



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** January 24, 2022

**TO:** Board of Supervisors

**FROM:** Bryan J. Hill *BH*  
County Executive

**SUBJECT:** 2022 Legislative Report No. 1 – Board Legislative Committee Meeting of January 21, 2022

The regular 2022 Session of the Virginia General Assembly convened on January 12, 2022 and is scheduled to adjourn on March 12, 2022. This is a “long” session of 60 days.

The 2022 General Assembly has been very active and the volume of legislation is comparable to years past. As of January 22, 2,364 bills and resolutions have been introduced. The majority of this legislation remains in various subcommittees and is expected to move forward in the coming weeks.

The Legislative Committee met on January 21 to consider several issues of importance to the County. The Committee offers the following report and recommendations for action to the Board.

### Legislative Committee Actions of January 21, 2022:

Members Present: Legislative Chairman Walkinshaw  
Chairman McKay  
Supervisor Alcorn  
Supervisor Foust  
Supervisor Gross  
Supervisor Lusk  
Supervisor Smith  
Supervisor Storck

## **Specific Issues**

Update on State Budget: The Committee received a summary of budget items submitted by Governor Northam and their respective impacts on the County, including K-12 education funding, and other proposals related to budget priorities in the County's Legislative Program. More detailed information may be found in the chart provided on "Supplementary Documents," pages 39-72.

## **Priority Principles for Reviewing Legislation**

- 1. Adequately fund K-12 education.**
- 2. Fully restore funding to the Northern Virginia Transportation Authority (NVTA) in an amount equal to what was diverted, to ensure that transportation projects continue to advance in Northern Virginia after decades of state underfunding.**
- 3. Build upon the successful enactment of significant transportation revenues by the 2013 and 2020 GAs to ensure sufficient funding for transportation needs.**
- 4. Restore the funding partnership between the state and localities through adequate state funding.**
- 5. Preserve local government authority, particularly in taxation and land use; allow greater flexibility in the administration of government.**

## **Specific Legislation**

### **County Initiatives**

**HB 396** (Sullivan) (HCE) makes various changes to the pilot program for municipal net energy metering. The bill (i) provides that a municipality that contracts with a third party to own or operate an electrical generation facility may qualify as a municipal customer-generator under the pilot program; (ii) increases the cap on the amount of generating capacity of the generating facilities that are the subject of a pilot program conducted by a Phase II Utility from 25 megawatts to 500 megawatts; (iii) provides that a municipality includes park authorities; (iv) provides that the credit offset associated with an account includes 85 percent of the transmission and distribution charges and that the credit includes all applicable rate adjustment clauses and non-bypassable charges; (v) provides that municipalities are responsible for demonstrated administrative costs; and (vi) revises the current six-year duration of any pilot program approved by the Commission to six years or until July 1, 2028, whichever is later. (22103298D)

**HB 443** (Bulova) (HCE) gives park authorities created by a locality the authority to locate, operate, regulate the use of, and install signage relating to electric vehicle (EV) charging stations on property under its jurisdiction. The bill adds park authorities to the list of entities for which provision of electricity for EV charging is exempt from the definition of retail sale of electricity. The bill adds park authorities to the list of entities that the State Corporation Commission cannot regulate or prescribe the rates, charges, and fees for retail EV charging service. (22101682D)

## **Historical Positions of the Board**

### **SUPPORT**

**HB 1065** (Krizek) (HGL) requires the owner of a manufactured home park who offers or lists the park for sale to a third party to provide written notice of the prospective sale to the locality where the park is located. Under current law, such notice is only required to be sent to the Department of Housing and Community Development. The bill also provides that acceptance of an offer to purchase a manufactured home park is contingent upon the park owner sending written notice of the proposed sale, including certain information listed in the real estate purchase contract, to the locality where the park is located at least 90 days before the closing date. Under current law, such notice is required to be sent only to the Department of Housing and Community Development at least 60 days before the closing date. Additionally, these notices are to be provided to any tenant of the manufactured home park, in clear, understandable language and translated into the tenant's preferred language if the tenant is unable to speak or understand English adequately enough to understand the content of such notice. Support; Board has historically supported. (22102276D)

**SB 165** (Peake) (SRSS) provides for local jails to be compensated for the actual cost of incarcerating convicted felons at the rate calculated in the Compensation Board's annual jail cost report. Current law provides for jails to be compensated for the cost of incarceration of convicted felons as provided for in the general appropriation act. Support; Board has historically supported. Language in support of state funding for jail costs is included in the County's Legislative Program. (22102223D)

### **OPPOSE**

**HB 181** (Ransone) (HCT)/**SB 543** (DeSteph) (SJUD) repeals provisions not yet effective allowing for the automatic and petition-based sealing of police and court records for certain convictions, deferred dispositions, and acquittals and for offenses that have been *nolle prossed* or otherwise dismissed. Oppose; Board has historically supported the concept of expungement for certain crimes, with sufficient state funding for implementation. (22102320D, 22103152D)

**SB 532** (Stuart) (SACNR) repeals the Clean Energy and Community Flood Preparedness Act and directs the Director of the Department of Environmental Quality to take all steps necessary to suspend the Commonwealth's participation in the Regional Greenhouse Gas Initiative market-based trading program. Oppose; Board has historically opposed. (22101996D)

**SB 602** (DeSteph) (SLG) prohibits, except as provided, localities from (i) requiring or allowing the approval of neighbors or the neighborhood for the operation of short-term rental properties; (ii) imposing requirements or restrictions that exceed those of regular properties, including special parking and occupancy restrictions; or (iii) restricting short-term rentals by geographic location within the locality by means other than the normal general land use and zoning authority. The bill expands the current definition of short-term rental to include any house provided for such purpose. Oppose; Board has historically opposed. (22102201D)

## **Elections**

### *Absentee Voting Restrictions*

**HB 35** (Campbell, R) (HPE) requires a registered voter to provide a reason for being absent or unable to vote at his polling place on election day in order to receive an absentee ballot to vote by mail. Registered voters offering to vote absentee in person are similarly required by the bill to provide a reason until the second Saturday immediately preceding an election, at which time an excuse is not required to vote absentee in person. The bill provides that an application for an absentee ballot is required to receive an absentee ballot by mail and to vote absentee in person before the second Saturday immediately preceding an election. The bill also repeals the permanent absentee voter list and limits the special annual application to those voters with an illness or disability. Oppose; Board has historically opposed. (22102778D)

**HB 39** (Scott) (HPE) 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. Oppose; Board has historically opposed. (22101282D)

**HB 178** (Bloxom) (HPE) 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. Oppose; Board has historically opposed. (22101653D)

**HB 310** (Ransone) (HPE) requires an applicant for an absentee ballot to provide the last four digits of his social security number on the application regardless of whether he is completing the application in person and makes the failure of the absentee voter to have a witness sign his absentee ballot envelope a material omission that renders the ballot void. The bill removes the permanent absentee voter list and reinstates the special annual application for voters with a disability or illness. The bill also removes the requirement that the absentee voter return envelope be sent to absentee voters with prepaid postage. Oppose; Board has historically opposed. (22102510D)

**HB 945** (LaRock) (HPE) limits absentee voting in person to the ten days immediately preceding an election. Oppose; Board has historically opposed. (22102781D)

**SB 460** (Chase) (SPE) removes the provision of law requiring an absentee ballot that is returned to the general registrar after the closing of the polls on election day to be counted if it is received before noon on the third day after the election and is postmarked on or before the date of the election to be counted if the voter is found entitled to vote. The bill does not affect the exception for a covered voter who was not sent a ballot in a timely manner and whose voted ballot arrives after the close of polls. Oppose; Board has historically opposed. (22101633D)

*Permanent Absentee List Changes*

**HB 36** (Campbell, R) (HPE) repeals the provisions of law by which any registered voter may apply to receive absentee ballots for all elections in which he is eligible to vote and remains on the list until the voter requests in writing to be removed from the list, the voter's registration is canceled or placed on inactive status pursuant to law, or the voter moves to a different address not in the same county or city of his registration. Oppose; Board has historically opposed. (22102784D)

**HB 175** (Bloxom) (HPE) removes 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, date of birth, and the last four digits of his social security number. The bill also requires an applicant for an absentee ballot to provide the last four digits of his social security number on the application, regardless of whether he is completing the application in person. Oppose; Board has historically opposed. (22101651D)

**HB 196** (Webert) (HPE) repeals the provisions of law by which any registered voter may apply to receive absentee ballots for all elections in which he is eligible to vote and remains on the list until the voter requests in writing to be removed from the list, the voter's registration is canceled or placed on inactive status pursuant to law, or the voter moves to a different address not in the same county or city of his registration. Oppose; Board has historically opposed. (22100301D)

**HB 198** (Webert) (HPE) requires general registrars to send, by December 15 of each year, notice to each voter enrolled on the permanent absentee voter list that the voter is currently enrolled on the permanent absentee voter list and will remain enrolled on such list unless the voter requests to be removed. The notice shall include a return card, properly addressed and postage prepaid, by which the voter may request to be removed. The bill also requires the removal of a voter enrolled on the permanent absentee voter list if such voter offers to vote absentee in person for any election. Oppose; Board has historically opposed. (22103907D)

**SB 234** (Chase) (SPE) repeals the provisions of law by which any registered voter may apply to receive absentee ballots for all elections in which he is eligible to vote and remains on the list until the voter requests in writing to be removed from the list, the voter's registration is canceled or placed on inactive status pursuant to law, or the voter moves to a different address not in the same county or city of his registration. Oppose; Board has historically opposed. (22101626D)

*Drop-Off Location Repeals*

**HB 34** (Campbell, R) (HPE) repeals the provisions of law providing for the establishment of drop-off locations for the return of absentee ballots. Oppose; Board has historically opposed. (22102594D)

**HB 1141** (Walker) (HPE) repeals the provisions of law providing for the establishment of drop-off locations for the return of absentee ballots. Oppose; Board has historically opposed. (22103539D)

**SB 236** (Chase) (SPE) repeals the provisions of law providing for the establishment of drop-off locations for the return of absentee ballots. Oppose; Board has historically opposed. (22101492D)

*Voter Photo ID*

**HB 24** (Walker) (HPE) 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. Oppose; Board has historically opposed. (22100435D)

**HB 46** (Ware) (HPE) 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. The bill also repeals the provisions of law by which any registered voter may apply to receive absentee ballots for all elections in which he is eligible to vote and remains on the list until the voter requests in writing to be removed from the list, the voter's registration is canceled or placed on inactive status pursuant to law, or the voter moves to a different address not in the same county or city of his registration. Oppose; Board has historically opposed. (22102903D)

**HB 121** (Wyatt) (HPE) 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 of the United States 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 to the 10 days immediately preceding the date of the election, including both Saturdays. 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. Oppose; Board has historically opposed. (22101554D)

**HB 779** (Williams) (HPE) 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. The bill also limits absentee voting in person to the week immediately preceding an election. The bill repeals the provisions of law by which any registered voter may apply to receive absentee ballots for all elections in which he is eligible to vote and remains on the list until the voter requests in writing to be removed from the list, the voter's registration is canceled or placed on inactive status pursuant to law, or the voter moves to a different address not in the same county or city of his registration. The bill also removes provisions allowing absentee ballots received after the close of polls to be counted. Oppose; Board has historically opposed. (22102174D)

**HB 942** (LaRock) (HPE) 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. Oppose; Board has historically opposed. (22102770D)

**HB 1090** (Webert) (HPE) 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. Oppose; Board has historically opposed. (22100305D)

*Same Day Voter Registration Repeal*

**HB 185** (Ransone) (HPE) repeals a provision that would permit any person who is qualified to register to vote to register to vote in person up to and including the day of the election, notwithstanding any deadline for the close of registration records. The repeal will limit the persons who are entitled to register to vote after the close of registration records to (i) any member of a uniformed service of the United States who is on active duty, (ii) any person residing temporarily outside of the United States, and (iii) the spouse or dependent residing with someone listed in (i) or (ii). Oppose; Board has historically opposed. (22102235D)

**HB 187** (McGuire) (HPE) repeals a provision that would permit any person who is qualified to register to vote to register to vote in person up to and including the day of the election, notwithstanding any deadline for the close of registration records. The repeal will limit the persons who are entitled to register to vote after the close of registration records to (i) any member of a uniformed service of the United States who is on active duty, (ii) any person residing temporarily outside of the United States, and (iii) the spouse or dependent residing with someone listed in (i) or (ii). Oppose; Board has historically opposed. (22103041D)

**HB 780** (Williams) (HPE) repeals a provision that would permit any person who is qualified to register to vote to register to vote in person up to and including the day of the election, notwithstanding any deadline for the close of registration records. The repeal will limit the persons who are entitled to register to vote after the close of registration records to (i) any member of a uniformed service of the United States who is on active duty, (ii) any person residing temporarily outside of the United States, and (iii) the spouse or dependent residing with someone listed in (i) or (ii). Oppose; Board has historically opposed. (22102178D)

**HB 941** (LaRock) (HPE) repeals a provision that would permit any person who is qualified to register to vote to register to vote in person up to and including the day of the election, notwithstanding any deadline for the close of registration records. The repeal will limit the persons who are entitled to register to vote after the close of registration records to (i) any member of a uniformed service of the United States who is on active duty, (ii) any person residing temporarily outside of the United States, and (iii) the spouse or dependent residing with someone listed in (i) or (ii). Oppose; Board has historically opposed. (22102622D)

**SB 235** (Chase) (SPE) repeals a provision that would permit any person who is qualified to register to vote to register to vote in person up to and including the day of the election, notwithstanding any deadline for the close of registration records. The repeal will limit the persons who are entitled to register to vote after the close of registration records to (i) any member of a uniformed service of the United States who is on active duty, (ii) any person residing temporarily outside of the United States, and (iii) the spouse or dependent residing with someone listed in (i) or (ii). Oppose; Board has historically opposed. (22101611D)

### **Firearms**

**SB 74** (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 and state governmental entities to bring lawsuits against certain firearms manufacturers and others. Oppose; Board has historically opposed. (22101641D)

**SB 364** (Reeves) (SJUD) removes the prohibition on any person who is not a licensed firearms dealer from purchasing more than one handgun in a 30-day period. Current law makes it a Class 1 misdemeanor for a violation of this provision, subject to certain exemptions. Oppose; Board has historically opposed. (22103162D)

### **Taxation**

**HB 75** (Ware) (HFIN) restricts localities from imposing a transient occupancy tax at a rate that exceeds five percent and provides that any tax revenues from a rate of greater than two percent but less than five percent shall be spent solely for tourism-related and travel-related purposes. The bill also lowers the amount of food and beverage tax that counties can impose from six percent to a total of four percent. Under the bill, a county is able to impose a food and beverage tax at up to two percent without restriction, but that would require approval via a referendum in order to impose the tax at four percent. Oppose; Board has historically opposed. (22101468D)

**HB 380** (Freitas) (HFIN) prohibits any county, city, or town from imposing any license tax or fee in any taxable year beginning on or after January 1, 2023. The bill does not apply to any severance tax that is levied as a license tax. Oppose; Board has historically opposed. (22100093D)

**SB 385** (McDougle) (SFIN) prohibits a locality from imposing a license tax on a director of a bank or trust company that is subject to the bank franchise tax. Oppose; Board has historically opposed. (22102974D)

### **AMEND**

**SJ 19** (Reeves) (SPE) authorizes the General Assembly to exempt from tax the real property of a surviving spouse of a member of the armed forces who died in the line of duty while performing official military activities. The amendment provides that such exemption is only available when the death of such member of the armed forces did not result from criminal conduct. The current Constitution exempts the real property of a surviving spouse of a member of the armed forces who was killed in action, a disabled veteran, and the surviving spouse of a disabled veteran. Amend. Amend to support as a state tax credit; Board has historically recommended amendment. (22101963D)

### **MONITOR**

**SB 450** (Boysko) (STRAN) adds traffic incident management vehicles, defined in the bill, operated by persons who meet certain training requirements to a list of vehicles exempt from certain traffic regulations at or en route to the scene of a traffic accident or similar incident. The bill also allows such vehicles to be equipped with sirens and flashing red or red and white secondary warning lights. Monitor; Board has historically monitored. (22100453D)

## **New Bills – 2022 GA**

### **Administration of Government**

**SB 132** (Edwards) (SLG) allows localities to designate smoking areas within 100 feet of sports fields, recreation centers, and playgrounds in outdoor parks. The bill requires signs regarding designated smoking areas to be posted at the entrances to such parks. Support with amendment. Amend to include Park Authority property. County supports local authority to ban smoking in parks. (22102261D)

**SB 417** (Stanley) (SRUL) directs the Virginia Code Commission to convene a work group to review requirements throughout the Code of Virginia for localities to provide public notice for intended actions and events, including (i) the varying frequency for publishing notices in newspapers and other print media, (ii) the number of days required to elapse between the publications of notices, and (iii) the amount of information required to be contained in each notice, and make recommendations for uniformity and efficiency. The bill requires the 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 1, 2022. Monitor. (22102649D)

### **Courts**

**SB 149** (Norment) (Reported from SJUD) provides that a juvenile, the parent, guardian, or other custodian of the juvenile, and counsel for the juvenile may inspect a law-enforcement record concerning such juvenile if (i) no other law requires or allows withholding of the record; (ii) the parent, guardian, or other custodian requesting the record is not a suspect, offender, or person of interest in the record; and (iii) any identifying information of any other involved juveniles is redacted. Support. (22103601D)

**SB 208** (Petersen) (SJUD) provides that a person in a civil action shall be deemed to have standing if that person has a cognizable interest in the outcome of the matter, which may be represented by the ownership of an affected property interest or the suffering of an injury unique to that individual. Oppose. (22102186D)

### **Transportation**

**HB 450** (Bennett-Parker) (HTRAN) prohibits a person from parking a vehicle not capable of receiving an electric charge in a space reserved for charging electric vehicles. A violation is subject to a civil penalty of not less than \$100 nor more than \$250, and the vehicle may be towed or impounded. Monitor. (22102584D)

**SB 278** (Ebbin) (Passed Senate) prohibits a person from parking a vehicle not capable of receiving an electric charge in a space reserved for charging electric vehicles. A violation is subject to a civil penalty of not less than \$100 nor more than \$250, and the vehicle may be towed or impounded. Monitor. (22101360D-E)

**HB 456** (Bennett-Parker) (HTRAN) makes mandatory instead of discretionary the provisions that the members of the Virginia Passenger Rail Authority selected by the Governor to represent the Northern Virginia Transportation District and the Potomac-Rappahannock Transportation District be selected from lists recommended by the Northern Virginia Transportation Commission and the Potomac and Rappahannock Transportation Commission, respectively. The bill requires such lists to include at least six persons. Support. (22102832D)

**SB 246** (Surovell) (STRAN) provides that the operator of a motor vehicle, trailer, or semitrailer that has stopped on the signal of any law-enforcement officer shall exhibit his registration card, learner's permit, or temporary driver's permit for the purpose of establishing his identity upon being advised of the purpose of the stop within a reasonable time by the law-enforcement officer. Current law requires that such materials be exhibited upon the law-enforcement officer's request. Monitor. (22103627D)

**SB 251** (Surovell) (SLG) requires the Northern Virginia Transportation Authority (NVTA) to dedicate certain funds to projects that improve pedestrian or bicyclist safety or infrastructure. Oppose. (22104193D)

**SB 281** (Ebbin) (STRAN) exempts a manufacturer, factory branch, distributor, distributor branch, or factory or distributor representative engaged in the manufacture or distribution of transit buses from the requirements of obtaining a license from the Department of Motor Vehicles to engage in business. The bill also exempts transit buses from dealer's license plate and temporary license plate requirements. Support. (22100708D)

**SB 339** (Barker) (SLG) repeals a provision of the 2018 mass transit funding legislation that requires the Commonwealth Transportation Board to withhold certain funding from the Washington Metropolitan Area Transit Authority if alternate directors of the Authority participate in or take action at a meeting at which the primary directors are present. Support. (22101758D)

#### *Gas Tax*

**HB 297** (McNamara) (HFIN) suspends the imposition of any regional fuels tax in the Commonwealth on and after July 1, 2022, but before July 1, 2023. Oppose. (22101106D)

**HB 1059** (Cordoza) (HFIN) suspends the imposition and collection of the state and regional taxes on gasoline and diesel fuel until July 1, 2023. The bill contains an emergency clause. Oppose. (22102010D)

**HB 1144** (Webert) (HFIN) lowers the rate of tax on gasoline and diesel fuel on July 1, 2022, from 26.2 cents per gallon to 21.2 cents per gallon on gasoline and from 27 cents per gallon to 20.2 cents per gallon on diesel fuel, the rates that were in effect before July 1, 2021. The bill provides that the rate of tax on gasoline and diesel fuel will return to 26.2 and 27 cents per gallon, respectively, on July 1, 2023, and will be indexed based on the change in the United States Average Consumer Price Index; thereafter, the rate will be indexed annually. Oppose. (22101053D)

**SB 541** (Peake) (SFIN) lowers the rate of tax on gasoline and diesel fuel on July 1, 2022, from 26.2 cents per gallon to 21.2 cents per gallon on gasoline and from 27 cents per gallon to 20.2 cents per gallon on diesel fuel, the rates that were in effect before July 1, 2021. The bill provides that the rate of tax on gasoline and diesel fuel will return to 26.2 and 27 cents per gallon, respectively, on July 1, 2023, and will be indexed based on the change in the United States Average Consumer Price Index; thereafter, the rate will be indexed annually. Oppose. (22101054D)

### **Elections**

**HB 68** (Anderson) (HPE) provides that a member of a uniformed service who is on active duty with permanent orders stationing him in the Commonwealth shall be presumed to have established domicile for purposes of satisfying the residency requirements for voter registration, if he has also established physical presence and a place of abode in the Commonwealth, unless he expressly states otherwise. The bill provides for the same presumption for his spouse and any dependent residing with him. The bill defines "uniformed service," the same way the term is defined in the Uniform Military and Overseas Voter Act, as the (i) active and reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States; (ii) Merchant Marine, commissioned corps of the Public Health Service, or commissioned corps of the National Oceanic and Atmospheric Administration of the United States; or (iii) Virginia National Guard. Support. (22101715D)

**HB 441** (Sewell) (HPE)/**SB 306** (Deeds) (SPE) includes in the definition of "voting system" on-demand ballot printing systems and ballot marking devices used to manufacture or mark ballots to be cast by voters on electronic voting and counting machines. The bill also requires general registrars to report to the Department of Election the number and results of absentee ballots cast by voters assigned to each precinct in the registrar's locality. The Department will establish standards for ascertaining and reporting such information. Support. (22102652D, 22103836D)

### *Absentee Voting*

**HB 15** (Ware) (HPE) allows local electoral boards and general registrars to defer providing a response to a request received under the Freedom of Information Act on or after the first day of in-person absentee voting for any election and before the tenth day following the local electoral board's certification of such election. The bill requires that notice of the deferment be provided to the requestor. Support. (22100306D)

**HB 54** (Greenhalgh) (HPE)/**HB 398** (Freitas) (HPE)/**HB 927** (Robinson) (HPE)/**SB 3** (Suetterlein) (SPE) provides that absentee ballots processed at a central absentee precinct must be sorted by the precinct to which the voter who cast the absentee ballot is assigned and that the resulting vote totals from such ballots must be reported separately for each voter precinct. Amend. Amend to remove requirements to separate ballots by precinct. Conform language to HB 441/SB 306. (22102608D, 22103206D, 22101352D, 22100577D)

**HB 76** (Ware) (HPE) requires the General Assembly to establish in the general appropriation act a reimbursement plan to reimburse counties and cities, fully and annually, for the cost of conducting absentee voting in the locality. Amend. Amend to add clarifying language that safeguards local control over absentee voting operations and access. (22102196D)

### *Election Security*

**SB 133** (Chase) (SPE) requires any printer or vendor supplying ballots in an election for state or federal office to be ISO 27001 certified, ISO 17025 certified, or ISO 9001:2015 certified. The bill also requires any ballot used in an election for state or federal office to include a unique bar code or quick response code that is accessible only to the voter and that tracks the voter's ballot as it is processed and to include the use of at least two other ballot fraud security measures from a list of approved measures. Oppose. (22101678D)

**SB 605** (Chase) (SPE) provides for the conduct of a forensic audit of an election in a county or city upon the request of certain officials or upon the petition of a group of residents of the locality in question. The purpose of an audit is to determine the accuracy and legality of the election in question. The bill provides that an audit includes a review of all materials, equipment, and procedures used during any part of the election, including ballots, pollbooks, voting machines, and routers. The bill requires that the audit be open to the public and states that the auditing process may include participation by residents. The results of the audit are to be presented to a jury of local residents who have the power to declare the election valid or invalid. The bill also gives the State Inspector General the power and duty to conduct an audit of the 2020 general election and requires him to produce a report of his finding. Oppose. (22104062D)

