (i) every state official or agency and every sheriff, police officer, or other local law-enforcement officer or conservator of the peace having the power to arrest for a felony upon arresting a person who is known or discovered by the arresting official to be a full-time, part-time, permanent, or temporary teacher or any other employee in any local school division in the Commonwealth for a felony or a Class 1 misdemeanor or an equivalent offense in another state and (ii) the clerk of any circuit court or any district court in the Commonwealth upon the conviction of a Board of Education-licensed school employee for certain enumerated felonies. The bill requires the Department to compile and make publicly available on its website a list of such fax numbers, email addresses, and mailing addresses. The bill also requires all such arresting officials or agencies and all such clerks to transmit the required reports via certified mail, return receipt requested, or to the identified fax numbers and email addresses. The bill finally requires, until July 1, 2027, all such arresting officials or agencies request in writing that the Virginia Employment Commission provide the name of the current employer of each arrested person for purposes of determining whether such notice is required. (23100637D)

Taxation

HB 1896 (Byron) (HFIN) / **SB 1182** (Ruff) (SFIN) establishes a process, as of January 1, 2024, whereby banks having \$40 billion or greater in Virginia deposits based on the June 30 FDIC deposit market share report of the preceding tax year may elect to pay the bank franchise tax to the Department of Taxation and are bound by such election for 10 years absent permission from the Tax Commissioner. The bill directs the Department of Taxation, as of January 1, 2025, to apportion 80 percent of the bank franchise tax revenue from banks making such an election to localities through the newly created Local Bank Franchise Tax Fund. (23104007D), (23104204D)