### **Environment and Energy**

**SB 13** (Favola) (SGL) requires the acquisition of a roofing subcontractor through competitive negotiation if a contracting entity enters into an energy performance-based contract that involves roof replacement. Current law prohibits the inclusion of a roof replacement project as part of an energy performance-based contract. Support. (22101604D)

### **Health and Human Services**

**SB 148** (Norment) (SJUD) expands immunity provided to health care providers responding to a disaster to include actions or omissions taken by the provider as directed by any order of public health in response to such disaster when a local emergency, state of emergency, or public health emergency has been declared. Monitor. (22102585D)

**SB 189** (Chase) (SCL) prohibits an employer from requiring its employees to receive a vaccine for the prevention of COVID-19. The bill prohibits an employer from discrimination against an employee because the employee has or has not received a vaccine for the prevention of COVID-19. The bill also provides for civil penalties not to exceed \$10,000 by an employer with fewer than 100 employees or \$50,000 by an employer with 100 or more employees for each violation of the bill's provisions. Oppose. (22103782D)

**SB 458** (Chase) (SEH) prohibits any locality, institution of higher education, employer, school board, division superintendent, school principal, or private school from adopting, implementing, or enforcing any policy, rule, or order related to COVID-19 that requires individuals to wear a face covering. Oppose. (22104211D)

**SB 456** (Locke) (SEH) requires all practitioners licensed by the Board of Medicine to complete two hours of continuing education in each biennium on topics related to implicit bias and cultural competency. Support. (22103132D)

### Land Use

**HB 437** (Bulova) (HCCT) allows a locality the option to request a public meeting in the locality during the planning phase of a public facilities state project from the state agency or institution of higher education responsible for such project. Support. (22101502D)

**SB 206** (Petersen) (SLG) provides that the filing of a historic designation application shall stay a locality from issuing any permit to raze or demolish a proposed historic landmark, building, or structure until 30 days after the rendering of the final decision of the governing body of the locality. The bill also specifies that the affected property owner, the applicant, or any resident of the locality who provided public input on the locality's historic district plan may appeal to the circuit court for review of any final decision of the governing body pursuant to such application. Monitor. (22100941D)

**SB 255** (Bell) (SLG) provides that in its consideration of certain communications infrastructure applications, a locality shall not disapprove an application if (i) the proposed new structure provides additional wireless coverage or capacity for first responders or (ii) the proposed tower is not within a four-mile radius of an existing tower that is part of the applicant's network. Additional changes in the bill provide that a locality shall not be prohibited from disapproving certain applications for any zoning approval required for non-administrative review-eligible projects on the basis of the fact that the proposed height of any wireless support structure, wireless facility, or wireless support structure with attached wireless facilities exceeds 200 feet above ground level. Current law sets the limit at 50 feet above ground level. Oppose. (22103784D)

**SB 537** (Marsden) (SACNR) expands to all localities provisions that currently only allow certain localities to adopt an ordinance providing for the planting and replacement of trees during the development process. The bill adds more flexibility for implementation and management of tree canopy banks, tree canopy credits, and tree canopy requirements. The bill changes and updates standards, reference documents, and published reference texts. The bill expands options for localities to disburse funds to charitable organizations. The bill adds percentage specifications for ordinances related to cemeteries. The bill removes the prohibition of invalidating local ordinances adopted before July 1, 1990, the allowance of 10-year minimum requirements for pre-1990 ordinances, and the inability to invalidate an ordinance adopted pursuant to the section relating to the replacement of trees during development process in certain localities. The bill provides guidelines for the Stakeholder Advisory Group, established by the bill to provide recommendations on the provisions of the bill, and its meetings; exemptions from the Administrative Process Act,

section-specific definitions for public comment; and the Virginia Freedom of Information Act. The main provisions of the bill have a delayed enactment date of January 1, 2023; the remaining provisions are effective in due course. Amend. Amend to ensure existing Fairfax County authority is preserved. Support for increasing local tree authority is included in the County's Legislative Program. (22102580D)

### **Education/Schools**

**SB 415** (DeSteph) (SEH) requires each school board to enter into a collaborative agreement with the local law-enforcement agency to employ at least one school resource officer in each public elementary and secondary school in the local school division. The bill provides that no school board shall be granted any full or partial waiver from such staffing requirements and that no school board that fails to fully comply with such staffing requirements is eligible for any grant or waiver from the Commonwealth, Board of Education, or Department of Education. The bill also requires each division superintendent to include on the threat assessment team established for each public elementary and secondary school in the local school division at least one school resource officer employed in the school. Oppose. Cost to the County is likely to exceed \$19 million. (22104064D)

### **Public Safety/Criminal Justice**

**SB 328** (Reeves) (SJUD) changes the limitation on the acquisition or purchase of military property by a law-enforcement agency from firearms of .50 caliber or higher to rifles of .50 caliber or higher. Amend. Amend language to include associated ammunition. (22101125D)

**SB 330** (Reeves) (SJUD) allows any person who is otherwise eligible to obtain a concealed handgun permit to carry a concealed handgun without a permit anywhere he may lawfully carry a handgun openly within the Commonwealth. Oppose. (22101962D)

**SB 487** (McClellan) (SJUD) establishes the Virginia Center for Firearm Violence Intervention and Prevention (the Center) within the Department of Criminal Justice Services and transfers to the Center the administration of the existing Virginia Gun Violence Intervention and Prevention Fund. Support. (22103607D)

### **Taxation**

**HB 697** (Keam) (HCCT) provides that if a locality located within a stormwater management service district requires, by ordinance, that certain property owners maintain private stormwater management facilities, the rate of tax imposed by such service district on such property owners shall be half of the amount imposed on property owners not required to maintain private stormwater management facilities. Monitor. (22102937D)

### *Data Centers*

**HB 791** (McNamara) (HFIN)/**SB 513** (McPike) (SFIN) provides that if data center fixtures are taxed as part of the real property where they are located, they shall be valued based on depreciated

reproduction or replacement cost, rather than based on the amount of income they generate.  
Oppose. (22104312D, 22104161D)

## **Legislation Provided for Discussion**

### **Transportation**

**HB 367** (Watts) (HTRAN) prohibits any individual from operating a motor vehicle with a gross weight of 10,000 pounds or less with an exhaust system that emits noise equivalent to noise in excess of 85 decibels measured from a distance of 50 feet. 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. The bill also requires the Superintendent of State Police to promulgate regulations for the inspection of motor vehicles to ensure that no motor vehicle is equipped with a gutted muffler, muffler cutout, or straight exhaust or any mechanical or electronic device that creates or amplifies noise emitted by the motor vehicle that is louder than the noise emitted by such motor vehicle as originally manufactured. Support provisions prohibiting the sale and use of devices that create or amplify noise emitted by a vehicle louder than originally manufactured, and provisions related to vehicle safety inspections. (22103587D)

**SB 218** (McPike) (SLG) provides that any locality may acquire property interests outside its boundaries by exercise of eminent domain power in connection with a highway transportation project located partially within a neighboring locality when the governing body of the neighboring locality wherein such property interests are located approves such use of eminent domain. Monitor. (22101030D)

### **Living Shorelines**

**HB 739** (Krizek) (HAG) provides that no regulation shall require the replacement of an existing shoreline improvement with a living shoreline if the application is to restore or maintain the existing improvement and that no permitting decision shall require the replacement of an existing shoreline improvement if the living shoreline would substantially detract from established use and enjoyment of the property. The bill also provides that, for purposes of a wetlands permit, a project shall be deemed not suitable for a living shoreline if the proposed work is to maintain or repair an existing shoreline improvement. Monitor. (22104128D)

### **Courts**

**SB 282** (Ebbin) (SJUD) 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 his employees, above the salary of any such officer, deputy, or employee to supplement the compensation of the

public defender, or any of his deputies or employees. The bill provides that such supplemental compensation is proportional if the public defender, his deputies, and his other employees are each paid in amounts commensurate to the closest equivalent position in the local Office of the Commonwealth's Attorney, as adjusted for seniority and experience level. The bill has a delayed effective date of July 1, 2024. Monitor. Support for adequate funding for Virginia's court system, a critical state responsibility, is included in the County's Legislative Program. (22103779D)

## **Elections**

### *Witness Signature Replacement Bills*

**HB 177** (Bloxom) (HPE) removes the witness requirement for absentee ballots and replaces it with the requirement that the voter provide the last four number of his social security number and his date of birth. Support. (22101654D)

**SB 273** (Ebbin) (SPE) makes optional the current absentee ballot witness signature requirement by giving the voter the option to provide either the last four digits of the voter's social security number or the voter's valid Virginia driver's license number in lieu of a witness signature. Support. (22100443D)

**SB 552** (Chase) (SPE) requires a registered voter to provide a reason for being absent or unable to vote at his polling place on election day in order to receive an absentee ballot to vote by mail. The bill requires a voter voting absentee by mail to open his ballot in the presence of a notary who must sign the ballot return envelope. The bill requires that the general registrar match the signature of the voter on an absentee return envelope to a signature that the general registrar has on file before processing the ballot. If the signature doesn't match, the absentee ballot is to be treated as a provisional vote subject to approval by the electoral board. The bill also repeals the permanent absentee voter list and limits the special annual application to those voters with an illness or disability. Oppose. (22101614D)

### *New Witness Signature Requirements*

**HB 149** (Runion) (HPE) requires that a witness to a voter's absentee ballot provide, in addition to his signature, his printed name, his date of birth, the last four digits of his social security number, and his residence address. Oppose. (22101276D)

## **Land Use**

**HB 272** (Marshall) (HCCT)/**SB 501** (Lewis) (SLG) extends from July 1, 2022, to July 1, 2023, 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 COVID-19 housing crisis. Monitor. (22104168D, 22103949D)

## **Legislation Requiring Further Review**

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

**SB 28** (Marsden) (SACNR) establishes the Virginia Business Ready Sites Program Fund (the Fund). The Fund would be administered by the Governor and the Virginia Economic Development Partnership Authority and would provide grants to political subdivisions to prepare sites for industrial or commercial development. The bill repeals existing law that created the Major Employment and Investment Project Site Planning Grant Fund and provides that any remaining funds would be allocated to the Fund. The bill also authorizes grants from the Virginia Brownfields Restoration and Economic Redevelopment Assistance Fund for site remediation and requires the prioritization of sites with potential for redevelopment and economic benefits to the surrounding community. (22100242D)

**SB 46** (Petersen) (SEH) provides that any person who is affected by an order of quarantine may file an appeal in the circuit court for the city or county in which he resides or is located or the circuit court for the jurisdiction or jurisdictions for any affected area; currently, only a person who is subject to an order of quarantine may appeal the order. The bill also provides that, in any case in which the Governor has issued an emergency order that includes any measure that closes schools or businesses or restricts the movement of healthy persons within the area to which the order applies, all of the rights, protections, and procedures applicable in the case of an order of quarantine issued by the Commissioner of Health shall apply. (22100560D)

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

**SB 250** (Surovell) (SACNR) increases the annual fees for nonhazardous solid waste management facilities and indexes the fees annually based on the change in the Consumer Price Index. (22103053D)

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

## **Administration of Government**

**HB 167** (Ransone) (HCCT) provides that in any instance in which a locality has submitted a correct and timely notice request to such newspaper and the newspaper fails to publish the notice, or publishes the notice incorrectly, such locality shall be deemed to have met the appropriate

notice requirements so long as the notice was published in the next available edition of a newspaper having general circulation in the locality. (22102634D)

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

### **Courts**

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

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

**SB 564** (Lucas) (SJUD) provides that a person shall not pay any fees or costs for filing a sealing criminal records petition. Under current law, a person is required to file an indigence petition for any fees or costs to be waived. The bill also eliminates the lifetime cap on the number of sealing

petitions that may be filed. The bill reduces from seven years to three years for a misdemeanor offense and from 10 years to seven years for a felony offense the minimum period of time between the offense to be sealed and the filing of the sealing petition during which the petitioner must not have been convicted of violating any law of the Commonwealth. The bill also adds convictions for (i) failure to pay child support, (ii) driving without a license, (iii) driving with a suspended or revoked license, and (iv) a misdemeanor violation of reckless driving to the list of offenses eligible for an automatic sealing. The bill also specifies that the sealing of records related to a conviction includes sealing any criminal history record information and court records related to any violation of the terms and conditions of a suspended sentence or probation for such conviction. (22104109D)

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

**SB 138** (Edwards) (SFIN) provides that for any discovery materials or evidence that the accused is permitted to inspect and review, the accused may request the Commonwealth to copy or photograph such discovery materials or evidence, and the Commonwealth shall provide such copies or photographs to the accused or his counsel. (22100389D)

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

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

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

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

**SB 645** (Cosgrove) (SJUD) repeals provisions permitting the admission of evidence by the defendant concerning a defendant's mental condition at the time of an alleged offense, including expert testimony, if such evidence is relevant, is not evidence concerning an ultimate issue of fact, and (i) tends to show the defendant did or did not have the intent required for the offense

charged and (ii) is otherwise admissible pursuant to the general rules of evidence. The bill also removes provisions permitting a court to issue an emergency custody order in cases where such evidence was admitted and repeals provisions requiring the Office of the Executive Secretary of the Supreme Court to collect data regarding the cases that use such evidence. (22104452D)

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

### **Education and Schools**

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

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

**SB 157** (Hashmi) (SEH) declares it the goal of the Commonwealth that its public school teachers and all other individuals employed in Standards of Quality-funded positions be compensated at a rate that is competitive, defined as at or above the national average salary for the position, in order to attract and keep highly qualified individuals in such positions. The bill requires state funding to be provided pursuant to the general appropriation act in a sum sufficient to fund a five

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

## **Elections**

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

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

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

requirement and the Department of Elections to provide the means for currently registered voters to opt in as well. (22100935D)

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

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

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

**HB 205** (Wachsmann) (HPE) prohibits state and local elections officials from soliciting, accepting, using, or disposing of any moneys, grants, property, or services given by a private individual or nongovernmental entity for the purpose of funding voter education and outreach programs, voter registration programs, or any other expense incurred in the conduct of elections. The bill specifically provides that the operation of a polling place or voter satellite office in a facility furnished by a private individual or nongovernmental entity is not a violation of this prohibition. (22103013D)

**HB 1101** (LaRock) (HPE) prohibits state and local elections officials from soliciting, accepting, using, or disposing of any moneys, grants, property, or services given by a private individual or nongovernmental entity for the purpose of funding voter education and outreach programs, voter registration programs, or any other expense incurred in the conduct of elections. The bill specifically provides that the operation of a polling place or voter satellite office in a facility furnished by a private individual or nongovernmental entity is not a violation of this prohibition. (22102653D)

**SB 80** (Stanley) (SPE) prohibits state and local elections officials from soliciting, accepting, using, or disposing of any moneys, grants, property, or services given by a private individual or nongovernmental entity for the purpose of funding voter education and outreach programs, voter registration programs, or any other expense incurred in the conduct of elections. The bill specifically provides that the operation of a polling place or voter satellite office in a facility furnished by a private individual or nongovernmental entity is not a violation of this prohibition. (22102180D)

#### *Risk-Limiting Audit*

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

**SB 370** (Bell) (SPE) requires local electoral boards and general registrars to perform certain risk-limiting audits, defined in the bill, under the supervision of the Department of Elections and in accordance with the procedures prescribed by the State Board of Elections. The bill provides that localities are required to participate in such audits at least once every five years. The bill also

provides that the Department shall submit a report on the results of such audits to the State Board. The provisions of the bill requiring that such audits be conducted (i) for at least one randomly selected contested race for the General Assembly in the year of a general election for members of the General Assembly and (i) for any other contested race that is necessary to ensure that each locality participates in a risk-limiting audit of an office within its jurisdiction at least once every five years or that the State Board finds appropriate has a delayed effective date of July 1, 2023. The provision of the bill requiring that such audits be conducted for at least one randomly selected contested race for an office that requires certification by the State Board in the year of general election for any local office has a delayed effective date of July 1, 2024. (22104252D)

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

### **Emergency Operations and Services**

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

### **Environment/Energy**

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

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

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

**HB 479** (Bulova) (HAG) provides the Department of Environmental Quality the authority to allow applicants for permits with stream mitigation requirements to satisfy all or part of the requirements through dam removal credits generated in the same or adjacent stream or watershed basin. A dam removal credit is defined in the bill as a credit generated through the removal of a significant obstruction, which is also defined in the bill. The bill includes certain requirements with which the applicant must comply in order to use dam removal credits from an adjacent river watershed. (22101134D)

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

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

**SB 565** (Surovell) (SACNR) permits natural gas utilities to include in their fuel portfolios, submitted to the State Corporation Commission to monitor fuel prices and purchases, supplemental or substitute forms of gas sources, defined in the bill, that meet certain standards and that reduce emissions intensity. The bill amends provisions of the Code related to conservation and energy efficiency programs, removes certain cost-effectiveness requirements for conservation and energy efficiency programs, and adds appliance rebates to the types of programs the Commission may consider. The bill expands conservation and ratemaking efficiency provisions of the Code that currently apply to natural gas consumption specifically to instead apply generally to energy consumption. The bill also removes calculation requirements for how the Commission should grant cost recovery of performance-based incentives for delivering conservation and energy efficiency benefits that are included in the utility's purchased gas adjustment mechanism. The bill introduces enhanced leak detection and repair programs, defined in the bill, as a type of eligible infrastructure replacement for a natural gas utility facility. Costs of detecting and repairing leaks may be added to a natural gas utility's plan to identify proposed eligible infrastructure replacement projects and related cost recovery mechanisms, known as the utility's Steps to Advance Virginia's Energy (SAVE) Plan. The bill adds provisions to the Code related to biogas supply infrastructure projects. Eligible infrastructure costs for these projects include (i) the investment in eligible biogas supply infrastructure projects, (ii) the return on the investment, (iii) a revenue conversion factor, (iv) operating and maintenance expenses, (v) depreciation, (vi) property tax and other taxes or government fees, and (vii) carrying costs on the over-recovery or under-recovery of the eligible biogas supply infrastructure costs. Under the bill, natural gas utilities can recover these eligible infrastructure costs on an ongoing basis through the gas component of the utility's rate structure or other recovery mechanism approved by the Commission. The plan submitted by the utility may include an option to receive the biogas or sell the biogas at market prices. The timeline for the Commission to approve such plan is included in the bill. The bill further states that a natural gas utility with an approved biogas supply infrastructure plan must file a report of the investments made, the eligible infrastructure

costs incurred and the amount of such costs recovered, the volume of biogas delivered to customers or sold to third parties during the 12-month reporting period, and an analysis of the price of biogas delivered to customers and the market cost of biogas during the reporting period. (22102111D)

## **FOIA**

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

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

## **Health and Human Services**

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

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

**SB 205** (Petersen) (SEH) requires the Department of Health to establish an expedited review process for certain projects involving addition of imaging equipment, addition of a new ambulatory or outpatient surgery center, addition of operating rooms at an existing ambulatory or outpatient surgery center, and addition of psychiatric beds or conversion of existing beds at a medical care facility to psychiatric beds and requires the Board of Health to include in regulations governing the certificate of public need program a provision for the development of review criteria and standards for specific medical care facilities and health care services for each health planning region that take into account the unique needs and characteristics of such region. The bill also amends the definition of "charity care" and defines "health care service" and "indigent." (22101209D)

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

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

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

improve the quality of care or quality of life for residents, patients, and consumers of long-term care services. (22103793D)

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

### **Temporary Detention Orders**

**HB 135** (Cherry) (HCT) provides that, in cases in which transportation of a person subject to an emergency custody order or temporary detention order is ordered to be provided by an alternative transportation provider, the primary law-enforcement agency that executes the order may transfer custody of the person to the alternative transportation provider immediately upon execution of the order, and that the alternative transportation provider shall maintain custody of the person from the time custody is transferred to the alternative transportation provider by the primary law-enforcement agency until such time as custody of the person is transferred to the community services board or its designee that is responsible for conducting the evaluation or the temporary detention facility, as is appropriate. The bill also adds employees of and persons providing services pursuant to a contract with the Department of Behavioral Health and Developmental Services to the list of individuals who may serve as alternative transportation providers. (22102457D)

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

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

**HB 1037** (Sewell) (Committee Referral Pending) provides that, in cases in which transportation of a person subject to an emergency custody order or temporary detention order is ordered to be provided by an alternative transportation provider, the primary law-enforcement agency that executes the order may transfer custody of the person to the alternative transportation provider immediately upon execution of the order, and that the alternative transportation provider shall

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

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

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

**SB 268** (Favola) (SEH) provides that, in cases in which transportation of a person subject to an emergency custody order is ordered to be provided by an alternative transportation provider, the primary law-enforcement agency that executes the order may transfer custody of the person to the alternative transportation provider immediately upon execution of the order, and the alternative transportation provider shall maintain custody of the person from the time custody is transferred to the alternative transportation provider by the primary law-enforcement agency until such time as an evaluation is conducted and custody is transferred pursuant to a temporary

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

**SB 373** (Deeds) (SEH) provides that a magistrate may, upon the sworn petition of the Commissioner or his designee, issue an order extending an emergency custody order for a period of up to 48 hours upon finding that probable cause exists to believe that the behaviors upon which a finding that the person meets the criteria for emergency custody are the result of a medical or physical condition, including substance intoxication or withdrawal, and that the medical standard of care for such medical or physical condition calls for testing, observation, or treatment to prevent harm to the person resulting from such medical or physical condition. Upon issuance of an order extending the period of emergency custody, the person shall be transported to and detained in an appropriate medical care facility for testing, observation, and treatment. (22101375D)

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

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

### **Land Use**

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

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

**SB 35** (Favola) (Passed Senate) allows a planning commission to extend the 60-day period during which it makes a recommendation to the governing body on a comprehensive plan amendment if an applicant agrees to such extension. The bill also extends from 60 days to 100 days, or such longer period as agreed to by an applicant, the period of time during which the governing body shall hear and determine an appeal from a planning commission decision. (22100996D-E)

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

### **Public Safety/Criminal Justice**

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

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

**SB 102** (Hanger) (Reported from SJUD) 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 174** (Peake) (SJUD) provides that when issuing a permanent protective order a court may impose certain conditions on the petitioner, including (i) prohibiting acts of violence, force, or threat or criminal offenses that may result in injury to person or property; (ii) prohibiting such contacts by the petitioner with the respondent or family or household members of the respondent as the court deems necessary for the health or safety of such persons; and (iii) any other relief necessary to prevent (a) acts of violence, force, or threat, (b) criminal offenses that may result in injury to person or property, or (c) communication or other contact of any kind by the petitioner. (22102835D)

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

**SB 299** (Deeds) (SFIN) provides that the Department of Criminal Justice Services shall adopt guidelines to make funds from the Virginia Sexual and Domestic Violence Victim Fund, which is used to support the prosecution of domestic violence cases and victim services, available to sexual assault service providers and hospitals for the purpose of funding the cost of salaries and equipment for sexual assault forensic examiners, sexual assault nurse examiners, and pediatric forensic nurses, with priority for funding such costs given to such forensic examiners, nurse examiners, and forensic nurses serving rural and underserved communities. The bill also increases the amount apportioned to the Fund from the fixed-fee assessments for misdemeanors and traffic infractions tried in district court. (22101487D)

**SB 310** (Ebbin) (SJUD) creates a Class 5 felony for any person who manufactures, imports, sells, transfers, or possesses any firearm with a major component, as defined in the bill, that when subjected to inspection by the types of detection devices, including X-ray machines, commonly used at airports for security screening does not generate an image that accurately depicts the shape of the component. The bill updates language regarding the types of detection devices that

are used at airports for detecting plastic firearms. The bill also creates several Class 1 misdemeanors, which are punishable as a Class 4 felony for a second or subsequent offense, making it unlawful (i) for any person to knowingly possess, transport, or receive an unfinished frame or receiver unless the party possessing or receiving the unfinished frame or receiver is a federal firearms importer, manufacturer, or dealer or the unfinished frame or receiver is required by federal law to be, and has been, imprinted with a serial number by a federal firearms importer, manufacturer, or dealer and (ii) for any person to knowingly sell, offer to sell, transfer, or purchase an unfinished frame or receiver unless the party selling, offering to sell, transferring, or purchasing the unfinished frame or receiver is a federal firearms importer, manufacturer, or dealer or the unfinished frame or receiver is required by federal law to be, and has been, imprinted with a serial number by a federal firearms importer, manufacturer, or dealer. The provisions related to the prohibition for possessing, transporting, or receiving an unfinished frame or receiver have a delayed effected date of January 1, 2023. (22103963D)

### **Retirement**

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

### **Taxation**

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

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

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

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

a different rate than that imposed on the general class of real property, provided that the rate of tax is greater than zero and does not exceed the rate of tax on the general class of real property. (22100675D)

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

**SB 25** (Ruff) (Senate Floor) requires any locality that increases its cigarette tax rate to allow, for one calendar year after the increase, a person with unsold inventory to pay the tax increase on the unsold inventory by filing a return, rather than requiring the use of a stamp or meter impression. The bill imposes a duty on regional cigarette tax boards to effectuate the policy. (22101773D)

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

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

### **Transportation**

**HB 261** (Wyatt) (HTRAN) authorizes localities to reduce the speed limit by up to 10 miles per hour on any highway within its boundaries if indicated by lawfully placed signs and based on a traffic engineering study and analysis. Current law authorizes localities to reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, on highways within its boundaries that are located in a business district or residence district and maintained by the locality. (22102856D)

**SB 333** (Bell) (STRAN) authorizes localities to reduce speed limits on any highway in the locality, provided that such speed limit is indicated by lawfully placed signs. Current law authorizes localities to reduce the speed limit to less than 25 miles per hour, but not less than 15

miles per hour, on highways within its boundaries that are located in a business district or residence district, provided that such reduced speed limit is indicated by lawfully placed signs. (22101386D)

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

**HB 275** (Coyner) (HTRAN) requires the regulations adopted by the Commonwealth Transportation Board regarding ensuring connectivity of highway and pedestrian networks with transportation networks during secondary street acceptance to include flexibility to limit the number of such connections to adjacent property or highway networks. The bill requires the Department of Transportation to convene a stakeholder advisory group to develop and provide recommended amendments to such regulations. (22101566D)

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

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

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

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

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

### **Workers' Compensation**

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

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

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

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

**SB 153** (Locke) (SFIN) eliminates the position of Director of Diversity, Equity, and Inclusion in the Office of the Governor and establishes the position of Secretary of Diversity, Equity, and Inclusion, to be appointed by the Governor and to assist the Governor and Governor's Secretaries in promoting diversity, equity, and inclusion at the state level. The bill outlines the responsibilities of the Secretary. The bill makes several changes in Code to reflect the new position by eliminating references to the Office of Diversity, Equity, and Inclusion and replacing these references with the Secretary of Diversity, Equity, and Inclusion. (22104752D-S1)

**SB 270** (Hashmi) (SGL) establishes the Interagency Language Access Working Group in the Office of the Director of Diversity, Equity, and Inclusion with the following membership: the Director of Diversity, Equity, and Inclusion, the Director of the Office of the Children's Ombudsman, the Governor's Secretaries, and six non-legislative citizen members representing organizations that represent individuals with language access needs. The Working Group is established for the purpose of maximizing state policies, resources, technical assistance, and

procurement practices to further language access and equity in the Commonwealth and its state government agencies. The bill also requires each state agency to designate a language access coordinator who will be responsible for the agency's annual language access report, the requirements of which are set out in the bill. The Secretary of Administration is directed to establish criteria for state agencies to procure language interpretation and translation services and to establish a policy for compensating multilingual state employees who are required as part of their job to provide interpretation, translation, or other bilingual skills at least once a month. (22104256D)

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

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

### **Courts/Public Safety**

**HB 375** (Williams Graves) (HCT) changes the period of limitations for the collection of court fines and costs from within 60 years from the date of the offense or delinquency giving rise to imposition of such penalty if imposed by a circuit court or within 30 years if imposed by a general district court to within three years from the date of the judgment whether imposed by a circuit court or general district court. The bill also states that upon the expiration of the period of limitations, the fines imposed, and costs taxed are extinguished and there shall be no right to collect the debt and that the period of limitations shall not be extended or revived on account of a partial payment; a written or verbal affirmation of any fines, monetary penalties, or costs; or a change in collection methods. (22102114D)

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

**SB 98** (Hanger) (SJUD) provides that if any person refuses to give a written promise to appear, the arresting officer shall give such person notice of the time and place of the hearing, note such person's refusal to give his written promise to appear on the summons, and forthwith release him from custody. Under current law, any person refusing to give such written promise to appear is required to be taken immediately by the arresting officer before a magistrate or other issuing officer having jurisdiction. (22100053D)

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

**SB 105** (Morrissey) (SFIN) provides that the provisions of Chapters 45 and 51 of the Acts of Assembly of 2020, Special Session I, shall be given retroactive and prospective effect. (22102985D)

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

**SB 134** (Edwards) (SJUD) raises the maximum age for delinquency matters in juvenile and domestic relations district courts from persons under 18 years of age to persons under 21 years of age. The bill defines "underage person" as an individual who is 18 years of age or older but less than 21 years of age. The bill adds underage persons to all provisions regarding delinquency proceedings in juvenile and domestic relations district courts, the transfer of delinquency matters to circuit courts, and criminal procedure as currently applies to juveniles only. The bill differentiates between juveniles and underage persons in specific circumstances, including consent for medical or mental health records or procedures, mental health screenings in secure detention facilities, and provisions regarding release on bail or recognizance. (22100118D)

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

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

**SB 227** (Obenshain) (SJUD) provides that the prosecution of the misdemeanor offense of causing or encouraging acts rendering children delinquent where the alleged adult offender has consensual sexual intercourse with a minor who is 15 years of age or older at the time of the offense shall be commenced no later than five years after the victim reaches majority provided that the alleged adult offender was more than three years older than the victim at the time of the

offense. Under current law, the prosecution of such offense shall be commenced within one year after commission of the offense. (22103620D)

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

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

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

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

**SB 411** (Morrissey) (SJUD) reduces the penalty for possession of a Schedule I or II controlled substance from a Class 5 felony to a Class 1 misdemeanor and the penalty for possession of a Schedule IV or V controlled substance from a Class 2 misdemeanor and a Class 3 misdemeanor, respectively, to a Class 4 misdemeanor. Consequently, the bill removes felony violations of possession of a controlled substance from the definition of barrier crime related to criminal history checks for eligibility for various types of employment, to volunteer or provide certain services, or to establish or operate certain types of regulated businesses. The bill also limits the previous convictions that make a person ineligible for disposition under the first offender statute to a previous conviction for possession of a controlled substance or manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute a controlled substance or an imitation controlled substance. Under current law, a previous conviction for any drug-related criminal offense, or under any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant, depressant, or hallucinogenic drugs makes a person ineligible for such disposition. The bill also amends the required conditions of probation under the first offender statute. The bill changes the penalty for an attempt to commit a felony drug offense from imprisonment for not less than one nor more than 10 years to a Class 6 felony and removes the felony offenses for a prisoner to secrete or have in his possession any chemical compound that he has not lawfully received, any Schedule III controlled substance, or marijuana. The bill makes secreting or possessing a controlled substance or marijuana by a prisoner punishable the same as possession of such controlled substances or marijuana by a person who

is not in prison. Lastly, the bill provides that the definition of "controlled substance" for purposes of the Drug Control Act shall not include mere residue of any drug, substance, or immediate precursor in Schedules I through VI that is not a countable dosage unit. The bill contains technical amendments. (22101679D)

**SB 514** (McPike) (SJUD) makes several changes to the provisions of adult guardianships and conservatorships, including (i) adding certain powers and duties to the Department for Aging and Rehabilitative Services to provide support, oversight, and guidance with respect to such guardianships; (ii) requiring the notice of hearing on a guardianship or conservatorship petition to include notice that any adult individual required to receive a copy of such notice may file a motion to intervene in the action to become a party and request to be appointed as guardian or conservator or offer an alternative to the guardian or conservator selected; (iii) requiring a schedule for periodic review hearings in the order of appointment of a guardian or conservator to be set by a court, unless the court makes a determination that such hearings are unnecessary or impracticable; and (iv) providing that a guardian shall not restrict an incapacitated person's ability to communicate with, visit, or interact with other persons with whom the incapacitated person has an established relationship unless such restriction is necessary to prevent physical, mental, or emotional harm to or financial exploitation of the incapacitated person; the bill further requires that the guardian must provide written notice to any restricted person stating (a) the nature and terms of the restriction, (b) the reasons why the guardian believes the restriction is necessary, and (c) how the restricted person may challenge such restriction in court. The bill sets up a procedure by which a person whose visit, communication with, or interaction with an incapacitated person has been restricted may challenge such restriction in court. (22104012D)

**SB 518** (Lucas) (SJUD) creates a process by which persons convicted of certain felony marijuana-related offenses committed prior to July 1, 2021, who remain incarcerated or on community supervision on July 1, 2022, may receive an automatic hearing to consider modification of such person's sentence. The bill also allows persons convicted of any felony offense committed prior to July 1, 2021, who remain incarcerated or on community supervision on July 1, 2022, and whose sentence may have been enhanced because of a previous felony marijuana offense or without the involvement of marijuana such felony offense conviction or felony sentence enhancement would not have been possible, as the involvement of marijuana was necessary to satisfy the elements of the charged offense or the sentence enhancement, to petition the circuit court for modification of such person's sentence. The bill requires such petition to be filed by July 1, 2024. The provisions of this bill sunset on July 1, 2025. (22104150D)

**SB 531** (DeSteph) (SJUD) creates a civil action for damages caused during a riot or unlawful assembly if a person with the lawful authority to direct a law-enforcement agency uses that authority to prohibit law-enforcement officers from taking action that would prevent or materially mitigate significant bodily injury, death, or damage or destruction of property caused by or related to a riot or unlawful assembly. The bill also creates an affirmative defense in a civil action for wrongful death or injury to a person or property that such action arose from injury or damage sustained by a participant in furtherance of a riot. If such affirmative defense is raised, the court shall, upon the defendant's motion, stay the proceedings during the pendency of the

criminal proceedings. This bill also directs that any locality that reduces the operating budget of its local law-enforcement agency shall (i) receive no appropriation in the general appropriation act for highway system maintenance and operations or for maintenance and operation of roads; (ii) receive no allocation of highway funds for roads within such locality; and (iii) receive no payments for maintenance, construction, or reconstruction of highways. The bill also makes it a Class 1 misdemeanor to (a) electronically publish another person's personal identifying information with the intent to (1) incite violence or commit a crime against such other person or (2) threaten or harass such other person in a manner as to place the person in reasonable fear of bodily harm; (b) maliciously block access to any business; (c) maliciously obstruct a highway; and (d) injure, destroy, or tamper with a conspicuously marked law-enforcement vehicle. Additionally, this bill makes it a Class 6 felony to commit an assault and battery while participating in a riot and to interfere with a conspicuously marked law-enforcement vehicle occupied by a law-enforcement officer with the intent to prevent a law-enforcement officer from performing his official duties. (22103359D)

### **Education and Schools**

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

**SJ 20** (Newman) (SPE) provides that for any year in which there is a surplus, the budget shall include an appropriation of five percent of such surplus for the operational costs of local school divisions. The resolution provides for an equivalent decrease in the amount of operational costs funded by the Lottery Proceeds Fund and an equivalent increase in the amount of funds in the Fund restricted exclusively for local school divisions' capital construction and renovation costs. If the restricted amount is equal to or greater than the amount in the Fund, the increases and decreases are no longer required under the resolution. (22103564D)

### **Elections**

**HB 972** (Simon) (HPE) provides for the removal of certain elected officers and officers appointed to elected offices by recall referendum. The bill requires a petition for recall be signed by 30 percent of the total number of votes cast at the last election for the office for which a recall is sought. (22104066D)

**SB 495** (McClellan) (SPE) provides for the removal of certain elected officers and officers appointed to elected offices by recall referendum. The bill requires a petition for recall be signed by 30 percent of the total number of votes cast at the last election for the office for which a recall is sought. (22101043D)

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

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

## **FOIA**

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

## **Health and Human Services**

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

**SJ 10** (Surovell) (SRUL) establishes a joint subcommittee to study pandemic response and preparedness in the Commonwealth. In conducting its study, the joint subcommittee is tasked with examining existing laws in the Commonwealth and developing recommendations regarding the pandemic response and future needs of the Governor, the General Assembly, local

governments, public and private health care systems and other facilities and providers, health districts, the judicial system, K-12 and higher education systems, and the business regulatory system. (22100036D)

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

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

### **Land Use**

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

### **Legislation Provided for Information**

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

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

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

**SB 526** (Lucas) (SLG) allows a locality to require those persons providing or operating a battery-charged fence security system, defined in the bill, to obtain an alarm company permit and the corresponding fee and to require certain other requirements as defined in the law. The bill provides that the locality can also require the installer of such security system to submit an affidavit disclosing information about the installation that includes an affirmation of compliance.

The bill also provides that a locality can inspect such newly installed security system and issue a citation warning of noncompliance and can impose a penalty not exceeding \$500 if the noncompliance is not remedied within the time period specified by the locality. (22101997D)

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

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

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

### **Animals**

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

**SB 87** (Stanley) (SACNR) prohibits a dealer or commercial dog or cat breeder from importing for sale, selling, or offering for sale a dog or cat bred by a person who has received certain citations pursuant to the federal Animal Welfare Act. Current law only prohibits such activities related to the sale of dogs. The bill also clarifies that selling includes selling the dog or cat for experimental purposes. (22101357D)

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

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

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

**SB 249** (Surovell) (SACNR) provides that any person who knowingly (i) engages in sexual contact with an animal; (ii) causes another person by force, threat, or intimidation to engage in

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

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

### *Hunting*

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

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

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

**SB 492** (McDougle) (SACNR) prohibits the use of snare traps to hunt or kill game animals. (22100901D)

### **Courts/Public Safety**

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

**SB 143** (Edwards) (Reported from SJUD) makes various changes to the procedures and jurisdiction of the Court of Appeals of Virginia, including (i) clarifying that an aggrieved party of certain pretrial orders may petition the Court of Appeals for review of such order and that such petitions shall be reviewed by a three-judge panel; (ii) providing that a party to an appeal that requests an extension for a filing deadline in the Court of Appeals must show good cause for the extension to be granted; (iii) clarifying that appeal bonds and security bonds are not

required in criminal appeals; (iv) permitting the Court of Appeals to dispense with oral argument if the parties agree that it is not necessary; and (v) making consistent the grounds for seeking a delayed appeal in a criminal case in the Court of Appeals and the Supreme Court of Virginia. The bill additionally corrects the unintentional elimination of reviews of interlocutory decrees or orders involving certain equitable claims from the jurisdiction of the Court of Appeals. The bill contains an emergency clause that is applicable only to this correction. (22103323D)

**SB 378** (Petersen) (SJUD) provides a petition process for a person serving a sentence for any conviction or a combination of any convictions who remains incarcerated in a state or local correctional facility and meets certain criteria to petition the circuit court that entered the original judgment or order to (i) suspend the unserved portion of such sentence or run the unserved portion of such sentence concurrently with another sentence, (ii) place such person on probation for such time as the court shall determine, or (iii) otherwise modify the sentence imposed. (22104101D)

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

**SB 423** (Edwards) (SJUD) clarifies the Virginia Criminal Sentencing Commission's authority to recommend revisions to the discretionary sentencing guidelines based on historical sentencing data. (22100694D)

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

**SB 443** (Boysko) (SJUD) provides that a defendant with a disorder or disability, as defined in the bill, may file a petition that requests the sealing of the criminal history record information and court records of a Class 4 felony conviction or deferred and dismissed disposition. Under current law, Class 4 felony convictions or deferred and dismissed dispositions are ineligible to be sealed. (22103094D)

**SB 483** (McClellan) (SJUD) eliminates the civil statute of limitations period for injury resulting from sexual abuse occurring during the infancy of the abused person and allows persons who

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

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

### **Education/Schools**

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

**SB 178** (Peake) (SEH) permits each school board to extend for up to two additional years the three-year probationary term of service that is required for each teacher in the school division before the issuance of a continuing contract and prohibits each school board from reemploying a teacher whose performance evaluation during such probationary period is not satisfactory. The bill provides that, for the purpose of the dismissal of a teacher for cause, the term "incompetency" may be construed to include consistent failure to meet the endorsement requirements for the position or one or more unsatisfactory performance evaluations. The bill also eliminates the option for a school board to conduct a teacher dismissal hearing before a three-member fact-finding panel, requires each such hearing to be set no later than 15 days after the request for the hearing, and reduces from 10 days to five days the minimum period of advance written notice to the teacher of the time and place of such hearing. (22103200D)

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

### **Elections**

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

### **Environment and Energy**

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

**HB 206** (Webert) (HAG) requires, as a condition for a permit by rule for a small energy project, that the applicant conduct an analysis of the beneficial and adverse impacts of the proposed project on natural resources. The bill requires that if the Department of Environmental Quality determines that there will be a significant adverse impact on wildlife, historic resources, prime agricultural soils, or forest lands, the applicant must also submit a mitigation plan with a 90-day public comment period. The bill specifies that a disturbance of more than 10 acres of prime agricultural soils, as defined in the bill, or 50 acres of contiguous forest lands, as defined in relevant law, is deemed to be a significant adverse impact on natural resources. Finally, the bill directs the Department to convene an advisory panel to assist in developing regulations to further develop criteria for determining significant adverse impact on natural resources and guidelines for plans to mitigate such adverse impacts. (22101438D)

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

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

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

**SB 551** (Marsden) (SACNR) implements recommendations from the first Virginia Coastal Resilience Master Plan. The bill provides guidelines for the development of a Virginia Flood Protection Master Plan for the Commonwealth and requires that the Coastal Resilience Master Plan be updated by December 31, 2022, and every five years thereafter. The bill establishes the Virginia Coastal Resilience Technical Advisory Committee to assist with the updates and requires the development of a community outreach and engagement plan to ensure meaningful involvement by affected and vulnerable community residents. The bill also requires that the Chief Resilience Officer report every two years, beginning July 1, 2023, on the status of flood resilience in the Commonwealth. (22103100D)

### **Health and Human Services**

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

### **Land Use**

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

**Transportation**

**HB 142** (McQuinn) (HTRAN) changes from a maximum of 25 percent to a minimum of 25 percent the amount of Transit Ridership Incentive Program (TRIP) funds to be used to support the establishment of programs to reduce the impact of fares on low-income individuals. The bill requires at least 25 percent of TRIP funds to be used to support regional transit initiatives and provides that the Commonwealth Transportation Board has the discretion to allocate the remaining funds available as authorized by law and based on the programs and initiatives submitted during the application process. (22102849D)

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

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

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

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

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

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

Board of Supervisors

January 24, 2022

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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)

Attachments: Supplementary documents

cc: Christina Jackson, Chief Financial Officer  
Rachel Flynn, Deputy County Executive  
Chris Leonard, Deputy County Executive  
Ellicia Seard-McCormick, Deputy County Executive  
Elizabeth Teare, County Attorney  
Jill G. Cooper, Clerk to the Board  
Richmond Team  
Tom Biesiadny, Director, Department of Transportation

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GENERAL ASSEMBLY STATUS REPORT NO. 1  
January 24, 2022

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**FAIRFAX COUNTY  
LEGISLATIVE SUMMARY**

***2022 GENERAL ASSEMBLY***

January 22, 2022

# Fairfax County Legislative Summary 2022 General Assembly

## Board of Supervisors Report Key

Bill No. – Patron, (District No.) Bill Title	Committee/Floor Actions	
<p><b>HB 589</b> - Watts (39) Blue Star Memorial Highway; designating as portion of Old Keene Mill Road in Fairfax County.</p>	<p>1/10/2006 House: Referred to Committee on Transportation</p>	<p><b>12/5/2005</b></p>
<p><b>Initiate</b> (067916260) <b>Summary:</b> Designates a portion of Old Keene Mill Road in Fairfax County a "Blue Star Memorial Highway."</p>		

**Bold** = Date Position taken by full Board of Supervisors  
 [ ] = Date position taken by BOS Legislative Committee  
*Italics* = Date position recommended by staff

**Bold = Board Position**, [ ] = BOS Legislative Committee Position, *Italics=Staff Recommended Position Changes* (LD No. is version of bill on which position was taken)  
**Summary** -- Reflects latest version of summary available on the Legislative Information System Web Site (If not noted otherwise, reflects summary as introduced)

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***Fairfax County Initiatives***

***Bills Introduced  
at Fairfax County's Request***

Bills	General Assembly Actions	Date of BOS Position
<p><a href="#">HB 396</a> - Sullivan, Jr. (48) Electric utilities; municipal net energy metering.</p>	<p>1/11/2022 House: Referred to Committee on Commerce and Energy</p>	<p>[1/21/2022]</p>
<p>[Initiate] (22103298D) <b>Summary:</b> Makes various changes to the pilot program for municipal net energy metering. The bill (i) provides that a municipality that contracts with a third party to own or operate an electrical generation facility may qualify as a municipal customer-generator under the pilot program; (ii) increases the cap on the amount of generating capacity of the generating facilities that are the subject of a pilot program conducted by a Phase II Utility from 25 megawatts to 500 megawatts; (iii) provides that a municipality includes park authorities; (iv) provides that the credit offset associated with an account includes 85 percent of the transmission and distribution charges and that the credit includes all applicable rate adjustment clauses and non-bypassable charges; (v) provides that municipalities are responsible for demonstrated administrative costs; and (vi) revises the current six-year duration of any pilot program approved by the Commission to six years or until July 1, 2028, whichever is later.</p>		
<p><a href="#">HB 443</a> - Bulova (37) Park authorities; authority to operate, etc., electric vehicle charging stations.</p>	<p>1/11/2022 House: Referred to Committee on Commerce and Energy</p>	<p>[1/21/2022]</p>
<p>[Initiate] (22101682D) <b>Summary:</b> Park authorities; electric vehicle charging stations. Gives park authorities created by a locality the authority to locate, operate, regulate the use of, and install signage relating to electric vehicle (EV) charging stations on property under its jurisdiction. The bill adds park authorities to the list of entities for which provision of electricity for EV charging is exempt from the definition of retail sale of electricity. The bill adds park authorities to the list of entities that the State Corporation Commission cannot regulate or prescribe the rates, charges, and fees for retail EV charging service.</p>		

**Bold** – Indicates BOS formal action  
 [ ] Indicates BOS Legislative Committee Action

***Fairfax County Positions***  
***(Oppose or Amend)***

\* \* \*

Bills	General Assembly Actions	Date of BOS Position
<a href="#">HB 24</a> - Walker (23) Voter identification; identification containing a photograph required.	12/27/2021 House: Referred to Committee on Privileges and Elections	[1/21/2022]
<p>[Oppose] (22100435D) - Board has historically opposed.  <b>Summary:</b> 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.</p>		
<a href="#">HB 34</a> - Campbell (24) Absentee voting; return of absentee ballots, drop-off locations.	12/29/2021 House: Referred to Committee on Privileges and Elections	[1/21/2022]
<p>[Oppose] (22102594D) - Board has historically opposed.  <b>Summary:</b> Absentee voting; return of absentee ballots; drop-off locations. Repeals the provisions of law providing for the establishment of drop-off locations for the return of absentee ballots.</p>		
<a href="#">HB 35</a> - Campbell (24) Absentee voting; excuse required to vote absentee by mail, etc.	12/29/2021 House: Referred to Committee on Privileges and Elections	[1/21/2022]
<p>[Oppose] (22102778D) - Board has historically opposed.  <b>Summary:</b> Absentee voting; excuse required to vote absentee by mail; excuse required to vote absentee in person prior to the second Saturday preceding an election. Requires a registered voter to provide a reason for being absent or unable to vote at his polling place on election day in order to receive an absentee ballot to vote by mail. Registered voters offering to vote absentee in person are similarly required by the bill to provide a reason until the second Saturday immediately preceding an election, at which time an excuse is not required to vote absentee in person. The bill provides that an application for an absentee ballot is required to receive an absentee ballot by mail and to vote absentee in person before the second Saturday immediately preceding an election. The bill also repeals the permanent absentee voter list and limits the special annual application to those voters with an illness or disability.</p>		
<a href="#">HB 36</a> - Campbell (24) Absentee voting; permanent absentee voter list repealed.	12/29/2021 House: Referred to Committee on Privileges and Elections	[1/21/2022]
<p>[Oppose] (22102784D) - Board has historically opposed.  <b>Summary:</b> Repeals the provisions of law by which any registered voter may apply to receive absentee ballots for all elections in which he is eligible to vote and remains on the list until the voter requests in writing to be removed from the list, the voter's registration is canceled or placed on inactive status pursuant to law, or the voter moves to a different address not in the same county or city of his registration.</p>		

**Bold** – Indicates BOS formal action  
 [ ] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
<p><a href="#">HB 39</a> - Scott (88) Absentee voting in person; available beginning on the fourteenth day prior to election.</p>	<p>12/30/2021 House: Referred to Committee on Privileges and Elections</p>	<p>[1/21/2022]</p>
<p>[Oppose] (22101282D) - Board has historically opposed. <b>Summary:</b> Absentee voting in person; available beginning on the fourteenth day prior to election; hours of operation. 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.</p>		
<p><a href="#">HB 46</a> - Ware (65) Voter identification; identification containing a photograph required.</p>	<p>12/31/2021 House: Referred to Committee on Privileges and Elections</p>	<p>[1/21/2022]</p>
<p>[Oppose] (22102903D) - Board has historically opposed. <b>Summary:</b> Elections; voter identification containing a photograph required; permanent absentee voter list repealed. 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. The bill also repeals the provisions of law by which any registered voter may apply to receive absentee ballots for all elections in which he is eligible to vote and remains on the list until the voter requests in writing to be removed from the list, the voter's registration is canceled or placed on inactive status pursuant to law, or the voter moves to a different address not in the same county or city of his registration.</p>		
<p><a href="#">HB 54</a> - Greenhalgh (85) Absentee voting; ballots to be sorted and results to be reported by precinct.</p>	<p>1/3/2022 House: Referred to Committee on Privileges and Elections</p>	<p>[1/21/2022]</p>
<p>[Amend] (22102608D) - Amend to remove requirements to separate ballots by precinct. Conform language to HB 441/SB 306. See also HB 398 (Freitas), HB 927 (Robinson), and SB 3 (Suetterlein). <b>Summary:</b> Elections; absentee voting; ballots to be sorted and results to be reported by precinct. Provides that absentee ballots processed at a central absentee precinct must be sorted by the precinct to which the voter who cast the absentee ballot is assigned and that the resulting vote totals from such ballots must be reported separately for each voter precinct.</p>		

**Bold** – Indicates BOS formal action  
[ ] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
<p><a href="#">HB 75</a> - Ware (65) Localities; restricts authority to impose transient occupancy tax at rate that exceeds five percent.</p>	<p>1/4/2022 House: Referred to Committee on Finance</p>	<p>[1/21/2022]</p>
<p>[Oppose] (22101468D) - Board has historically opposed. <b>Summary:</b> Local taxing authority. Restricts localities from imposing a transient occupancy tax at a rate that exceeds five percent and provides that any tax revenues from a rate of greater than two percent but less than five percent shall be spent solely for tourism-related and travel-related purposes. The bill also lowers the amount of food and beverage tax that counties can impose from six percent to a total of four percent. Under the bill, a county is able to impose a food and beverage tax at up to two percent without restriction, but that would require approval via a referendum in order to impose the tax at four percent.</p>		
<p><a href="#">HB 76</a> - Ware (65) Absentee voting; reimbursement of costs to counties and cities for cost of conducting.</p>	<p>1/4/2022 House: Referred to Committee on Privileges and Elections 1/21/2022 House: Reported from Privileges and Elections (21-Y 0-N) 1/21/2022 House: Referred to Committee on Appropriations</p>	<p>[1/21/2022]</p>
<p>[Amend] (22102196D) - Amend to add clarifying language that safeguards local control over absentee voting operations and access. <b>Summary:</b> Absentee voting; reimbursement of costs. Requires the General Assembly to establish in the general appropriation act a reimbursement plan to reimburse counties and cities, fully and annually, for the cost of conducting absentee voting in the locality.</p>		
<p><a href="#">HB 121</a> - Wyatt (97) Elections; voter identification containing photograph required, etc.</p>	<p>1/7/2022 House: Referred to Committee on Privileges and Elections</p>	<p>[1/21/2022]</p>
<p>[Oppose] (22101554D) - Board has historically opposed. <b>Summary:</b> Elections; voter identification containing photograph required; who may register up to and including the day of the election; availability of absentee voting in person; return of absentee ballots. 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 of the United States 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 to the 10 days immediately preceding the date of the election, including both Saturdays. 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.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p><a href="#">HB 149</a> - Runion (25) Absentee ballots; witness requirement, printed name and residence address.</p>	<p>1/8/2022 House: Referred to Committee on Privileges and Elections</p>	<p>[1/21/2022]</p>
<p>[Oppose] (22101276D) <b>Summary:</b> Absentee ballots; witness requirement; printed name and residence address. Requires that a witness to a voter's absentee ballot provide, in addition to his signature, his printed name, his date of birth, the last four digits of his social security number, and his residence address.</p>		
<p><a href="#">HB 175</a> - Bloxom, Jr. (100) Absentee voting; annual absentee voter list, removal of permanent list, applications for ballots.</p>	<p>1/10/2022 House: Referred to Committee on Privileges and Elections</p>	<p>[1/21/2022]</p>
<p>[Oppose] (22101651D) - Board has historically opposed. <b>Summary:</b> Absentee voting; annual absentee voter list; applications for ballots. Removes 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, date of birth, and the last four digits of his social security number. The bill also requires an applicant for an absentee ballot to provide the last four digits of his social security number on the application, regardless of whether he is completing the application in person.</p>		
<p><a href="#">HB 178</a> - Bloxom, Jr. (100) Absentee voting in person; available beginning on the fourteenth day prior to election.</p>	<p>1/10/2022 House: Referred to Committee on Privileges and Elections</p>	<p>[1/21/2022]</p>
<p>[Oppose] (22101653D) - Board has historically opposed. <b>Summary:</b> Absentee voting in person; available beginning on the fourteenth day prior to election; hours of operation. 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.</p>		
<p><a href="#">HB 181</a> - Ransone (99) Criminal records; sealing of records.</p>	<p>1/10/2022 House: Referred to Committee for Courts of Justice</p>	<p>[1/21/2022]</p>

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Bills	General Assembly Actions	Date of BOS Position
<p>[Oppose] (22102320D) - Board has historically supported the concept of expungement for certain crimes, with sufficient state funding for implementation. See also SB 543 (DeSteph).  <b>Summary:</b> Criminal records; sealing of records; repeal. Repeals provisions not yet effective allowing for the automatic and petition-based sealing of police and court records for certain convictions, deferred dispositions, and acquittals and for offenses that have been nolle prossed or otherwise dismissed.</p>		
<p><a href="#">HB 185</a> - Ransone (99)  Voter registration; registration permitted up to and including the day of the election.</p>	<p>1/10/2022 House: Referred to Committee on Privileges and Elections</p>	<p>[1/21/2022]</p>
<p>[Oppose] (22102235D) - Board has historically opposed.  <b>Summary:</b> Repeals a provision that would permit any person who is qualified to register to vote to register to vote in person up to and including the day of the election, notwithstanding any deadline for the close of registration records. The repeal will limit the persons who are entitled to register to vote after the close of registration records to (i) any member of a uniformed service of the United States who is on active duty, (ii) any person residing temporarily outside of the United States, and (iii) the spouse or dependent residing with someone listed in (i) or (ii).</p>		
<p><a href="#">HB 187</a> - McGuire, III (56)  Voter registration; registration permitted up to and including the day of the election.</p>	<p>1/10/2022 House: Referred to Committee on Privileges and Elections</p>	<p>[1/21/2022]</p>
<p>[Oppose] (22103041D) - Board has historically opposed.  <b>Summary:</b> Repeals a provision that would permit any person who is qualified to register to vote to register to vote in person up to and including the day of the election, notwithstanding any deadline for the close of registration records. The repeal will limit the persons who are entitled to register to vote after the close of registration records to (i) any member of a uniformed service of the United States who is on active duty, (ii) any person residing temporarily outside of the United States, and (iii) the spouse or dependent residing with someone listed in (i) or (ii).</p>		
<p><a href="#">HB 196</a> - Webert (18)  Absentee voting; permanent absentee voter list repealed.</p>	<p>1/10/2022 House: Referred to Committee on Privileges and Elections</p>	<p>[1/21/2022]</p>
<p>[Oppose] (22100301D) - Board has historically opposed.  <b>Summary:</b> Repeals the provisions of law by which any registered voter may apply to receive absentee ballots for all elections in which he is eligible to vote and remains on the list until the voter requests in writing to be removed from the list, the voter's registration is canceled or placed on inactive status pursuant to law, or the voter moves to a different address not in the same county or city of his registration.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p><a href="#">HB 198</a> - Webert (18) Absentee voting; permanent absentee voter list, annual notice required, reasons for removal.</p>	<p>1/10/2022 House: Referred to Committee on Privileges and Elections</p>	<p>[1/21/2022]</p>
<p>[Oppose] (22103907D) - Board has historically opposed. <b>Summary:</b> Absentee voting; permanent absentee voter list; annual notice required; reasons for removal. Requires general registrars to send, by December 15 of each year, notice to each voter enrolled on the permanent absentee voter list that the voter is currently enrolled on the permanent absentee voter list and will remain enrolled on such list unless the voter requests to be removed. The notice shall include a return card, properly addressed and postage prepaid, by which the voter may request to be removed. The bill also requires the removal of a voter enrolled on the permanent absentee voter list if such voter offers to vote absentee in person for any election.</p>		
<p><a href="#">HB 297</a> - McNamara (8) Regional fuels tax; suspends the imposition of any tax.</p>	<p>1/11/2022 House: Referred to Committee on Finance</p>	<p>[1/21/2022]</p>
<p>[Oppose] (22101106D) <b>Summary:</b> Suspension of regional fuels tax. Suspends the imposition of any regional fuels tax in the Commonwealth on and after July 1, 2022, but before July 1, 2023.</p>		
<p><a href="#">HB 310</a> - Ransone (99) Absentee voting; application requirements, absentee ballot requirements.</p>	<p>1/11/2022 House: Referred to Committee on Privileges and Elections</p>	<p>[1/21/2022]</p>
<p>[Oppose] (22102510D) - Board has historically opposed. <b>Summary:</b> Absentee voting; application requirements; absentee ballot requirements. Requires an applicant for an absentee ballot to provide the last four digits of his social security number on the application regardless of whether he is completing the application in person and makes the failure of the absentee voter to have a witness sign his absentee ballot envelope a material omission that renders the ballot void. The bill removes the permanent absentee voter list and reinstates the special annual application for voters with a disability or illness. The bill also removes the requirement that the absentee voter return envelope be sent to absentee voters with prepaid postage.</p>		
<p><a href="#">HB 380</a> - Freitas (30) License taxes, local; elimination of authority to impose.</p>	<p>1/11/2022 House: Referred to Committee on Finance</p>	<p>[1/21/2022]</p>

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Bills	General Assembly Actions	Date of BOS Position
<p>[Oppose] (22100093D) - Board has historically opposed.  <b>Summary:</b> Local license taxes; elimination of authority to impose. Prohibits any county, city, or town from imposing any license tax or fee in any taxable year beginning on or after January 1, 2023. The bill does not apply to any severance tax that is levied as a license tax.</p>		
<p><a href="#">HB 398</a> - Freitas (30) Absentee voting; ballots to be sorted and results to be reported by precinct.</p>	<p>1/11/2022 House: Referred to Committee on Privileges and Elections</p>	<p>[1/21/2022]</p>
<p>[Amend] (22103206D) - Amend to remove requirements to separate ballots by precinct. Conform language to HB 441/SB 306. See also HB 54 (Greenhalgh), HB 927 (Robinson), and SB 3 (Suetterlein).  <b>Summary:</b> Elections; absentee voting; ballots to be sorted and results to be reported by precinct. Provides that absentee ballots processed at a central absentee precinct must be sorted by the precinct to which the voter who cast the absentee ballot is assigned and that the resulting vote totals from such ballots must be reported separately for each voter precinct.</p>		
<p><a href="#">HB 779</a> - Williams (9) Elections; photo identification required, time for in-person absentee.</p>	<p>1/11/2022 House: Referred to Committee on Privileges and Elections</p>	<p>[1/21/2022]</p>
<p>[Oppose] (22102174D) - Board has historically opposed.  <b>Summary:</b> Elections; photo identification required; time for in-person absentee; absentee ballots not accepted after election day; repeal of permanent absentee voter list. 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. The bill also limits absentee voting in person to the week immediately preceding an election. The bill repeals the provisions of law by which any registered voter may apply to receive absentee ballots for all elections in which he is eligible to vote and remains on the list until the voter requests in writing to be removed from the list, the voter's registration is canceled or placed on inactive status pursuant to law, or the voter moves to a different address not in the same county or city of his registration. The bill also removes provisions allowing absentee ballots received after the close of polls to be counted.</p>		
<p><a href="#">HB 780</a> - Williams (9) Voter registration; registration permitted up to and including the day of the election.</p>	<p>1/11/2022 House: Referred to Committee on Privileges and Elections</p>	<p>[1/21/2022]</p>
<p>[Oppose] (22102178D) - Board has historically opposed.  <b>Summary:</b> Repeals a provision that would permit any person who is qualified to register to vote to register to vote in person up to and including the day of the election, notwithstanding any deadline for the close of registration records. The repeal will limit the persons who are entitled to register to vote after the close of registration records to (i) any member of a uniformed service of the United States who is on active duty, (ii) any person residing temporarily outside of the United States, and (iii) the spouse or dependent residing with someone listed in (i) or (ii).</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p><a href="#">HB 791</a> - McNamara (8) Data centers; center fixtures are taxed as part of the real property where they are located, etc.</p>	<p>1/11/2022 House: Referred to Committee on Finance</p>	<p>[1/21/2022]</p>
<p>[Oppose] (22104312D) - See also SB 513 (McPike). <b>Summary:</b> Property tax; data centers. Provides that if data center fixtures are taxed as part of the real property where they are located, they shall be valued based on depreciated reproduction or replacement cost, rather than based on the amount of income they generate.</p>		
<p><a href="#">HB 927</a> - Robinson (27) Absentee voting; ballots to be sorted and results to be reported by precinct.</p>	<p>1/12/2022 House: Referred to Committee on Privileges and Elections</p>	<p>[1/21/2022]</p>
<p>[Amend] (22101352D) - Amend to remove requirements to separate ballots by precinct. Conform language to HB 441/SB 306. See also HB 54 (Greenhalgh), HB 398 (Freitas), and SB 3 (Suetterlein). <b>Summary:</b> Elections; absentee voting; ballots to be sorted and results to be reported by precinct. Provides that absentee ballots processed at a central absentee precinct must be sorted by the precinct to which the voter who cast the absentee ballot is assigned and that the resulting vote totals from such ballots must be reported separately for each voter precinct.</p>		
<p><a href="#">HB 941</a> - LaRock (33) Voter registration; registration permitted up to and including the day of the election.</p>	<p>1/12/2022 House: Referred to Committee on Privileges and Elections</p>	<p>[1/21/2022]</p>
<p>[Oppose] (22102622D) - Board has historically opposed. <b>Summary:</b> Repeals a provision that would permit any person who is qualified to register to vote to register to vote in person up to and including the day of the election, notwithstanding any deadline for the close of registration records. The repeal will limit the persons who are entitled to register to vote after the close of registration records to (i) any member of a uniformed service of the United States who is on active duty, (ii) any person residing temporarily outside of the United States, and (iii) the spouse or dependent residing with someone listed in (i) or (ii).</p>		
<p><a href="#">HB 942</a> - LaRock (33) Voter identification; identification containing a photograph required.</p>	<p>1/12/2022 House: Referred to Committee on Privileges and Elections</p>	<p>[1/21/2022]</p>

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Bills	General Assembly Actions	Date of BOS Position
<p>[Oppose] (22102770D) - Board has historically opposed.  <b>Summary:</b> 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.</p>		
<p><a href="#">HB 945</a> - LaRock (33) Absentee voting in person; available beginning on the tenth day prior to election.</p>	<p>1/12/2022 House: Referred to Committee on Privileges and Elections</p>	<p>[1/21/2022]</p>
<p>[Oppose] (22102781D) - Board has historically opposed.  <b>Summary:</b> Limits absentee voting in person to the ten days immediately preceding an election.</p>		
<p><a href="#">HB 1059</a> - Cordoza (91) Suspension of the imposition of taxes on gasoline and diesel fuels; emergency.</p>	<p>1/12/2022 House: Referred to Committee on Finance</p>	<p>[1/21/2022]</p>
<p>[Oppose] (22102010D)  <b>Summary:</b> Suspends the imposition and collection of the state and regional taxes on gasoline and diesel fuel until July 1, 2023. The bill contains an emergency clause.</p>		
<p><a href="#">HB 1090</a> - Webert (18) Voter identification; identification containing a photograph required.</p>	<p>1/12/2022 House: Referred to Committee on Privileges and Elections</p>	<p>[1/21/2022]</p>
<p>[Oppose] (22100305D) - Board has historically opposed.  <b>Summary:</b> 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.</p>		
<p><a href="#">HB 1141</a> - Walker (23) Absentee voting; return of absentee ballots, drop-off locations.</p>	<p>1/13/2022 House: Referred to Committee on Privileges and Elections</p>	<p>[1/21/2022]</p>
<p>[Oppose] (22103539D) - Board has historically opposed.  <b>Summary:</b> Absentee voting; return of absentee ballots; drop-off locations. Repeals the provisions of law providing for the establishment of drop-off locations for the return of absentee ballots.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<a href="#">HB 1144</a> - Webert (18) Gasoline and diesel fuel; lowers the rate of tax on July 1, 2022.	1/13/2022 House: Referred to Committee on Finance	[1/21/2022]
<p>[Oppose] (22101053D)  <b>Summary:</b> Rate of tax on gasoline and diesel fuel. Lowers the rate of tax on gasoline and diesel fuel on July 1, 2022, from 26.2 cents per gallon to 21.2 cents per gallon on gasoline and from 27 cents per gallon to 20.2 cents per gallon on diesel fuel, the rates that were in effect before July 1, 2021. The bill provides that the rate of tax on gasoline and diesel fuel will return to 26.2 and 27 cents per gallon, respectively, on July 1, 2023, and will be indexed based on the change in the United States Average Consumer Price Index; thereafter, the rate will be indexed annually.</p>		
<a href="#">SB 3</a> - Suetterlein (19) Absentee voting; ballots to be sorted and results to be reported by precinct.	11/22/2021 Senate: Referred to Committee on Privileges and Elections	[1/21/2022]
<p>[Amend] (22100577D) - Amend to remove requirements to separate ballots by precinct. Conform language to HB 441/SB 306. See also HB 54 (Greenhalgh), HB 398 (Freitas), and HB 927 (Robinson).  <b>Summary:</b> Elections; absentee voting; ballots to be sorted and results to be reported by precinct. Provides that absentee ballots processed at a central absentee precinct must be sorted by the precinct to which the voter who cast the absentee ballot is assigned and that the resulting vote totals from such ballots must be reported separately for each voter precinct.</p>		
<a href="#">SB 74</a> - Chase (11) Firearms; control by localities of possession or carrying.	1/4/2022 Senate: Referred to Committee on the Judiciary	[1/21/2022]
<p>[Oppose] (22101641D) - Board has historically opposed.  <b>Summary:</b> Control of firearms by localities. 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.</p>		
<a href="#">SB 133</a> - Chase (11) Ballots; ballot fraud security measures.	1/7/2022 Senate: Referred to Committee on Privileges and Elections	[1/21/2022]
<p>[Oppose] (22101678D)  <b>Summary:</b> Elections, ballots; ballot fraud security measures. Requires any printer or vendor supplying ballots in an election for state or federal office to be ISO 27001 certified, ISO 17025 certified, or ISO 9001:2015 certified. The bill also requires any ballot used in an election for state or federal office to include a unique bar code or quick response code that is accessible only to the voter and that tracks the voter's ballot as it is processed and to include the use of at least two other ballot fraud security measures from a list of approved measures.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<a href="#">SB 189</a> - Chase (11) Employer-mandated vaccinations for COVID-19; discrimination prohibited, civil penalties.	1/10/2022 Senate: Referred to Committee on Commerce and Labor	[1/21/2022]
<p>[Oppose] (22103782D)</p> <p><b>Summary:</b> Employer-mandated vaccinations for COVID-19; discrimination prohibited; civil penalties. Prohibits an employer from requiring its employees to receive a vaccine for the prevention of COVID-19. The bill prohibits an employer from discrimination against an employee because the employee has or has not received a vaccine for the prevention of COVID-19. The bill also provides for civil penalties not to exceed \$10,000 by an employer with fewer than 100 employees or \$50,000 by an employer with 100 or more employees for each violation of the bill's provisions.</p>		
<a href="#">SB 208</a> - Petersen (34) Civil actions; standing.	1/10/2022 Senate: Referred to Committee on the Judiciary	[1/21/2022]
<p>[Oppose] (22102186D)</p> <p><b>Summary:</b> Provides that a person in a civil action shall be deemed to have standing if that person has a cognizable interest in the outcome of the matter, which may be represented by the ownership of an affected property interest or the suffering of an injury unique to that individual.</p>		
<a href="#">SB 234</a> - Chase (11) Absentee voting; permanent absentee voter list repealed.	1/10/2022 Senate: Referred to Committee on Privileges and Elections	[1/21/2022]
<p>[Oppose] (22101626D) - Board has historically opposed.</p> <p><b>Summary:</b> Repeals the provisions of law by which any registered voter may apply to receive absentee ballots for all elections in which he is eligible to vote and remains on the list until the voter requests in writing to be removed from the list, the voter's registration is canceled or placed on inactive status pursuant to law, or the voter moves to a different address not in the same county or city of his registration.</p>		
<a href="#">SB 235</a> - Chase (11) Voter registration; registration permitted up to and including the day of the election.	1/10/2022 Senate: Referred to Committee on Privileges and Elections	[1/21/2022]
<p>[Oppose] (22101611D) - Board has historically opposed.</p> <p><b>Summary:</b> Repeals a provision that would permit any person who is qualified to register to vote to register to vote in person up to and including the day of the election, notwithstanding any deadline for the close of registration records. The repeal will limit the persons who are entitled to register to vote after the close of registration records to (i) any member of a uniformed service of the United States who is on active duty, (ii) any person residing temporarily outside of the United States, and (iii) the spouse or dependent residing with someone listed in (i) or (ii).</p>		

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Bills	General Assembly Actions	Date of BOS Position
<a href="#">SB 236</a> - Chase (11) Absentee voting; return of absentee ballots, drop-off locations.	1/10/2022 Senate: Referred to Committee on Privileges and Elections	[1/21/2022]
<p>[Oppose] (22101492D) - Board has historically opposed.  <b>Summary:</b> Absentee voting; return of absentee ballots; drop-off locations. Repeals the provisions of law providing for the establishment of drop-off locations for the return of absentee ballots.</p>		
<a href="#">SB 251</a> - Surovell (36) Northern Virginia Transportation Authority; funds for pedestrian and bicyclist projects.	1/11/2022 Senate: Referred to Committee on Local Government	[1/21/2022]
<p>[Oppose] (22104193D)  <b>Summary:</b> Northern Virginia Transportation Authority; pedestrian and bicyclist projects. Requires the Northern Virginia Transportation Authority (NVTA) to dedicate certain funds to projects that improve pedestrian or bicyclist safety or infrastructure.</p>		
<a href="#">SB 255</a> - Bell (13) Zoning; wireless communications infrastructure, application process.	1/11/2022 Senate: Referred to Committee on Local Government	[1/21/2022]
<p>[Oppose] (22103784D)  <b>Summary:</b> Zoning; wireless communications infrastructure; application process. Provides that in its consideration of certain communications infrastructure applications, a locality shall not disapprove an application if (i) the proposed new structure provides additional wireless coverage or capacity for first responders or (ii) the proposed tower is not within a four-mile radius of an existing tower that is part of the applicant's network. Additional changes in the bill provide that a locality shall not be prohibited from disapproving certain applications for any zoning approval required for non-administrative review-eligible projects on the basis of the fact that the proposed height of any wireless support structure, wireless facility, or wireless support structure with attached wireless facilities exceeds 200 feet above ground level. Current law sets the limit at 50 feet above ground level.</p>		
<a href="#">SB 328</a> - Reeves (17) Law-enforcement agencies; acquisition of military property.	1/11/2022 Senate: Referred to Committee on the Judiciary	[1/21/2022]
<p>[Amend] (22101125D) - Amend language to include associated ammunition.  <b>Summary:</b> Acquisition of military property by law-enforcement agencies. Changes the limitation on the acquisition or purchase of military property by a law-enforcement agency from firearms of .50 caliber or higher to rifles of .50 caliber or higher.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<a href="#">SB 330</a> - Reeves (17) Carrying a concealed handgun; permit not required.	1/11/2022 Senate: Referred to Committee on the Judiciary	[1/21/2022]
[Oppose] (22101962D) <b>Summary:</b> Allows any person who is otherwise eligible to obtain a concealed handgun permit to carry a concealed handgun without a permit anywhere he may lawfully carry a handgun openly within the Commonwealth.		
<a href="#">SB 364</a> - Reeves (17) Handguns; limitation on purchases.	1/11/2022 Senate: Referred to Committee on the Judiciary	[1/21/2022]
[Oppose] (22103162D) - Board has historically opposed. <b>Summary:</b> Purchase of handguns; limitation on handgun purchases. Removes the prohibition on any person who is not a licensed firearms dealer from purchasing more than one handgun in a 30-day period. Current law makes it a Class 1 misdemeanor for a violation of this provision, subject to certain exemptions.		
<a href="#">SB 385</a> - McDougle (4) License taxes, local; limitation of authority.	1/11/2022 Senate: Referred to Committee on Finance and Appropriations	[1/21/2022]
[Oppose] (22102974D) - Board has historically opposed. <b>Summary:</b> Local license taxes; limitation of authority. Prohibits a locality from imposing a license tax on a director of a bank or trust company that is subject to the bank franchise tax.		
<a href="#">SB 415</a> - DeSteph (8) School boards; employment of at least one school resource officer in elementary & secondary schools.	1/11/2022 Senate: Referred to Committee on Education and Health	[1/21/2022]
[Oppose] (22104064D) - Cost to the County is likely to exceed \$19 million. <b>Summary:</b> School boards; school resource officers; employment; threat assessment. Requires each school board to enter into a collaborative agreement with the local law-enforcement agency to employ at least one school resource officer in each public elementary and secondary school in the local school division. The bill provides that no school board shall be granted any full or partial waiver from such staffing requirements and that no school board that fails to fully comply with such staffing requirements is eligible for any grant or waiver from the Commonwealth, Board of Education, or Department of Education. The bill also requires each division superintendent to include on the threat assessment team established for each public elementary and secondary school in the local school division at least one school resource officer employed in the school.		

**Bold** – Indicates BOS formal action  
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Bills	General Assembly Actions	Date of BOS Position
<a href="#">SB 458</a> - Chase (11) Face coverings; prohibits enforcement of policy, etc., to wear.	1/11/2022 Senate: Referred to Committee on Education and Health	[1/21/2022]
<p>[Oppose] (22104211D)  <b>Summary:</b> Employers; institutions of higher education; localities; public schools; face coverings. Prohibits any locality, institution of higher education, employer, school board, division superintendent, school principal, or private school from adopting, implementing, or enforcing any policy, rule, or order related to COVID-19 that requires individuals to wear a face covering.</p>		
<a href="#">SB 460</a> - Chase (11) Absentee voting; deadline for returning absentee ballot.	1/11/2022 Senate: Referred to Committee on Privileges and Elections	[1/21/2022]
<p>[Oppose] (22101633D) - Board has historically opposed.  <b>Summary:</b> Elections; absentee voting; ballots to be returned before close of polls. Removes the provision of law requiring an absentee ballot that is returned to the general registrar after the closing of the polls on election day to be counted if it is received before noon on the third day after the election and is postmarked on or before the date of the election to be counted if the voter is found entitled to vote. The bill does not affect the exception for a covered voter who was not sent a ballot in a timely manner and whose voted ballot arrives after the close of polls.</p>		
<a href="#">SB 513</a> - McPike (29) Data centers; center fixtures are taxed as part of the real property where they are located, etc.	1/12/2022 Senate: Referred to Committee on Finance and Appropriations	[1/21/2022]
<p>[Oppose] (22104161D) - See also HB 791 (McNamara).  <b>Summary:</b> Property tax; data centers. Provides that if data center fixtures are taxed as part of the real property where they are located, they shall be valued based on depreciated reproduction or replacement cost, rather than based on the amount of income they generate.</p>		
<a href="#">SB 532</a> - Stuart (28) Clean Energy and Community Flood Preparedness Act; repeals Act.	1/12/2022 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources	[1/21/2022]
<p>[Oppose] (22101996D) - Board has historically opposed.  <b>Summary:</b> Clean Energy and Community Flood Preparedness Act. Repeals the Clean Energy and Community Flood Preparedness Act and directs the Director of the Department of Environmental Quality to take all steps necessary to suspend the Commonwealth's participation in the Regional Greenhouse Gas Initiative market-based trading program.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p><b><a href="#">SB 537</a></b> - Marsden (37) Powers of local government; trees during development process; replacement and conservation.</p>	<p>1/12/2022 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources</p>	<p>[1/21/2022]</p>
<p>[Amend] (22102580D) - Amend to ensure existing Fairfax County authority is preserved. Support for increasing local tree authority is included in the County's Legislative Program.  <b>Summary:</b> Expands to all localities provisions that currently only allow certain localities to adopt an ordinance providing for the planting and replacement of trees during the development process. The bill adds more flexibility for implementation and management of tree canopy banks, tree canopy credits, and tree canopy requirements. The bill changes and updates standards, reference documents, and published reference texts. The bill expands options for localities to disburse funds to charitable organizations. The bill adds percentage specifications for ordinances related to cemeteries. The bill removes the prohibition of invalidating local ordinances adopted before July 1, 1990, the allowance of 10-year minimum requirements for pre-1990 ordinances, and the inability to invalidate an ordinance adopted pursuant to the section relating to the replacement of trees during development process in certain localities. The bill provides guidelines for the Stakeholder Advisory Group, established by the bill to provide recommendations on the provisions of the bill, and its meetings; exemptions from the Administrative Process Act, section-specific definitions for public comment; and the Virginia Freedom of Information Act. The main provisions of the bill have a delayed enactment date of January 1, 2023; the remaining provisions are effective in due course.</p>		
<p><b><a href="#">SB 541</a></b> - Peake (22) Gasoline and diesel fuel; lowers the rate of tax on July 1, 2022.</p>	<p>1/12/2022 Senate: Referred to Committee on Finance and Appropriations</p>	<p>[1/21/2022]</p>
<p>[Oppose] (22101054D)  <b>Summary:</b> Rate of tax on gasoline and diesel fuel. Lowers the rate of tax on gasoline and diesel fuel on July 1, 2022, from 26.2 cents per gallon to 21.2 cents per gallon on gasoline and from 27 cents per gallon to 20.2 cents per gallon on diesel fuel, the rates that were in effect before July 1, 2021. The bill provides that the rate of tax on gasoline and diesel fuel will return to 26.2 and 27 cents per gallon, respectively, on July 1, 2023, and will be indexed based on the change in the United States Average Consumer Price Index; thereafter, the rate will be indexed annually.</p>		
<p><b><a href="#">SB 543</a></b> - DeSteph (8) Criminal records; sealing of records.</p>	<p>1/12/2022 Senate: Referred to Committee on the Judiciary</p>	<p>[1/21/2022]</p>
<p>[Oppose] (22103152D) - Board has historically supported the concept of expungement for certain crimes, with sufficient state funding for implementation. See also HB 181 (Ransone).  <b>Summary:</b> Criminal records; sealing of records; repeal. Repeals provisions not yet effective allowing for the automatic and petition-based sealing of police and court records for certain convictions, deferred dispositions, and acquittals and for offenses that have been nolle prossed or otherwise dismissed.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p><b>SB 552</b> - Chase (11) Absentee voting; excuse required to vote absentee by mail; signature match.</p>	<p>1/12/2022 Senate: Referred to Committee on Privileges and Elections</p>	<p>[1/21/2022]</p>
<p>[Oppose] (22101614D)  <b>Summary:</b> Requires a registered voter to provide a reason for being absent or unable to vote at his polling place on election day in order to receive an absentee ballot to vote by mail. The bill requires a voter voting absentee by mail to open his ballot in the presence of a notary who must sign the ballot return envelope. The bill requires that the general registrar match the signature of the voter on an absentee return envelope to a signature that the general registrar has on file before processing the ballot. If the signature doesn't match, the absentee ballot is to be treated as a provisional vote subject to approval by the electoral board. The bill also repeals the permanent absentee voter list and limits the special annual application to those voters with an illness or disability.</p>		
<p><b>SB 602</b> - DeSteph (8) Short-term rental properties; definition; locality requirements and restrictions.</p>	<p>1/12/2022 Senate: Referred to Committee on Local Government</p>	<p>[1/21/2022]</p>
<p>[Oppose] (22102201D) - Board has historically opposed.  <b>Summary:</b> Prohibits, except as provided, localities from (i) requiring or allowing the approval of neighbors or the neighborhood for the operation of short-term rental properties; (ii) imposing requirements or restrictions that exceed those of regular properties, including special parking and occupancy restrictions; or (iii) restricting short-term rentals by geographic location within the locality by means other than the normal general land use and zoning authority. The bill expands the current definition of short-term rental to include any house provided for such purpose.</p>		
<p><b>SB 605</b> - Chase (11) Elections; conduct of election; election results; post-election forensic audits.</p>	<p>1/12/2022 Senate: Referred to Committee on Privileges and Elections</p>	<p>[1/21/2022]</p>
<p>[Oppose] (22104062D)  <b>Summary:</b> Provides for the conduct of a forensic audit of an election in a county or city upon the request of certain officials or upon the petition of a group of residents of the locality in question. The purpose of an audit is to determine the accuracy and legality of the election in question. The bill provides that an audit includes a review of all materials, equipment, and procedures used during any part of the election, including ballots, pollbooks, voting machines, and routers. The bill requires that the audit be open to the public and states that the auditing process may include participation by residents. The results of the audit are to be presented to a jury of local residents who have to power to declare the election valid or invalid. The bill also gives the State Inspector General the power and duty to conduct an audit of the 2020 general election and requires him to produce a report of his finding.</p>		

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<b>Bills</b>	<b>General Assembly Actions</b>	<b>Date of BOS Position</b>
<p><b><u>SJ 19</u></b> - Reeves (17) Constitutional amendment; real prop. tax exemption for certain spouses of members of armed forces.</p>	<p>1/11/2022 Senate: Referred to Committee on Privileges and Elections</p>	<p>[1/21/2022]</p>
<p>[Amend] (22101963D) - Amend to support as a state tax credit; Board has historically recommended amendment.  <b>Summary:</b> Constitutional amendment (first reference); real property tax; exemption for certain surviving spouses of members of the armed forces. Authorizes the General Assembly to exempt from tax the real property of a surviving spouse of a member of the armed forces who died in the line of duty while performing official military activities. The amendment provides that such exemption is only available when the death of such member of the armed forces did not result from criminal conduct. The current Constitution exempts the real property of a surviving spouse of a member of the armed forces who was killed in action, a disabled veteran, and the surviving spouse of a disabled veteran.</p>		

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# *Fairfax County Positions*

*(Support)*

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Bills	General Assembly Actions	Date of BOS Position
<p><a href="#">HB 15</a> - Ware (65) Elections administration; requests made pursuant to the FOIA, deferment of response.</p>	<p>12/20/2021 House: Referred to Committee on Privileges and Elections</p>	<p>[1/21/2022]</p>
<p>[Support] (22100306D) <b>Summary:</b> Elections administration; requests made pursuant to the Freedom of Information Act; deferment of response when request received during certain period of time. Allows local electoral boards and general registrars to defer providing a response to a request received under the Freedom of Information Act on or after the first day of in-person absentee voting for any election and before the tenth day following the local electoral board's certification of such election. The bill requires that notice of the deferment be provided to the requestor.</p>		
<p><a href="#">HB 68</a> - Anderson (83) Voter registration; presumption of domicile, members of a uniformed service and others.</p>	<p>1/4/2022 House: Referred to Committee on Privileges and Elections</p>	<p>[1/21/2022]</p>
<p>[Support] (22101715D) <b>Summary:</b> Voter registration; presumption of domicile; members of a uniformed service and others. Provides that a member of a uniformed service who is on active duty with permanent orders stationing him in the Commonwealth shall be presumed to have established domicile for purposes of satisfying the residency requirements for voter registration, if he has also established physical presence and a place of abode in the Commonwealth, unless he expressly states otherwise. The bill provides for the same presumption for his spouse and any dependent residing with him. The bill defines "uniformed service," the same way the term is defined in the Uniform Military and Overseas Voter Act, as the (i) active and reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States; (ii) Merchant Marine, commissioned corps of the Public Health Service, or commissioned corps of the National Oceanic and Atmospheric Administration of the United States; or (iii) Virginia National Guard.</p>		
<p><a href="#">HB 177</a> - Bloxom, Jr. (100) Absentee voting; removes witness requirement for absentee ballots.</p>	<p>1/10/2022 House: Referred to Committee on Privileges and Elections</p>	<p>[1/21/2022]</p>
<p>[Support] (22101654D) <b>Summary:</b> Elections; absentee voting; witness requirement; printed name and residence address. Removes the witness requirement for absentee ballots and replaces it with the requirement that the voter provide the last four number of his social security number and his date of birth.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<a href="#">HB 367</a> - Watts (39) Exhaust systems; excessive noise.	1/11/2022 House: Referred to Committee on Transportation	[1/21/2022]
<p>[Support with Amendment] (22103587D) - Support provisions prohibiting the sale and use of devices that create or amplify noise emitted by a vehicle louder than originally manufactured, and provisions related to vehicle safety inspections.</p> <p><b>Summary:</b> Prohibits any individual from operating a motor vehicle with a gross weight of 10,000 pounds or less with an exhaust system that emits noise equivalent to noise in excess of 85 decibels measured from a distance of 50 feet. 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. The bill also requires the Superintendent of State Police to promulgate regulations for the inspection of motor vehicles to ensure that no motor vehicle is equipped with a gutted muffler, muffler cutout, or straight exhaust or any mechanical or electronic device that creates or amplifies noise emitted by the motor vehicle that is louder than the noise emitted by such motor vehicle as originally manufactured.</p>		
<a href="#">HB 437</a> - Bulova (37) Localities; public meeting during state project planning phase.	1/11/2022 House: Referred to Committee on Counties, Cities and Towns	[1/21/2022]
<p>[Support] (22101502D)</p> <p><b>Summary:</b> Localities; public meeting; state project planning phase. Allows a locality the option to request a public meeting in the locality during the planning phase of a public facilities state project from the state agency or institution of higher education responsible for such project.</p>		
<a href="#">HB 441</a> - Sewell (51) Voting systems; reporting absentee results by precinct.	1/11/2022 House: Referred to Committee on Privileges and Elections	[1/21/2022]
<p>[Support] (22102652D) - See also SB 306 (Deeds).</p> <p><b>Summary:</b> Elections; voting systems; reporting absentee results by precinct. Includes in the definition of "voting system" on-demand ballot printing systems and ballot marking devices used to manufacture or mark ballots to be cast by voters on electronic voting and counting machines. The bill also requires general registrars to report to the Department of Election the number and results of absentee ballots cast by voters assigned to each precinct in the registrar's locality. The Department will establish standards for ascertaining and reporting such information.</p>		
<a href="#">HB 456</a> - Bennett-Parker (45) Virginia Passenger Rail Authority; membership.	1/11/2022 House: Referred to Committee on Transportation	[1/21/2022]

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Bills	General Assembly Actions	Date of BOS Position
<p>[Support] (22102832D)  <b>Summary:</b> Makes mandatory instead of discretionary the provisions that the members of the Virginia Passenger Rail Authority selected by the Governor to represent the Northern Virginia Transportation District and the Potomac-Rappahannock Transportation District be selected from lists recommended by the Northern Virginia Transportation Commission and the Potomac and Rappahannock Transportation Commission, respectively. The bill requires such lists to include at least six persons.</p>		
<p><a href="#">HB 1065</a> - Krizek (44)  Manufactured Home Lot Rental Act; notice of intent to sell.</p>	<p>1/12/2022 House: Referred to Committee on General Laws</p>	<p>[1/21/2022]</p>
<p>[Support] (22102276D) - Board has historically supported.  <b>Summary:</b> Requires the owner of a manufactured home park who offers or lists the park for sale to a third party to provide written notice of the prospective sale to the locality where the park is located. Under current law, such notice is only required to be sent to the Department of Housing and Community Development. The bill also provides that acceptance of an offer to purchase a manufactured home park is contingent upon the park owner sending written notice of the proposed sale, including certain information listed in the real estate purchase contract, to the locality where the park is located at least 90 days before the closing date. Under current law, such notice is required to be sent only to the Department of Housing and Community Development at least 60 days before the closing date. Additionally, these notices are to be provided to any tenant of the manufactured home park, in clear, understandable language and translated into the tenant's preferred language if the tenant is unable to speak or understand English adequately enough to understand the content of such notice.</p>		
<p><a href="#">SB 13</a> - Favola (31)  Energy performance-based contracts; roof replacement.</p>	<p>12/19/2021 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources  1/18/2022 Senate: Reported from Agriculture, Conservation and Natural Resources with substitute (12-Y 0-N 1-A)  1/18/2022 Senate: Re-referred to General Laws and Technology</p>	<p>[1/21/2022]</p>
<p>[Support] (22101604D)  <b>Summary:</b> Requires the acquisition of a roofing subcontractor through competitive negotiation if a contracting entity enters into an energy performance-based contract that involves roof replacement. Current law prohibits the inclusion of a roof replacement project as part of an energy performance-based contract.</p>		
<p><a href="#">SB 132</a> - Edwards (21)  Smoking; local regulation in outdoor parks, recreation facilities, and playgrounds.</p>	<p>1/7/2022 Senate: Referred to Committee on Local Government</p>	<p>[1/21/2022]</p>
<p>[Support with Amendment] (22102261D) - Amend to include Park Authority property. County supports local authority to ban smoking in parks.  <b>Summary:</b> Local regulation of smoking; outdoor parks, recreation facilities, and playgrounds. Allows localities to designate smoking areas within 100 feet of sports fields, recreation centers, and playgrounds in outdoor parks. The bill requires signs regarding designated smoking areas to be posted at the entrances to such parks.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<a href="#">SB 149</a> - Norment, Jr. (3) Juvenile law-enforcement records; inspection of records.	1/9/2022 Senate: Referred to Committee on the Judiciary 1/19/2022 Senate: Reported from Judiciary (15-Y 0-N)	[1/21/2022]
<p>[Support] (22103601D)  <b>Summary:</b> Juvenile law-enforcement records; inspection. Provides that a juvenile, the parent, guardian, or other custodian of the juvenile, and counsel for the juvenile may inspect a law-enforcement record concerning such juvenile if (i) no other law requires or allows withholding of the record; (ii) the parent, guardian, or other custodian requesting the record is not a suspect, offender, or person of interest in the record; and (iii) any identifying information of any other involved juveniles is redacted.</p>		
<a href="#">SB 165</a> - Peake (22) Jails, local; compensation for cost of incarceration.	1/10/2022 Senate: Referred to Committee on Rehabilitation and Social Services (SRSS) 1/21/2022 Senate: Reported from SRSS (15-Y 0-N) 1/21/2022 Senate: Re-referred to Finance and Appropriations	[1/21/2022]
<p>[Support] (22102223D) - Board has historically supported. Language in support of state funding for jail costs is included in the County's Legislative Program.  <b>Summary:</b> Compensation of local jails for cost of incarceration. Provides for local jails to be compensated for the actual cost of incarcerating convicted felons at the rate calculated in the Compensation Board's annual jail cost report. Current law provides for jails to be compensated for the cost of incarceration of convicted felons as provided for in the general appropriation act.</p>		
<a href="#">SB 273</a> - Ebbin (30) Absentee voting; verification by social security or driver's license number.	1/11/2022 Senate: Referred to Committee on Privileges and Elections	[1/21/2022]
<p>[Support] (22100443D)  <b>Summary:</b> Elections; absentee voting; verification by social security or driver's license number in lieu of witness signature. Makes optional the current absentee ballot witness signature requirement by giving the voter the option to provide either the last four digits of the voter's social security number or the voter's valid Virginia driver's license number in lieu of a witness signature.</p>		
<a href="#">SB 281</a> - Ebbin (30) Transit buses; exempts a manufacturer, etc., engaged in distribution from certain requirements.	1/11/2022 Senate: Referred to Committee on Transportation	[1/21/2022]
<p>[Support] (22100708D)  <b>Summary:</b> Transit buses. Exempts a manufacturer, factory branch, distributor, distributor branch, or factory or distributor representative engaged in the manufacture or distribution of transit buses from the requirements of obtaining a license from the Department of Motor Vehicles to engage in business. The bill also exempts transit buses from dealer's license plate and temporary license plate requirements.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<a href="#">SB 306</a> - Deeds (25) Voting systems; reporting absentee results by precinct.	1/11/2022 Senate: Referred to Committee on Privileges and Elections	[1/21/2022]
<p>[Support] (22103836D) - See also HB 441 (Sewell).  <b>Summary:</b> Elections; voting systems; reporting absentee results by precinct. Includes in the definition of "voting system" on-demand ballot printing systems and ballot marking devices used to manufacture or mark ballots to be cast by voters on electronic voting and counting machines. The bill also requires general registrars to report to the Department of Elections the number and results of absentee ballots cast by voters assigned to each precinct in the registrar's locality. The Department is directed by the bill to establish standards for ascertaining and reporting such information.</p>		
<a href="#">SB 339</a> - Barker (39) Washington Metropolitan Area Transit Authority; alternate directors.	1/11/2022 Senate: Referred to Committee on Local Government	[1/21/2022]
<p>[Support] (22101758D)  <b>Summary:</b> Repeals a provision of the 2018 mass transit funding legislation that requires the Commonwealth Transportation Board to withhold certain funding from the Washington Metropolitan Area Transit Authority if alternate directors of the Authority participate in or take action at a meeting at which the primary directors are present.</p>		
<a href="#">SB 456</a> - Locke (2) Practitioners, licensed; continuing education related to implicit bias and cultural competency.	1/11/2022 Senate: Referred to Committee on Education and Health	[1/21/2022]
<p>[Support] (22103132D)  <b>Summary:</b> Board of Medicine; implicit bias and cultural competency. Requires all practitioners licensed by the Board of Medicine to complete two hours of continuing education in each biennium on topics related to implicit bias and cultural competency.</p>		
<a href="#">SB 487</a> - McClellan (9) Firearm Violence Intervention and Prevention, Virginia Center; established.	1/11/2022 Senate: Referred to Committee on the Judiciary	[1/21/2022]
<p>[Support] (22103607D)  <b>Summary:</b> Virginia Center for Firearm Violence Intervention and Prevention; Virginia Firearm Violence Intervention and Prevention Fund; creation. Establishes the Virginia Center for Firearm Violence Intervention and Prevention (the Center) within the Department of Criminal Justice Services and transfers to the Center the administration of the existing Virginia Gun Violence Intervention and Prevention Fund.</p>		

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# *Fairfax County Positions*

*(Monitor)*

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Bills	General Assembly Actions	Date of BOS Position
<p><a href="#">HB 272</a> - Marshall, III (14) Local land use approvals; extension of approvals to address the COVID-19 pandemic.</p>	<p>1/11/2022 House: Referred to Committee on Counties, Cities and Towns</p>	<p>[1/21/2022]</p>
<p>[Monitor] (22104168D) - See also SB 501 (Lewis). <b>Summary:</b> Extends from July 1, 2022, to July 1, 2023, 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 COVID-19 housing crisis.</p>		
<p><a href="#">HB 450</a> - Bennett-Parker (45) Parking of vehicles; electric vehicle charging spots, civil penalties.</p>	<p>1/11/2022 House: Referred to Committee on Transportation 1/19/2022 House: Subcommittee recommends reporting with amendments (7-Y 0-N)</p>	<p>[1/21/2022]</p>
<p>[Monitor] (22102584D) <b>Summary:</b> Parking of vehicles; electric vehicle charging spots; civil penalties. Prohibits a person from parking a vehicle not capable of receiving an electric charge in a space reserved for charging electric vehicles. A violation is subject to a civil penalty of not less than \$100 nor more than \$250, and the vehicle may be towed or impounded.</p>		
<p><a href="#">HB 697</a> - Keam (35) Stormwater management service districts; rate of taxation.</p>	<p>1/11/2022 House: Referred to Committee on Counties, Cities and Towns</p>	<p>[1/21/2022]</p>
<p>[Monitor] (22102937D) <b>Summary:</b> Provides that if a locality located within a stormwater management service district requires, by ordinance, that certain property owners maintain private stormwater management facilities, the rate of tax imposed by such service district on such property owners shall be half of the amount imposed on property owners not required to maintain private stormwater management facilities.</p>		
<p><a href="#">HB 739</a> - Krizek (44) Shoreline improvements, existing; repair and maintenance.</p>	<p>1/11/2022 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources</p>	<p>[1/21/2022]</p>
<p>[Monitor] (22104128D) <b>Summary:</b> Repair and maintenance of existing shoreline improvements. Provides that no regulation shall require the replacement of an existing shoreline improvement with a living shoreline if the application is to restore or maintain the existing improvement and that no permitting decision shall require the replacement of an existing shoreline improvement if the living shoreline would substantially detract from established use and enjoyment of the property. The bill also provides that, for purposes of a wetlands permit, a project shall be deemed not suitable for a living shoreline if the proposed work is to maintain or repair an existing shoreline improvement.</p>		

Bills	General Assembly Actions	Date of BOS Position
<p><a href="#">SB 148</a> - Norment, Jr. (3) Public health emergencies; expands immunity for health care providers.</p>	<p>1/9/2022 Senate: Referred to Committee on the Judiciary</p>	<p>[1/21/2022]</p>
<p>[Monitor] (22102585D) <b>Summary:</b> Public health emergencies; immunity for health care providers. Expands immunity provided to health care providers responding to a disaster to include actions or omissions taken by the provider as directed by any order of public health in response to such disaster when a local emergency, state of emergency, or public health emergency has been declared.</p>		
<p><a href="#">SB 206</a> - Petersen (34) Historic preservation; filing of a historic designation application.</p>	<p>1/10/2022 Senate: Referred to Committee on Local Government</p>	<p>[1/21/2022]</p>
<p>[Monitor] (22100941D) <b>Summary:</b> Historic preservation. Provides that the filing of a historic designation application shall stay a locality from issuing any permit to raze or demolish a proposed historic landmark, building, or structure until 30 days after the rendering of the final decision of the governing body of the locality. The bill also specifies that the affected property owner, the applicant, or any resident of the locality who provided public input on the locality's historic district plan may appeal to the circuit court for review of any final decision of the governing body pursuant to such application.</p>		
<p><a href="#">SB 218</a> - McPike (29) Local condemnation authority; locality may acquire property interests outside its boundaries, etc.</p>	<p>1/10/2022 Senate: Referred to Committee on Local Government</p>	<p>[1/21/2022]</p>
<p>[Monitor] (22101030D) <b>Summary:</b> Local condemnation authority. Provides that any locality may acquire property interests outside its boundaries by exercise of eminent domain power in connection with a highway transportation project located partially within a neighboring locality when the governing body of the neighboring locality wherein such property interests are located approves such use of eminent domain.</p>		
<p><a href="#">SB 246</a> - Surovell (36) Law-enforcement officer; purpose of traffic stop.</p>	<p>1/11/2022 Senate: Referred to Committee on Transportation 1/20/2022 Senate: Reported from Transportation (8-Y 6-N 1-A)</p>	<p>[1/21/2022]</p>
<p>[Monitor] (22103627D) <b>Summary:</b> Provides that the operator of a motor vehicle, trailer, or semitrailer that has stopped on the signal of any law-enforcement officer shall exhibit his registration card, learner's permit, or temporary driver's permit for the purpose of establishing his identity upon being advised of the purpose of the stop within a reasonable time by the law-enforcement officer. Current law requires that such materials be exhibited upon the law-enforcement officer's request.</p>		

Bills	General Assembly Actions	Date of BOS Position
<p><a href="#">SB 278</a> - Ebbin (30) Parking of vehicles; electric vehicle charging spots, signage for tow-away zone, civil penalties.</p>	<p>1/11/2022 Senate: Referred to Committee on Transportation 1/13/2022 Senate: Reported from Transportation (12-Y 2-N) 1/19/2022 Senate: Read third time and passed Senate (28-Y 12-N)</p>	<p>[1/21/2022]</p>
<p>[Monitor] (22101360D) <b>Summary:</b> Parking of vehicles; electric vehicle charging spots; civil penalties. Prohibits a person from parking a vehicle not capable of receiving an electric charge in a space reserved for charging electric vehicles. A violation is subject to a civil penalty of not less than \$100 nor more than \$250, and the vehicle may be towed or impounded.</p>		
<p><a href="#">SB 282</a> - Ebbin (30) Public defender; supplementing compensation.</p>	<p>1/11/2022 Senate: Referred to Committee on the Judiciary</p>	<p>[1/21/2022]</p>
<p>[Monitor] (22103779D) - Support for adequate funding for Virginia's court system, a critical state responsibility, is included in the County's Legislative Program. <b>Summary:</b> Supplementing compensation of public defender. 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 his employees, above the salary of any such officer, deputy, or employee to supplement the compensation of the public defender, or any of his deputies or employees. The bill provides that such supplemental compensation is proportional if the public defender, his deputies, and his other employees are each paid in amounts commensurate to the closest equivalent position in the local Office of the Commonwealth's Attorney, as adjusted for seniority and experience level. The bill has a delayed effective date of July 1, 2024.</p>		
<p><a href="#">SB 417</a> - Stanley, Jr. (20) Virginia Code Commission; work group to review public notices required to be published.</p>	<p>1/11/2022 Senate: Referred to Committee on Rules</p>	<p>[1/21/2022]</p>
<p>[Monitor] (22102649D) <b>Summary:</b> Virginia Code Commission; work group to review public notices required to be published by localities. Directs the Virginia Code Commission to convene a work group to review requirements throughout the Code of Virginia for localities to provide public notice for intended actions and events, including (i) the varying frequency for publishing notices in newspapers and other print media, (ii) the number of days required to elapse between the publications of notices, and (iii) the amount of information required to be contained in each notice, and make recommendations for uniformity and efficiency. The bill requires the 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 1, 2022.</p>		

Bills	General Assembly Actions	Date of BOS Position
<p><b><a href="#">SB 450</a></b> - Boysko (33) Traffic incident management vehicles; certain vehicles exempt when en route to scene of an accident.</p>	<p>1/11/2022 Senate: Referred to Committee on Transportation</p>	<p>[1/21/2022]</p>
<p>[Monitor] (22100453D) - Board has historically monitored. <b>Summary:</b> Traffic incident management vehicles. Adds traffic incident management vehicles, defined in the bill, operated by persons who meet certain training requirements to a list of vehicles exempt from certain traffic regulations at or en route to the scene of a traffic accident or similar incident. The bill also allows such vehicles to be equipped with sirens and flashing red or red and white secondary warning lights.</p>		
<p><b><a href="#">SB 501</a></b> - Lewis, Jr. (6) Local land use approvals; extension of approvals to address the COVID-19 pandemic.</p>	<p>1/12/2022 Senate: Referred to Committee on Local Government</p>	<p>[1/21/2022]</p>
<p>[Monitor] (22103949D) - See also HB 272 (Marshall). <b>Summary:</b> Extends from July 1, 2022, to July 1, 2023, 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 COVID-19 housing crisis.</p>		

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## General

Source	Amendment	Fairfax County Impact
<b>Compensation</b>		
<i><b>Governor</b></i> Item 483 U.1	Provides funding to support a 5% across-the-board salary increase in FY 2023 for Constitutional officers, regional jail superintendents, finance directors, and their Compensation Board-funded employees effective July 1, 2022, as well as a 5% across-the-board increase for all state-supported employees effective July 1, 2023. The funding is contingent on the local governing body using the funding to support the provision of salary increases.	<b>Positive.</b> The County would receive approximately \$1.77 million in additional state funding in FY 2023 and \$1.86 million in additional state funding in FY 2024.
<i><b>Governor</b></i> Item 72.R	Provides \$15.6 million over the biennium in compression adjustments for sworn deputy sheriffs and regional jail officers of \$100 for each year of service (for incumbent personnel with three or more years continuous state service, up to 30 years of service).	<b>Positive.</b> The County would receive approximately \$540,000 in additional state funding in FY 2023 from the Compensation Board.
<i><b>Governor</b></i> Item 72.Q	Provides \$74 million over the biennium to increase entry-level salaries of sworn deputy sheriffs and regional jail officers to \$42,000 (including increases to the new minimum for positions currently budgeted below that level), effective July 1, 2022.	<b>Positive.</b> Sheriffs' compensation is based on the County's pay plan, with a minimum salary of \$53,190. This would result in additional state funding in FY 2023 from the Compensation Board.
<b>Judiciary/Public Safety</b>		
<i><b>Governor</b></i> Item 483	Provides funding to support a 5% across-the-board salary increase in FY 2023 for all state employees effective July 1, 2022, as well as a 5% across-the-board increase for all state employees effective July 1, 2023.	Included in this appropriation is funding for court personnel salary increases. Support for sufficient funding for salaries of court personnel, a state responsibility, is included in the County's legislative program. This proposal will have a local fiscal impact, as the County provides salary supplements for certain court personnel.
<i><b>Governor</b></i> Item 45	Provides an increase of \$7.8 million GF each year to support additional staffing in general district court clerks' offices.	<b>TBD.</b> The allocation of staff by the Supreme Court of Virginia to each court has not yet been determined – the last District Courts of Virginia Clerk Staffing Needs Report identified that 11 additional positions are needed in Fairfax County. If all 11 positions are received, the increased cost to the County would be approximately \$90,000 (which includes 15% salary supplements and computer equipment for the new positions). Support for adequate funding

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		for Virginia’s court system, a critical state responsibility, is included in the County’s legislative program.
<b>Governor</b> Item 48	Provides approximately \$3.9 million GF in FY 2023 and over \$4 million GF in FY 2024 to increase the base annual salary for current magistrates to \$54,000, and provide salary enhancements for length of service to address recruitment and retention challenges.	While the item does not provide direct additional revenue to the County, it adds additional state funding for magistrates. Support for adequate funding for Virginia’s court system, a critical state responsibility, is included in the County’s legislative program.
<b>Governor</b> Item 42	Provides \$1 million GF in FY 2023 and approximately \$980,000 GF in FY 2024 for the costs of visual and spoken language interpreters to ensure uniform statewide interpreter services throughout the court system.	<b>Positive.</b> Currently, the state does not fund all necessary interpreters, so the County uses a mix of local dollars and volunteers to provide interpreters for certain proceedings. Support for adequate funding for Virginia’s court system, a critical state responsibility, is included in the County’s legislative program
<b>Governor</b> Item 408	Provides \$1 million GF per year for pre-release and post-incarceration services.	<b>Positive.</b> It is unclear how this funding will be allocated.
<b>Governor</b> Item 410	Level-funds aid to localities with police departments (“HB 599”) in FY 2023 and FY 2024, rather than allowing funding to increase with the growth in the state General Fund. State funding levels have been frozen since FY 2020.	Based on growth in the state’s GF, the County should receive additional HB 599 funding. If state funding had consistently increased with state revenues, as is required, Fairfax County would have received approximately \$85.7 million in additional funding over the past twelve years.
<b>Governor</b> Item 412	Provides level funding of \$2.5 million GF each year for the Emergency Shelter Upgrade Assistance Fund, which aids local governments in proactively preparing for emergency sheltering situations.	<b>Positive.</b> The County plans to apply for a grant from this fund in FY 2022 to support electrical system upgrades at the Fairfax County Park Authority, Lee District Rec. Center in support of congregate sheltering needs (total funding is \$562,500, which includes a local cash match of \$122,500).
<b>Governor</b> Item 72.P	Provides \$18 million GF in FY 2023 and \$19.7 million GF in FY 2024 for new behavioral health case manager positions, and the state’s share of medical and treatment positions that are currently unfunded. These positions are intended to assist with compliance for new behavioral health care standards under consideration by the Board of Local and Regional Jails.	<b>Positive.</b> Would result in additional funding from the Compensation Board; however, the exact amount is not clear. The Sheriff’s Office currently has one Behavioral Health Manager position that is vacant (with a mid-range salary of approximately \$97,000).
<b>Governor</b> Item 44	Provides an increase of approximately \$979,000 GF per year for Circuit Court Clerks’ operating budgets.	<b>Positive.</b> Funding will ultimately go into the Circuit Court Clerk’s Technology Trust Fund, with no direct impact to the County’s General Fund budget. Support for adequate funding for Virginia’s court system, a critical state

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		responsibility, is included in the County’s legislative program.
<b>Governor</b> Multiple items under the Compensation Board	Provides approximately \$786,000 GF in FY 2023 and \$857,000 GF in FY 2024 to fund participation in career development programs for all qualified Constitutional officers and employees, as identified in the FY 2022 budget cycle.	<b>TBD.</b>
<b>Governor</b> Item 73	Reduces existing appropriation for per diem payments to local and regional jails due to revised local- and state-responsible inmate population forecast and anticipated expenditures – reduction of \$10.9 million in FY 2023 and \$10.5 million in FY 2024.	<b>No impact.</b> This budget item adjusts the state appropriation based on actual expenditures. Support for adequate compensation for localities at a level commensurate with the state’s responsibility for local jail operations is included in the County’s legislative program.
<b>Elections</b>		
<b>Governor</b> Item 89	Provides approximately \$1.3 million in each year of the biennium for election public education.	<b>TBD.</b> Support for increasing access to voting is included in the County’s legislative program. Similar funding was included in FY 2022, but the funding was not provided directly to localities. Decisions about the education campaign and how to allocate funding were made at the state level, and none of the FY 2022 funding was spent in Fairfax County.
<b>Economic Development/Workforce</b>		
<b>Governor</b> Item 115 Q.1	Provides \$5 million GF for the Community Development Financial Institutions Fund in FY 2023; this fund provides grants to community development financial institutions (CDFIs), community development enterprises (CDEs), or other similar entities whose primary purpose is to provide financing in the form of loans, grants or forgivable loans to small businesses or community revitalization real estate projects.	<b>Positive.</b> The Community Business Partnership in Fairfax County is a CDFI. Additional capital for CDFIs could potentially benefit small businesses in the County.
<b>Governor</b> Item 116	Provides \$3.7 million GF per year for the Enterprise Zone program.	<b>None.</b> The County is not included in the current Enterprise Zones. At this time, the program is not incorporating additional zones.
<b>Governor</b> Item 113	Provides nearly \$43 million GF each year as reserves for required payments from the Major Headquarters Workforce Grant Fund for the new Amazon headquarters.	Although there is no direct fiscal impact to the County, since the Major HQ Workforce Grant Fund was established specifically for incentives related to the HQ2 project located in Arlington County, there is significant potential for regional benefits. For example, County residents may benefit from access to new high-paying employment opportunities. Additionally, the

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		County may benefit from the multiplier effects of a major tech player locating in the region (this could include Amazon purchases of products, services, and technologies from local firms), as well as the potential attraction or retention of other tech firms that want to be close to Amazon. The funds are provided to Amazon for new full-time jobs created. The approved levels are \$22,000 per new full-time job created for the first 25,000 new jobs, then \$15,564 per new full-time job for the next 12,850 jobs, with a total cap of \$750 million total awarded. Amazon has 20 years to meet these goals (expires December 31, 2038).
<b>Governor</b> Item 121	Provides \$30 million GF in FY 2023 to fund the Low-to-Moderate Income Solar Loan and Rebate Pilot Program.	<b>Positive.</b> The program could help County residents, with household incomes at or below 80 percent of the state median income or regional median income (whichever is greater), to secure solar loans or rebates.
<b>Governor</b> Item 127	Provides an increase of \$3 million GF per year to capitalize the Regional Innovation Fund, which may be used to provide sustaining funding to promising entrepreneurial ecosystem projects identified by the GO Virginia Board.	<b>Positive.</b> Increased funding is beneficial to support entrepreneurial ecosystems, though requiring entities to receive GO Virginia funding first creates a challenge, as such funding is typically difficult to attain.
<b>Governor</b> Item 212 Y.1	Provides \$24 million GF in FY 2023 and \$14 million GF in FY 2024 for G3 Innovation Grants; the Virginia Community College System is directed to award grants to community colleges in order to increase their capacity to meet regional labor market needs, expand access to G3 programs, and pilot accelerated learning models.	<b>Positive.</b> Support for workforce development is included in the County’s legislative program.
<b>Governor</b> Item C-7; C-8; C-9	Provides the following FY 2022 capital budget investments for the Fairfax Campus of George Mason University (GMU): <ul style="list-style-type: none"> <li>• \$150 million GF for a new Science and Engineering Building.</li> <li>• \$30 million GF for a Student Innovation Factory Building.</li> <li>• Approximately \$14.3 million GF and approximately \$9.8 million NGF for telecom and network upgrades to improve virtual and online delivery.</li> </ul>	<b>Positive.</b> These items include significant capital construction projects at the Fairfax Campus of GMU to assist with implementation of their recently adopted Master Plan.

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<b>Housing and Community Development</b>		
<i><b>Governor</b></i> Item 114 E.1	Provides additional positions and funding for the Virginia Housing Trust Fund (VHTF) (\$70 million and 10 positions in FY 2023; \$120 million and 15 positions in FY 2024) to support creation or preservation of affordable housing units through construction financing and grants.	<b>Positive.</b> Affordable housing has been a top County priority for many years. This investment would bring the total funding level for the VHTF to \$125 million in FY 2023, and \$175 million in FY 2024.
<i><b>Governor</b></i> Item 114 I	Continues the Eviction Prevention and Diversion Pilot Program with \$3.3 million each year for competitive grants to support local or regional eviction programs, including a systems approach with linkages to local departments of social services and legal aid resources. Priority will be given to applications that provide a local match in an amount deemed appropriate by the Department of Housing and Community Development.	<b>Positive.</b> Support to expand resources available to ensure legal assistance and aid to tenants facing eviction is included in the County’s legislative program.
<i><b>Governor</b></i> Item 114	Includes \$190 million NGF over the biennium for the Housing Innovations in Energy Efficiency (HIEE) program.	<b>Positive.</b> Support for efforts to reduce greenhouse gas emissions and operational demands for energy through efficiency, conservation, renewable energy, education, and other measures is included in the County’s legislative program.
<b>Broadband</b>		
<i><b>Governor</b></i> Item 115 P.1	Creates a staff position responsible for collecting, maintaining, and reporting statewide broadband coverage data in compliance with recent legislation. Continues funding of \$424,000 each year to support the creation of a Statewide Broadband Map to show where there is service and the approximate maximum speeds of broadband in service areas.	<b>Positive.</b> This budget item has the potential to increase accessibility to more accurate data regarding broadband coverage and speeds across the Commonwealth. Support for targeted state investments in broadband infrastructure, an increasingly critical utility, to ensure access to reliable, affordable, high-speed service is included in the County’s legislative program.
<i><b>Governor</b></i> Item 486	Provides \$8 million in federal American Rescue Plan Act (ARPA)/ State and Local Fiscal Recovery Fund (SLFRF) funds in FY 2023 to continue the Line Extension Customer Assistance Program, which supports the extension of existing broadband networks to low-to-moderate income residents.	<b>Positive.</b> Support for targeted state investments in broadband infrastructure is included in the County’s legislative program.
<i><b>Governor</b></i> Item 115 L.1	Provides \$99.5 million over the biennium for the Virginia Telecommunication Initiative (VATI) to continue to expand broadband. This funding is in addition to	<b>Positive.</b> Support for targeted state investments in broadband infrastructure, an increasingly critical utility, to ensure access to reliable, affordable,

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	the \$700 million in federal ARPA funding already allocated for broadband infrastructure in FY 2022.	high-speed service is included in the County's legislative program.
<b>Natural and Historic Resources</b>		
<b>Governor</b> Item 99	Provides \$2.9 million over the biennium to support the Agriculture and Forestry Industries Development Fund (including a staff position as well as additional grant funding).	<b>Positive.</b> The funding was a recommendation of a work group created by the 2021 GA to improve tree preservation in urban areas, which the County supported.
<b>Governor</b> Item 100	Provides \$600,000 GF in FY 2023 and \$575,000 GF in FY 2024 to provide additional funding and seasonal staff to detect and prevent the spread of harmful invasive species.	<b>Positive.</b> The County supported legislation to study the issue of invasive plant species during the 2021 GA.
<b>Governor</b> Item 374	Appropriates \$313 million GF for the mandatory deposit to the Water Quality Improvement Fund (WQIF) in FY 2023.	<b>Positive.</b> Support for WQIF funding is included in the County's legislative program.
<b>Governor</b> Item 375	Provides \$10 million GF in FY 2023 to increase funding for the Virginia Land Conservation Fund.	<b>Positive.</b> Support for the conservation of open space is included in the County's legislative program.
<b>Governor</b> Item 374	Includes \$26.5 million GF in FY 2024 for the Virginia Natural Resources Commitment Fund to support matching grants for the implementation of agricultural best management practices.	<b>TBD.</b>
<b>Governor</b> Item 374	Deposits \$20 million GF in FY 2023 for the Dam Safety, Flood Prevention and Protection Assistance Fund.	<b>TBD.</b>
<b>Governor</b> Item C-80	Provides \$100 million GF for the Stormwater Local Assistance Fund (SLAF) in FY 2023.	<b>Positive.</b> Support for SLAF funding is included in the County's legislative program.
<b>Governor</b> Item 374	Includes \$170 million NGF over the biennium for the Community Flood Preparedness Fund.	<b>TBD.</b>
<b>Governor</b> Item 374	Maintains FY 2022 levels of support by providing approximately \$7.6 million each year of the biennium to Virginia Soil and Water Conservation Districts for administrative and operational support, and \$4.6 million each year to Virginia Soil and Water Conservation Districts for technical assistance.	<b>TBD.</b>
<b>Governor</b> Item 379	Provides \$11.2 million NGF over the biennium for the Department of Environmental Quality (DEQ) to	<b>Positive.</b> The County supported legislation that passed during the 2020 GA session regarding RGGI.

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	administer the Commonwealth's participation in the Regional Greenhouse Gas Initiative (RGGI), and for the agency's utilization of a portion of the proceeds in climate change planning and mitigation activities, as established in the Clean Energy and Community Flood Preparedness Act.	
<b>Other Items of Interest</b>		
<b>Governor</b> Item 470	Provides over \$450,000 in FY 2023 and over \$470,000 in FY 2024 to increase salaries for Department of Veterans Services employees in Northern Virginia.	<b>TBD.</b>
<b>Governor</b> Item 417	Provides \$225,000 GF in FY 2023 and \$275,000 GF in FY 2024 to support the expansion of Gunston Hall's Virginia History exhibits and development of curriculum and expansion of educational opportunities.	No fiscal impact to the County, but may benefit County residents.
<b>Governor</b> Item 136	Provides \$275,000 GF in FY 2023 and \$575,000 GF in FY 2024 in additional support for the Wolf Trap Foundation for the Performing Arts to administer STEM Arts and early literacy programs for preschool, kindergarten, and first grade students in currently served divisions (which includes FCPS, as well as most school divisions in Northern Virginia, and a number of others in the Commonwealth) and to establish new services in unserved divisions.	No fiscal impact to the County, but may benefit County residents.
<b>Governor</b> Item 275 D.1	Directs the Department of Taxation to study and develop a proposal to require that all individuals who conduct local property tax assessments receive state certification and ongoing recertification.	<b>TBD.</b> The County's Department of Tax Administration places a high value on state licensure and invests significantly in continuing education programs.
<b>Governor</b> Item 408	Provides approximately \$15 million GF in FY 2023 and approximately \$12.5 million GF in FY 2024 to fund and staff the Virginia Center for Firearm Violence Intervention and Prevention.	<b>Positive.</b> Support for community violence intervention programs is included in the County's legislative program.
<b>Governor</b> Item 397	Provides nearly \$12 million GF in FY 2023 and nearly \$22 million GF in FY 2024 to staff and operate the Virginia Cannabis Control Authority.	<b>TBD.</b>

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<b>Governor</b> Item 468	Provides \$10 million GF in FY 2023 to fund a State Military Community Infrastructure program that may be established by legislation in the 2022 GA. The program would provide state matching dollars for localities receiving federal grant funding – qualifying grants will be aimed at supporting local economies, funding infrastructure projects, and strengthening Virginia's military bases.	<b>TBD.</b>
<b>Governor</b> Item 267	Provides \$1.1 billion for the mandatory deposit to the Revenue Stabilization Fund in FY 2023.	No fiscal impact to the County.
<b>Governor</b> Item 269	Provides \$924 million GF in FY 2023 to make a deposit to the Virginia Retirement System to reduce unfunded liabilities, contingent on revenue estimates being met as assessed in July 2022.	Additional information is included in the Public Education section.
<b>Tax Changes and Refunds</b>		
<b>Governor</b> Item 137	Eliminates the state portion of the Sales Tax on groceries, effective January 1, 2023. Includes \$158 million GF over the biennium as a one-time payment to hold school divisions harmless for the portion of this funding that would be distributed based on school-age population. Does not impact the Local Option 1% Sales Tax on groceries.  Reduces GF revenues by \$106.2 million in FY 2023 and \$262.3 million in FY 2024.	Additional information is included in the Public Education section.
<b>Governor</b> Adjustments and Modifications to Tax Collections section	Eliminates the requirement for certain retailers to make an accelerated sales tax (AST) payment, effective June 30, 2022 (the AST was created after the 2008 recession and requires retailers to pre-pay sales taxes to the state on an accelerated schedule).	
<b>Governor</b> Additional Enactments section	Authorizes certain qualifying households to claim a refundable income tax credit up to 15% of the amount claimed under the federal Earned Income Tax Credit. Similar language is included in the caboose budget.	If all of the tax changes and refunds are enacted, this would represent a substantial reduction in state revenues at a time when the state continues to underfund vital core services, from K-12 to human services to public safety, among others.

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	Reduces GF revenues by \$159 million in FY 2023 and \$156 million in FY 2024.	
<b>Governor</b> Additional Enactments section	Includes provisions for full conformity with the Internal Revenue Code regarding the tax treatment of federal COVID-19 response initiatives such as Paycheck Protection Program Loans, Emergency EIDL Grants and Targeted EIDL Advances, Shuttered Venue Operator Grants, and Restaurant Revitalization Grants. Similar language is included in the caboose budget.  Reduces GF revenues by \$35.6 million in FY 2023 and \$0.6 million in FY 2024.	If all of the tax changes and refunds are enacted, this would represent a substantial reduction in state revenues at a time when the state continues to underfund vital core services, from K-12 to human services to public safety, among others.
<b>Governor</b> Item 3-5.22	Provides a one-time tax rebate of \$250 for individuals and \$500 for married couples.  Reduces GF revenues by \$1.05 billion in FY 2023.	If all of the tax changes and refunds are enacted, this would represent a substantial reduction in state revenues at a time when the state continues to underfund vital core services, from K-12 to human services to public safety, among others.

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## Public Education

Source	Amendment	Fairfax County Impact
<b>Recalculation of Local Composite Index for 2022-2024</b>		
<b>Governor</b> Item 137	The Local Composite Index (LCI) is calculated every two years for the state's biennium budget. Counties and cities with a lower LCI receive more state funding, while those with a higher LCI receive less funding.	FCPS' LCI decreased from 0.6541 to 0.6532 for the new biennium. The impact of the funding change associated with changes in the LCI for FCPS cannot be isolated at this time. However, total net impact has been included, primarily in SOQ accounts.
<b>Update Costs of the Standards of Quality (SOQ), Sales Tax and Basic Aid</b>		
<b>Governor</b> Item 137	<p>Provides approximately \$154.1 million GF in FY 2023 and approximately \$177.5 million GF in FY 2024 to fully fund the biennial rebenchmarking of K-12 SOQ costs. These increases do not reflect changes in policy but adjust the cost of continuing current programs with the required data revisions.</p> <p>The sales tax estimates are approximately \$178.5 million higher in FY 2023 and \$82.2 million higher in FY 2024 than the FY 2022 estimate. The amount of the Basic Aid offset depends on each division's LCI. The state's share of Basic Aid decreases approximately \$99.6 million in FY 2023 and \$45.8 million in FY 2024 due to the revised sales tax estimates. The net change in state funding to school divisions (due to both the estimated sales tax revenue increase and the Basic Aid offset) is an increase of \$78.9 million in FY 2023 and an increase of \$36.3 million in FY 2024.</p>	<p>The total impact of rebenchmarking cannot be isolated at this time. The funding is included across multiple line items in the overall SOQ accounts.</p> <p>Sales tax results in additional funding of \$23.6 million as compared to the FY 2023 fiscal forecast presented on November 23, 2021, and the FY 2022 Approved Budget.</p> <p><i>Note: A separate one-time grocery tax hold harmless was provided to school divisions and represents the projected net decrease in state payments to offset the impact of eliminating the 1.5% state grocery sales tax.</i></p>
<b>Sales Tax Hold Harmless</b>		
<b>Governor</b> Item 137	<p>Provides approximately \$45.5 million GF in FY 2023 and approximately \$112.5 million GF in FY 2024 to hold divisions harmless for the increase in Basic Aid local share from the elimination of the 1.5% state grocery tax effective January 1, 2023, 1% of which is dedicated to public education and flows through the Basic Aid formula. It is distributed as a separate line-item. Distributions are not subject to subsequent technical updates.</p> <p>School divisions may use these funds for any eligible cost within the SOQ.</p>	<p>In FY 2023, funding of \$9.6 million is included for a one-time grocery sales tax hold harmless provided to school divisions and represents the projected net decrease in state payments to offset the impact of eliminating the 1.5% state grocery sales tax.</p> <p>It is important to note that FCPS receives over \$20 million each year from the grocery sales tax. The Governor's proposed budget currently includes the one-time hold harmless funds through FY 2024, but there is no indication how or if the state will address the ongoing shortfall after FY 2024.</p>

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<b>Rebenchmarking Hold Harmless</b>		
<b>Governor</b> Item 137	Provides approximately \$177.1 million GF each year for hold harmless state funding. This action is necessary due to certain FY 2020 or FY 2021 data elements within special education, pupil transportation, and non-personal support costs that were affected by the pandemic and thus impacted the cost of the biennial rebenchmarking process.	This provision provides \$15.6 million to hold FCPS harmless for rebenchmarking. This funding is based on the state's share of SOQ Basic Aid and Special Education payments to school divisions in the 2022-2024 biennium in response to unanticipated reductions in the base year rebenchmarking data for special education, pupil transportation, and non-personal support costs. The projected data supporting this state payment shall remain constant for the 2022-2024 biennium, and no subsequent technical updates shall be made to the data during the biennium that affect the appropriated amounts.
<b>Update Lottery Proceeds</b>		
<b>Governor</b> Item 137	Provides updated estimates for lottery revenue over the biennium. Total lottery proceeds are projected to increase by approximately \$73.8 million for a total of \$764.7 million in FY 2023, and by approximately \$73.8 million for a total of \$764.7 million in FY 2024, compared to the FY 2022 lottery estimate. This revenue stream is being used to fund the state share of the cost of various programs, including Infrastructure & Operations Per Pupil Fund, Early Reading Intervention, K-3 Primary Class Size Reduction, Special Education Regional Tuition, and SOL Algebra Readiness.	This results in an increase of \$4.9 million for FCPS as compared to the FY 2023 budget forecast presented on November 23, 2021, and the FY 2022 Approved Budget.
<b>Update Employer Contribution Rates for Virginia Retirement System (VRS)</b>		
<b>Governor</b> Item 483	<p>Provides approximately \$924 million GF to reduce unfunded VRS liabilities. Included in that amount is an estimated \$545 million GF in FY 2023 that is specifically dedicated to the VRS Teacher Retirement Plan, which provides retirement benefits for K-12 employees.</p> <p>Most VRS fringe benefit rates proposed for 2022-2024 are unchanged from the FY 2022 rates. The introduced budget proposes the same employer contribution rates for instructional retirement benefits in 2022-2024 (16.62% for FY 2023 and 2024) as was funded for FY 2022.</p>	<p>The VRS actuarial rates for K-12 employees decreased significantly from the current level, but the Governor opted to maintain the higher rates to create liquidity for the state in case of a potential financial downturn in the future.</p> <p>In the FY 2023 budget forecast presented on November 23, 2021, FCPS already assumed the higher VRS rates proposed by the Governor. FCPS could have realized projected savings totaling \$32.5 million had the Governor used the lower actuarial VRS rates. However, maintaining the higher rate, combined with the additional Literary Fund payment to VRS, will improve the funded status of the Teacher Retirement Plan, which will provide long-term financial savings for the state and localities.</p>

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<b>Salary Increase in FY 2023 and FY 2024 (10.25% compounded increase over the biennium)</b>		
<b>Governor</b> 137	<p>Provides approximately \$248.9 million GF in FY 2023 for the state's share of a 5% salary increase for instructional and support positions, effective July 1, 2022. Provides approximately \$512.8 million GF for a second 5% salary increase in FY 2024, with an effective date of July 1, 2023.</p> <p>Divisions may receive a prorated payment if a minimum local increase of 2.5% is provided each year. To receive the FY 2024 funding, divisions must have provided the minimum 2.5% increase in both FY 2023 and FY 2024.</p>	<p>A required local match based on the division's LCI is required in FY 2023 and FY 2024.</p> <p>The proposal would provide state funding of approximately \$47 million over two years to provide a 5% salary increase each year, while requiring approximately \$209 million in local funding – more than seven cents on the real estate tax rate.</p> <p>For FY 2023 the cost to provide a 5% salary increase totals \$124.9 million. After accounting for state funding, the net cost to FCPS would be \$100.9 million. Based on the FY 2023 budget forecast presented on November 23, 2021, FCPS would be eligible for the full state funding.</p> <p>(FCPS must pay 100% of any salary increase for non-SOQ positions).</p>
<b>At-Risk Add-on</b>		
<b>Governor</b> 137	<p>Provides approximately \$194.2 million GF in FY 2023 and approximately \$74.2 million in FY 2024 for the At-Risk Add-on, to support the additional costs of educating at-risk students based on increasing the Basic Aid per pupil add-on maximum percentages from 26% in FY 2022 to 49.5% in FY 2023, and from 26% to 36% in FY 2024.</p>	<p>This results in an increase of \$7 million for FCPS as compared to the FY 2023 budget forecast presented on November 23, 2021, and the FY 2022 Approved Budget.</p> <p>This action requires an additional local share of \$13.3 million, generating a net cost of approximately \$6.3 million. The funds must be used on students who are educationally at risk.</p>
<b>Expand Early Reading Initiative to K-5</b>		
<b>Governor</b> 137	<p>Provides approximately an additional \$31.5 million GF each year to support additional instruction for students in fourth and fifth grades. The program currently only supports services for students in kindergarten through third grade.</p>	<p>This results in an increase of \$3.4 million for FCPS as compared to the FY 2023 budget forecast presented on November 23, 2021, and the FY 2022 Approved Budget.</p> <p>This action requires an additional local share of \$5.9 million, generating a net cost of approximately \$2.5 million.</p>
<b>Staffing Ratios for English as a Second Language (ESL) Program</b>		
<b>Governor</b> 137	<p>Increases the staffing ratio for the English as a Second Language (ESL) program in FY 2023 and FY 2024. This action increases the number of funded positions from 20 per 1,000 students in FY 2022 to 22 per 1,000 students in FY 2023 and FY 2024. This change increases state funding for the</p>	<p>This results in an increase of \$3 million as compared to the FY 2023 budget forecast presented on November 23, 2021, and the FY 2022 Approved Budget.</p>

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	ESL program by \$9.7 million in FY 2023 and by \$10.5 million in FY 2024.	FCPS’ staffing for ESL teachers in FY 2023 would meet the new staffing ratio requirement.
<b>School Division Construction Grants</b>		
<b>Governor</b> 137	<p>Includes \$500 million GF in FY 2023 only for school construction grants. All school divisions receive a base \$1 million allocation in the funding formula, with remaining funds distributed to school divisions on the basis of weighted Average Daily Membership (a combination of projected ADM and the LCI.</p> <p>Eligible expenditures under this program shall be nonrecurring in nature and may include school construction, additions, infrastructure, site acquisition, renovations, technology, and other expenditures related to modernizing classroom equipment, school safety equipment or school safety renovations, and debt service payments on school projects completed within the last ten years.</p> <p>There is no local match required and there is a carryover provision of unspent funds into FY 2024 and FY 2025.</p>	Results in FCPS receiving \$32.9 million in Construction Grants. This funding will not be in the Operating Fund but will likely be managed in the Construction Fund.
<b>Literary Funds for School Construction Loans</b>		
<b>Governor</b> 137	Allows the Board of Education to award up to \$200 million in each year of the biennium for school construction loans or subsidy grants, subject to available funds. Increases the maximum loan from \$7.5 million to \$25 million. It also requires loan interest rates to be benchmarked against market rates, but not to exceed 2% for school divisions with an LCI less than 0.3000. The current Literary Fund loan program bases the interest rate a school division is charged on their LCI, making it less attractive for school divisions with high LCIs.	The impact for FCPS cannot be delineated at this time, but as a higher LCI jurisdiction FCPS would likely not qualify for lower than market rates under this proposal.
<b>Communities in Schools</b>		
<b>Governor</b> 136	Provides \$760,000 GF each year to increase support for Communities in Schools, to allow for expansion of integrated student supports to at least 10 additional Title I schools, serving approximately 9,000 more students in Hampton Roads, Northern Virginia, the Richmond region, Petersburg, and Southwest Virginia.	FCPS does not currently receive any VDOE Community in Schools grants. As these are grant funds, there may be opportunities in the future to apply and receive funds.

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**Impact to the Fairfax County Public Schools' (FCPS) FY 2023 Operating Fund Budget:**

**Governor's Budget:**

Compared to FCPS' FY 2023 Budget Forecast, presented to the School Board and the Board of Supervisors on November 23, 2021, and the FY 2022 Approved Budget, the Governor's budget includes \$23.6 million more in sales tax and \$64.3 million more in state aid, which is contingent on providing an average salary increase of 5%. Without the compensation supplement, state aid would increase by approximately \$40.4 million.

It should be noted that several items would require additional expenditures for the local share, which were not assumed in FCPS' FY 2023 Budget Forecast.

FCPS' FY 2023 Proposed Budget was released on January 13, 2022, and reflects the revenue increases in sales tax and state aid identified above.

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## Health and Human Services

Source	Amendment	Fairfax County Impact
<b>Medicaid Waivers</b>		
<b>Governor</b> Item 304	Provides approximately \$13 million GF and approximately \$13 million NGF to support 100 Community Living (CL) and 500 Family and Individual Support (FIS) waiver slots in FY 2023. Also, provides approximately \$26 million GF and approximately \$26 million NGF to support an additional 100 CL and 500 FIS waiver slots in FY 2024. The total number of additional slots funded over the biennium is 1,200.	<b>TBD.</b> In FY 2023 the Fairfax-Falls Church Community Services Board (CSB) is already projected to receive 140 new slots. With the addition of the 600 slots projected statewide for FY 2023, the Fairfax-Falls Church CSB's allocation is projected to increase by 84 slots, for an overall total of 224 slots (typically this CSB receives 12-14% of total state allocation). The FY 2024 projections are consistent with FY 2023. The County supports increasing Medicaid Developmental Disability (DD) waiver slots to address the Priority One (P1) waiting list, which averages over 3,000 annually in Virginia (the current P1 waiting list in Fairfax County is 949). The slot increases afford greater capacity for much needed services; however, they also call for an increase in support coordinators (+24) and supervisors (+2), and given persistent workforce issues across the state, the CSB will likely be challenged to balance competing demands.
<b>Governor</b> Item 304	Provides over \$137 million GF and approximately \$141 million NGF in FY 2023, and approximately \$157 million GF and approximately \$162 million NGF in FY 2024, to increase Medicaid reimbursement rates for those developmental disability waiver services necessary to promote compliance with the US Department of Justice settlement agreement.	<b>TBD.</b> The targeted increases have the potential to enhance support coordination and service provider competitiveness to address hiring and retention issues. As the increase will not be on pace with the progressive shortfall in prior years, particularly for the Northern Virginia region, a shortfall will remain and will continue to compromise provider capacity to expand services to meet demands generated by the availability of more slots (providers of Day Support and Group Supported Employment waivers may raise concerns, as these services are excluded from the budget proposal and represent some of the more costly services).
<b>Children's Services Act (CSA)</b>		
<b>Governor</b> Item 284	Provides an additional \$50,000 GF each year for the annual CSA conference and additional online training services.	<b>Positive.</b> The annual conference and other trainings provide benefit to County systems and staff.
<b>Governor</b>	Removes requirement that local CSA programs use the Office of the Attorney General (OAG) to pursue claims against parents or legal guardians who do not pay	<b>Positive,</b> with no net fiscal impact. The stricken provision has never been used and there is no process currently in place to make a claim in this manner. The County has developed its own means for collections,

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	agreed-upon sums pursuant to agreements for services.	and it makes sense to remove a state requirement that is impractical.
<b>Governor</b> Item 285	Provides \$100,000 GF each year for the Office of Children's Services (OCS) to establish a contract to assist in implementing rate setting for private day special education rates. Directs OCS to implement statewide rates for private day special education services effective July 1, 2022.	<b>TBD.</b> This proposal requires careful monitoring and study because it may allow the state to limit its fiscal obligation to CSA services (currently the state and localities are required to appropriate sufficient funds to serve children mandated to receive services through CSA under a sum sufficiency requirement). Prior attempts at rate setting resulted in Fairfax County Public Schools (FCPS) having to bear additional costs for Virginia children placed in Maryland's Private Day programs where rate setting is established. The proposed methodology for rate setting has not been tested, making it difficult to assess the fiscal impact to the County without additional information and review.
<b>Early Childhood Services</b>		
<b>Governor</b> Item 129	Provides over \$1 million GF each year to fully implement the pre-kindergarten version of the Virginia Kindergarten Readiness Program (VKRP) for four-year-olds enrolled in publicly funded pre-kindergarten programs, and to pilot the use and development of VKRP for three-year-old children enrolled in publicly funded pre-kindergarten programs.	<b>TBD.</b> Further analysis is needed to determine full impacts to the County.
<b>Governor</b> Item 129	Provides approximately \$73.7 million NGF each year from the Child Care and Development Fund (CCDF) based on an increase in administrative costs, projected increases in subsidy program participation, and higher per-child costs.	<b>TBD.</b> The CCDF provides funding for the state child care subsidy program (families in Fairfax County receiving subsidies have an annual median income of nearly \$30,000, while the cost of full-time care for a preschooler at a child care center ranges from over \$15,000 to over \$21,000 per year). Although the impact of this funding is not clear at this time, it may support serving additional children in the state subsidy program, and if per child costs are increased, this would benefit child care programs throughout the County. There is no projected fiscal impact to the County, as the Virginia Department of Social Services makes direct payments to child care programs for state funded child care assistance.
<b>Governor</b> Item 136	Provides \$5 million GF each year for the Early Childhood Educator Incentive grant	<b>Positive.</b> This will benefit early childhood educators throughout the Commonwealth, and may help

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	program to increase the number of recipients and award amounts.	programs in the County address recruitment and retention issues.
<b>Governor</b> Item 136	Provides approximately \$2 million GF in FY 2023 and approximately \$4.7 million GF in FY 2024 to increase state support for the Virginia Early Childhood Foundation (VECF) Mixed Delivery pre-kindergarten program to serve additional at-risk three- and four-year-old children, and to establish a pilot for up to 200 infant and toddler slots each year.	<b>Positive.</b> Fairfax County is a past recipient of a VECF Mixed Delivery grant. This provides another potential grant opportunity for the County.
<b>Governor</b> Item 136	Provides approximately \$1 million GF each year to establish early childhood education grow-your-own licensed educator grant programs to create a pipeline of well-prepared early childhood educators in partnership with school divisions and institutions of higher education.	<b>Positive.</b> This provides another potential grant opportunity for the County.
<b>Governor</b> Item 137	Provides approximately \$13.7 million GF each year to rebenchmark the Virginia Preschool Initiative (VPI) per pupil amount.	<b>TBD.</b> Rebenchmarking of the VPI per pupil amount could result in per pupil funding that better reflects the cost of providing VPI services in the County. Further analysis is needed to determine full impacts to the County.
<b>Governor</b> Item 137	Provides approximately \$6 million GF in FY 2023 and approximately \$13.4 million GF in FY 2024 for additional support to localities to serve three-year-old children through VPI.	<b>Positive.</b> The County currently serves three-year-old children in the VPI program, and this would provide the opportunity to enroll additional children.
<b>Governor</b> Item 137	Authorizes expanded eligibility for VPI to include certain five-year-olds who did not have access to an adequate preschool experience, with final placement based on family and program leader input.	<b>Positive.</b> This provides additional flexibility for the County.
<b>Governor</b> Item 137	Authorizes expanded eligibility for VPI to include all children with disabilities or delays who are eligible for special education services.	<b>Positive.</b> This provides additional flexibility for the County.
<b>Governor</b> Item 137	Provides over \$3.4 million GF in FY 2024 in support of community add-on grants for children served in a community-based early childhood setting, and requires the Department of Education to make recommendations on mixed-delivery	<b>Positive.</b> The add-on grants augment the cost per child and promote the participation of community early childhood programs in VPI.

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	preschool community provider add-on grant amounts.	
<b>Child Welfare</b>		
<b>Governor</b> Item 343	Provides approximately \$19.7 million NGF in FY 2023 and approximately \$20 million NGF in FY 2024 to support the design, development, and implementation of a modernized child support technology system.	<b>None.</b>
<b>Governor</b> Item 345	Provides approximately \$18 million GF and approximately \$6.6 million NGF each year to cover the cost of providing foster care and adoption subsidy payments.	<b>Positive.</b> Foster care payments are a shared expense between the state (77%) and the County (23%) – the state pays a higher share of community-based services like foster care in order to incentivize their use to the extent possible. Adoption subsidies are either 100% state funded or funded through a combination of state and federal funds (Title IV-E).
<b>Governor</b> Item 345	Provides approximately \$3.5 million GF and approximately \$3.5 million NGF in FY 2023 and approximately \$7.1 million GF and approximately \$7.1 million NGF in FY 2024 to develop a comprehensive child welfare information system compliant with federal requirements.	<b>Positive.</b> Development of a new system is critical, as the current system used by the Virginia Department of Social Services (VDSS) for the past 23 years is inadequate, inefficient, and time consuming for both County and state staff.
<b>Health Departments</b>		
<b>Governor</b> Item 292	Provides \$500,000 GF in FY 2023 to establish a workgroup to study primary care workforce issues and potential solutions, including the feasibility of loan forgiveness programs.	<b>None.</b> No direct fiscal impact to the County, but could potentially assist with primary care workforce issues.
<b>Governor</b> Item 294	Provides approximately \$2.8 million GF in FY 2023 and approximately \$5.7 million GF in FY 2024 to complete the phase-in of local match rate changes created by the revisions to the JLARC rate formula for the Cooperative Health Budget.	<b>TBD.</b> Further analysis is needed to determine full impacts to the County.
<b>Governor</b> Item 294	Provides approximately \$878,000 GF and approximately \$650,000 NGF in FY 2023 and approximately \$893,000 GF and approximately \$662,000 NGF in FY 2024 to support local health districts that are expecting significant cost increases due to	Current state support for the Fairfax County Health Department does not cover the full cost of local facilities, but the limited size of this appropriation seems unlikely to adequately address this issue, if at all.

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	moving to new facilities or rent increases in existing facilities.	
<b>Department for Aging and Rehabilitative Services (DARS)</b>		
<b>Governor</b> Item 331	Provides approximately \$2.7 million GF in FY 2023 and approximately \$2.6 million in FY 2024 for 300 additional public guardianship slots and to cover the cost of rebasing slots to a statewide minimum. The funding also covers the cost of an additional DARS oversight position and a legislative study.	<b>None.</b>
<b>Governor</b>	Provides approximately \$600,000 GF each year for an additional adult protective services position in each of DARS' five regional offices. The positions are focused on improving oversight of adult protective services provided by local departments of social services.	No significant impact on the County.
<b>Governor</b> Item 331	Provides \$600,000 GF each year to contract with Area Agencies on Aging to support the Virginia Insurance Counseling and Assistance Program for counseling to Medicare beneficiaries about health insurance options and plans.	No significant impact on the County.
<b>Governor</b> Item 335	Provides \$100,000 GF each year to replace expired federal grant support for legal services provided through the Senior Legal Helpline, which services low-income seniors and offers basic legal advice and referrals to other legal aid programs.	No significant impact on the County, though County residents may benefit from these services.
<b>Behavioral Health</b>		
<b>Governor</b> Item 311	Provides approximately \$3 million GF in FY 2023 for a pilot project through the Virginia Health Care Foundation to remove barriers to the mental health workforce, including the payment of supervision costs for individuals seeking degrees in social work or counseling.	<b>TBD.</b> Further analysis is needed to determine full impacts to the County. There is currently a nationwide shortage in behavioral health workers, and while it is unlikely that this funding is sufficient to fully address that issue in Virginia, it is clear that it will not be able to address the current crisis as quickly as necessary.
<b>Governor</b> Item 311	Provides \$1 million GF in FY 2023 to conduct a comprehensive study of the state and local public behavioral healthcare	<b>TBD.</b> Further analysis is needed to determine full impacts to the County. These efforts may be duplicative of multiple efforts over the past decade that

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	system, as well as \$100 million GF in FY 2024 to implement the recommendations of the study.	have studied the state and local public behavioral health system. Although the state has made substantial investments in behavioral health in the past, they have not been large enough, the change has not been comprehensive enough, and the funding has not been sustained to ensure that the behavioral health care system is transformed.
<b>Governor</b> Item 311	Provides approximately \$1 million GF each year for regional dementia behavioral specialists to provide crisis and diversion services targeted to individuals with dementia who are at risk of institutionalization.	<b>Positive.</b> This provides a more appropriate level of care for individuals with dementia.
<b>Governor</b> Item 311	Appropriates approximately \$1.7 million NGF each year from the Crisis Call Center Fund (generated by a surcharge on wireless service enacted in 2021), for costs associated with the establishment and operation of the 988 Crisis Call Center.	<b>TBD.</b> Further analysis is needed to determine full impacts to the County. Given the operational needs of call centers statewide, it is likely that this change will not fully fund the ongoing needs for statewide call centers.
<b>Governor</b> Item 312	Provides approximately \$1.7 million GF in FY 2024 to continue a pilot program for individuals with dementia who may otherwise be admitted to a state facility. The program is funded through federal ARPA SLFRF dollars in FY 2023.	<b>TBD.</b> This potentially creates more capacity for those with serious illness in need of psychiatric hospitalization, and provides a more appropriate level of care for individuals with dementia. Further analysis is needed to determine full impacts to the County. Currently, there is very little public information available as to the effectiveness of the existing pilot program. Additionally, at this time the program has not been made available to individuals in the Northern Virginia region.
<b>Governor</b> Item 312	Provides approximately \$3.7 million GF in FY 2023 and approximately \$3.3 million GF in FY 2024 for discharge assistance planning. Included in this appropriation is funding for a contract to study and implement rates for services funded by Discharge Assistance Planning (DAP) funds. Additionally, it includes funding to cover costs of moving, tracking, and monitoring of DAP funds and Local Inpatient Purchase of Service (LIPOS) funds to an internet-based solution.	<b>TBD.</b> Further analysis is needed to determine full impacts to the County. The County is in the process of developing a cost tracking system, which may effectively duplicate state efforts.

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<b>Governor</b> Item 312	Provides \$1 million GF each year to expand a pilot program providing transportation for individuals returning from state behavioral health facilities to their homes.	<b>TBD.</b> Further analysis is needed to determine full impacts to the County. Currently, there is very little public information available as to the effectiveness of the existing pilot program and how DBHDS has deployed the existing funds to assist with discharge planning.
<b>Governor</b> Item 312	Provides approximately \$1.9 million GF each year to fund the remaining costs of implementing the existing contract for alternative transportation of individuals under a temporary detention order (TDO) to ensure 24/7 coverage on a statewide basis.	<b>TBD.</b> Further analysis is needed to determine full impacts to the County. Currently, law enforcement spends hundreds of hours transporting individuals under a TDO to an inpatient bed, affecting resources needed for other public safety duties. This alternative transportation initiative has been hampered by restrictive criteria for contractors to transport individuals experiencing acute crises, reducing the capacity for alternatives to transport by law enforcement.
<b>Governor</b> Item 312	Provides approximately \$2.9 million GF each year to support the Virginia Mental Health Access Program, which expands access to mental health services for children.	<b>TBD.</b> Further analysis is needed to determine full impacts to the County.
<b>Governor</b> Item 312	Provides approximately \$3.4 million GF in FY 2024 to expand alternative custody options for individuals under TDOs by requiring the Department of Behavioral Health and Developmental Services (DBHDS) to create and implement a plan (including any necessary legislation) to increase alternative custody options for individuals under a TDO awaiting transport to an inpatient bed.	<b>TBD.</b> Further analysis is needed to determine full impacts to the County. Currently, law enforcement spends hundreds of hours transporting individuals under a TDO to an inpatient bed, affecting resources needed for other public safety duties.
<b>Governor</b> Item 312	Provides an additional \$2.2 million GF each year for grants to members of the Virginia Association of Recovery Residences for recovery support services.	<b>TBD.</b> Further analysis is needed to determine full impacts to the County. Additional information and guidance is needed from DBHDS regarding which individuals qualify for recovery support services.
<b>Governor</b> Item 313	Provides \$3 million GF each year to fund the implementation of a local Marcus Alert System for an additional five localities. Combined with previous allocations, this adjustment means that each local or regional	<b>TBD.</b> Further analysis is needed to determine full impacts to the County. Fairfax County is included in the additional five localities covered by this item. When compared to Fairfax County’s anticipated initial cost of approximately \$6.3 million, it seems clear that Marcus Alert will be underfunded from its inception,

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	implementation area program will receive \$600,000 per year in state support.	as was STEP-VA (System Transformation, Excellence and Performance in Virginia). If that is the case, each year that funding gap will likely widen as the funding burden on localities grows.
<b>Governor</b> Item 313	Provides \$2 million GF in FY 2023 and \$22 million GF in FY 2024 for crisis services, including support for the expansion of Crisis Intervention Team Assessment Centers or Crisis Stabilization Units into 23-hour crisis receiving or observation centers. \$20 million in federal ARPA funds supports these efforts in FY 2023.	<b>TBD.</b> Further analysis is needed to determine full impacts to the County. The County requires additional funding to expand crisis stabilization beds to 16 additional 23-hour beds. This funding could potentially assist with that effort.
<b>Governor</b> Item 313	Provides approximately \$11.3 million GF in FY 2023 and approximately \$19 million GF in FY 2024 for permanent supportive housing for individuals with serious mental illness, which includes a \$2.5 million annual set aside for housing in the Northern Virginia region.	<b>Positive.</b> The need for permanent supportive housing for individuals with serious mental illness in the County is very high. It is important that this funding include wrap around case management for individuals, as housing alone will not be sufficient. Wrap-around case management services would help ensure that those individuals are successful in maintaining their housing.
<b>Governor</b> Item 313	Provides \$5 million GF in FY 2024 for substance use disorder-specific training of the intellectual disability and developmental disability provider workforce, the development and implementation of substance use disorder services specific to transition-age youth (up to age 25), and additional substance use disorder services related to the COVID-19 pandemic. Funding in the first year is provided through federal APRA dollars.	<b>TBD.</b> Further analysis is needed to determine full impacts to the County. This allocation appears to be targeted at satisfying an existing US Department of Justice requirement. The restrictions on the types of trainings included in the item may limit its benefit to the County.
<b>Governor</b> Item 313	Provides approximately \$1 million GF in FY 2023 and approximately \$2.7 million GF in FY 2024 for the state rental assistance program to provide rental subsidies for individuals with intellectual or developmental disabilities.	<b>Positive.</b> This funding is related to the State Rental Assistance Program (SRAP) that currently supports 120 tenant-based certificates (similar to housing choice vouchers) and approximately 10 project-based certificates that will be placed at two properties currently under development (Arrowbrook and The Arden) in Fairfax County. Additional funding will help with the development and preservation of affordable housing for this vulnerable population. Support for additional funding for affordable housing is included in the County’s legislative program.

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<b>Governor</b> Item 313	Provides \$650,000 GF each year for mental health dockets to expand and provide additional support to existing mental health dockets.	<b>TBD.</b> Further analysis is needed to determine full impacts to the County. Support for mental health dockets is included in the County’s legislative program.
<b>Governor</b> Item 313	Provides approximately \$1.8 million GF each year for additional permanent supportive housing for pregnant or parenting women with substance use disorders. This funds rental subsidies and support services for 75 additional pregnant or parenting women.	<b>TBD.</b> Additional permanent supportive housing is needed and critical for County residents. Further analysis is needed to determine full impacts to the County. Setting aside funding for specific populations may affect the impact of the funding to the County and its residents.
<b>Governor</b> Item 313	Provides DBHDS authority to promulgate emergency regulations related to the structure of the Individual and Family Supports Program (IFSP).	<b>TBD.</b> Further analysis is needed to determine full impacts to the County. Any emergency regulations promulgated by DBHDS should be done in partnership with the CSBs and community providers.
<b>Governor</b> Item 313	Provides approximately \$22.2 million GF and approximately \$4.7 million NGF in FY 2023 and approximately \$28.3 million GF and approximately \$7.5 million NGF in FY 2024 to continue the implementation of STEP-VA, the Commonwealth’s behavioral health transformation plan. The funding is partially targeted towards implementing the remaining three of nine services required by STEP-VA. Additionally, funds are provided for local infrastructure and regional management of STEP-VA services.	<b>TBD.</b> Further analysis is needed to determine full impacts to the County. At no point during the four years of STEP-VA implementation has the Commonwealth provided adequate funding to implement any of the newly mandated services.
<b>Governor</b> Item 318	Provides approximately \$1.8 million GF each year for additional security staff at Eastern State Hospital and Northern Virginia Mental Health Institute in order to improve patient and staff safety.	<b>TBD.</b> Further analysis is needed to determine full impacts to the County. Since these funds are targeted at state facilities, they may have minimal impact on the County.
<b>Governor</b> Item 486	Provides approximately \$3.3 million GF in FY 2023 for overtime costs at state behavioral health facilities. An additional approximately \$4.2 million GF was provided in FY 2022 in the Caboose Bill to cover overtime costs.	<b>TBD.</b> Further analysis is needed to determine full impacts to the County. Since these funds are targeted at state facilities, they may have minimal impact on the County.

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<b>Department of Social Services (DSS)</b>		
<b>Governor</b> Item 340	Provides \$4 million GF each year for a pilot program administered by the Office of New Americans to competitively award grants to immigrant-serving and refugee-serving organizations. The grants will provide intensive case management to limited English proficiency individuals to assist them with applying for critical public services. Grants will also be awarded to refugee resettlement agencies to ensure that immigrants and refugees receive equitable services by expanding the agencies' capacity to provide legal services, case management, and assistance finding health care, housing, education, and employment.	<b>Positive.</b> The three resettlement agencies serving Fairfax County have had to rapidly expand their capacity to serve an unprecedented number of newcomers from Afghanistan – due to the significant influx of Afghans resettling in Northern Virginia, the County has been contacted by individuals and families who are working with a local resettlement agency but still require help obtaining basic needs due to the resettlement agencies' capacity constraints. This additional funding will help address those unmet needs.
<b>Governor</b> Item 340	Directs DSS to establish a workgroup to study Temporary Assistance for Needy Families (TANF) block grant spending to recommend changes necessary to ensure annual structural balance in state TANF spending.	<b>None.</b> Likely no direct/immediate impact to the County. There has been a surplus in state block grant funding for the last several years.
<b>Governor</b> Item 344	Provides \$1.35 million GF each year for the Virginia Sexual and Domestic Violence Prevention Fund.	<b>Positive.</b> This fund would enable the County to apply for sexual and domestic violence prevention funding. Prevention programs can stop violence before it happens, and historically have been underfunded. Sexual and domestic violence prevention efforts include evidence-informed, public health strategies to prevent violence, which is needed to counteract the effects of the pandemic and undo family and community risk factors for violence.
<b>Governor</b> Item 345	Provides \$400,000 GF and approximately \$3.55 million NGF in FY 2023 and approximately \$831,000 GF and approximately \$4 million NGF in FY 2024 to fund implementation of the Family First Prevention Services Act, including fidelity monitoring and evaluation of evidence-based prevention services.	<b>TBD.</b>
<b>Governor</b> Item 346	Provides \$59.5 million NGF in FY 2023 and \$122 million NGF in FY 2024 to fund the Percentage of Income Payment Program,	<b>Positive.</b> Likely no direct fiscal impact, however overall, this is positive for the County and its residents.

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	which provides utility payments to eligible low-income households.	
<b>Governor</b> Item 350	Directs DSS to create a taskforce to ensure state level support for local criminal justice diversion initiatives. The taskforce is also directed to study effective types of diversion tools for use in local criminal justice diversion programs and explore potential federal funding that could be used for such initiatives.	<b>Positive.</b> The County has long supported criminal justice efforts, particularly through the County’s Diversion First program. The taskforce may identify potential federal funds that can support existing County efforts, as well as providing legislative authority that could enhance County programs and services.
<b>Governor</b> Item 350	Provides approximately \$2.6 million GF and approximately \$12.3 million NGF in FY 2023 and approximately \$8.5 million GF and approximately \$23.5 million NGF in FY 2024 to replace the Virginia Case Management System.	<b>TBD.</b> Improved technology for the case management system is potentially beneficial to the County; however, more information is needed to determine the potential impact on County staff workload and services to County residents.
<b>Governor</b> Item 350	Requires the Department of Medical Assistance Services (DMAS) to amend the Virginia Family Access to Medical Insurance Security (FAMIS) State Plan to allow for the payment of prenatal, labor and delivery, and postpartum care pursuant to provisions in the federal 2009 Children’s Health Insurance Program (CHIP) Reauthorization Act, which includes care of all children who will be US citizens, US nationals, or qualified aliens at birth.	<b>TBD.</b> County staff projects that the new language will extend FAMIS eligibility to all pregnant women (including undocumented), as their child, upon birth, will be a US citizen.  This has the potential to have a significant positive impact to County residents. More information is needed to determine any potential workload increases for County staff.
<b>Governor</b> Item 352	Provides \$215,000 GF and \$215,000 NGF each year to fund a multi-lingual outreach campaign in order to reach more vulnerable households.	<b>Positive.</b> Likely no direct fiscal impact to the County; however, the County continues to provide multi-lingual outreach to County residents and additional resources could be beneficial.
<b>Substance Use</b>		
<b>Governor</b> Item 311	Provides approximately \$102,000 GF each year to increase retail tobacco outlet compliance checks to prevent underage tobacco sales.	<b>Positive.</b> Support for efforts to curb underage tobacco use is included in the County’s legislative program.
<b>Governor</b> Item 311	Provides approximately \$1 million GF each year to support state oversight and coordination for an evidence-based prevention and youth media campaign and educational efforts related to marijuana legalization.	<b>None.</b>

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## Transportation

Source	Amendment	Fairfax County Impact
<b>REGIONAL ITEMS</b>		
<b>Northern Virginia Transportation Authority (NVTA) Funding</b>		
<p><i>Governor</i> Items 451 (2020-22); 460 (2022-24)</p>	<p>The Governor’s proposed 2020-2022 Caboose budget includes the regional funds provided for in HB 2313 (2013), including approximately \$693.8 million for distribution of NVTA Fund revenues over the 2020-2022 biennium (approximately \$58.5 million above what was previously projected for the biennium).</p> <p>The Governor's proposed 2022-2024 biennium budget includes approximately \$822.1 million for distribution of NVTA Fund revenues over the biennium, approximately \$128.3 million above the revised projection included in the proposed Caboose budget.</p>	<p>The amount received by the County is dependent on actual collections from the revenue sources. Through its Six Year Program, NVTA allocates 70 percent (approximately \$575.5 million in 2022-2024) to regional projects, and that funding has already been approved for projects through adoption of NVTA's 2018-2023 Six Year Program.</p> <p>Fairfax County should receive approximately \$111 million over the biennium to allocate for local projects approved by the Board of Supervisors (30% funding returned to localities), minus the respective shares provided to the Towns of Vienna and Herndon. Approximately \$14 million annually of this "30% funding" will likely be transferred to the Commonwealth's WMATA Capital Fund for the County's share of local funding for State of Good Repair, as required by HB 1539/SB 856 (2018).</p>
<b>Regional Gas Tax</b>		
<p><i>Governor</i> Item 444 (2022-2024)</p>	<p>Provides approximately \$207.4 million over the 2020-2022 biennium for regional gas taxes (for NVTC, PRTC). Estimates approximately \$110.5 million for NVTC over the 2022-2024 biennium, of which approximately \$22.2 million is transferred to the WMATA Capital Fund per HB 1539/SB 856 (2018).</p>	<p>The amount received by NVTC and the County is dependent on actual collections from the revenue sources.</p>
<b>STATEWIDE PROGRAMS</b>		
<b>Department of Rail and Public Transportation (DRPT)</b>		
<p><i>Governor</i> Item 447 (2022-2024)</p>	<p>Provides approximately \$1.16 billion for Public Transportation Programs (approximately \$105.9 million increase), including:</p> <ul style="list-style-type: none"> <li>• Approximately \$213 million for Operating Assistance (approximately \$9 million decrease);</li> </ul>	<p>The statewide Operating and Capital funding is subject to the transit prioritization process required by legislation passed in the 2018 GA, entitled MERIT, as well as the new programs created in HB 1414/SB 890 (2020), so the impact to Fairfax</p>

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	<ul style="list-style-type: none"> <li>• Approximately \$120 million for Capital Assistance (approximately \$2.5 million decrease);</li> <li>• Approximately \$357.7 million for WMATA operating and capital costs (state share of WMATA assistance) (approximately \$15.7 million increase);</li> <li>• \$4 million for federally mandated state safety oversight of fixed rail guideway transit agencies, i.e. the Metrorail Safety Commission (MSC); and,</li> <li>• \$50 million in each year as the state match for the federal Passenger Rail Investment and Improvement Act (PRIIA).</li> </ul> <p>Includes approximately \$318.8 million for the WMATA Capital Fund, which includes the local and regional funding redirected as part of HB 1539/SB 856 (2018) (\$1.8 million decrease).</p>	Connector and VRE is currently unclear.
<b>Virginia Passenger Rail Authority/Rail Programs</b>		
<p><b>Governor</b> Items 445/448 (2022-2024)</p>	<p>Moves a significant amount of funding from DRPT Rail Programs to the new Rail Authority created in 2020 as part of HB 1414/SB 890 to promote, sustain, and expand passenger and commuter rail service. The new Authority will receive approximately \$621.8 million for passenger rail development and operation programs. The 2022-2024 budget does continue to include some funding for rail programs at DRPT, including approximately \$176.2 million for Financial Assistance for Rail Programs, including: \$6 million for Rail Industrial Access; approximately \$29 million for Rail Preservation Programs; and, approximately \$141.2 million for Passenger and Freight Rail Financial Assistance Programs.</p>	TBD.
<b>Virginia Department of Transportation (VDOT)</b>		
<b><u>Environmental Monitoring and Evaluation</u></b>		
<p><b>Governor</b> Items 445 (2020-2022); 450 (2022- 2024)</p>	<p>The Governor's proposed 2020-2022 Caboose budget provides approximately \$84.9 million for Environmental Monitoring and Evaluation (approximately \$2.9 million above what was previously projected for the biennium). The Governor's proposed 2022-2024 budget includes approximately \$30 million over the biennium, approximately \$30 million below the revised projection for the 2020-2022 biennium budget. The</p>	The funding change is minimal.

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	<p>2022-2024 budget includes approximately \$19.9 million for Environmental Monitoring and Compliance for Highway Projects (minimal change from the proposed Caboose budget) and approximately \$27.4 million for Municipal Separate Storm Sewer System (MS4) Compliance Activities (approximately \$30.6 million decrease from the proposed Caboose budget).</p>	
<p><b><i>Highway Construction</i></b></p>		
<p><b><i>Governor</i></b> Item 447 (2020-2022)</p>	<p>The Governor’s proposed 2020-2022 Caboose budget provides approximately \$8.05 billion for Highway Construction Programs, an approximate \$619.7 million increase from last year's budget. This includes: approximately \$697.4 million for State of Good Repair (approximately \$112 million increase); approximately \$656.7 million for the High Priority Projects Program (approximately \$138.1 million increase); approximately \$847.3 million for the Construction District Grant Program (approximately \$84.7 million increase); approximately \$5.07 billion for Specialized State and Federal Programs (approximately \$495.5 million increase); and, approximately \$689.7 million for Legacy Construction Formula Programs (approximately \$212.3 million decrease). Of the Specialized State and Federal Programs:</p> <ul style="list-style-type: none"> <li>• Approximately \$233.4 million in federal Regional Surface Transportation Program (RSTP) funds;</li> <li>• Approximately \$43.5 million in federal and state matching funds for a new federal resiliency program;</li> <li>• Approximately \$166.2 million in federal Congestion Mitigation and Air Quality (CMAQ) funds;</li> <li>• Approximately \$239.7 million for Revenue Sharing (approximately \$30 million increase);</li> <li>• Approximately \$40.4 million for the Surface Transportation Block Grant Program Set-Aside;</li> <li>• Approximately \$30.7 million for the Virginia Transportation Infrastructure Bank (VTIB);</li> <li>• Approximately \$20.1 million for the Transportation Partnership Opportunity Fund (TPOF); and,</li> </ul>	<p>Many of these funds are subject to the Smart Scale or other prioritization processes, so the impact to Fairfax County is unclear.</p> <p>The \$30 million increase in Revenue Sharing will help bring the program closer to its original schedule, which the County supports in the legislative program.</p> <p>RSTP, CMAQ, HSIP, and Transportation Alternative funds are similar to what was allocated in previous years.</p>

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	<ul style="list-style-type: none"> <li>• Approximately \$34.1 million in federal and state matching funds for a new federal Carbon Reduction Program.</li> </ul> <p>Additionally,</p> <ul style="list-style-type: none"> <li>• Approximately \$2.32 billion represents estimated project participation costs from localities and regional entities;</li> <li>• \$218.4 million in the second year represents bond proceeds to be used for the Route 58 Corridor Development Program. Item 452 also provides \$120 million from the Transportation Trust Fund (TTF); and,</li> <li>• Included in the amounts for specialized state and federal programs is the reappropriation of approximately \$1.06 billion in bond proceeds from various bond programs.</li> </ul>	
<p><b>Governor</b> Item 452 (2022-2024)</p>	<p>For the 2022-2024 biennium, provides approximately \$9.17 billion for Highway Construction Programs, a \$1.1 billion increase over the proposed 2020-2022 Caboose budget. This includes:</p> <ul style="list-style-type: none"> <li>• Approximately \$152.4 million for the Virginia Highway Safety Improvement Program (\$46.1 million increase over the former federal Highway Safety Improvement Program funding);</li> <li>• Approximately \$438.1 million for the new Interstate Operations and Enhancement Program;</li> <li>• Approximately \$832.1 million for State of Good Repair (approximately \$134.7 million increase);</li> <li>• Approximately \$863.9 million for the High Priority Projects Program (approximately \$207.3 million increase);</li> <li>• Approximately \$1.02 billion for the Construction District Grant Program (approximately \$176.1 million increase), which includes \$209.7 million from the regional fuel tax collected in transportation districts that do not have a regional authority;</li> <li>• Approximately \$5.25 billion for Specialized State and Federal Programs (approximately \$187 million increase); and,</li> </ul>	<p>Many of these funds are subject to the Smart Scale or other prioritization processes, so the impact to Fairfax County is unclear.</p> <p>The \$165 million increase in Revenue Sharing will help bring the program closer to its original schedule, which the County supports in the legislative program.</p> <p>The \$125 million increase in CMAQ should benefit the County and Northern Virginia.</p> <p>RSTP and Transportation Alternative funds are similar to what was allocated in previous years.</p> <p>The new trail program could provide funding for projects in the County, but none of the projects specifically included in the budget language are located in Northern Virginia.</p>

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	<ul style="list-style-type: none"> <li>• Approximately \$510.2 million for Legacy Construction Formula Programs (approximately \$179.5 million decrease).</li> </ul> <p>Of the Specialized State and Federal Programs:</p> <ul style="list-style-type: none"> <li>• Approximately \$233.4 million for RSTP;</li> <li>• Approximately \$89.6 million in federal and state matching funds for a new federal resiliency program (approximately \$46 million increase);</li> <li>• Approximately \$291.9 million for CMAQ (approximately \$125 million increase);</li> <li>• Approximately \$405.4 million for Revenue Sharing (approximately \$165.7 million increase);</li> <li>• Approximately \$40.4 million for the Surface Transportation Block Grant Program Set-Aside;</li> <li>• Approximately \$30.7 million for the Virginia Transportation Infrastructure Bank (VTIB);</li> <li>• Approximately \$20.1 million for the Transportation Partnership Opportunity Fund (TPOF); and,</li> <li>• Approximately \$70.2 million federal and state matching funds for the new federal Carbon Reduction Program (approximately \$26.1 million increase).</li> </ul> <p>Additionally,</p> <ul style="list-style-type: none"> <li>• Approximately \$2.32 billion represents estimated project participation costs from localities and regional entities;</li> <li>• \$152.2 million in the second year represents bond proceeds to be used for the Route 58 Corridor Development Program (\$66 million decrease). Item 452 also provides \$120 million from the Transportation Trust Fund (TTF) to the U.S. Route 58 Corridor Development Fund; and,</li> <li>• Included in the amounts for specialized state and federal programs is the reappropriation of approximately \$1.06 billion from bond proceeds from various bond programs.</li> </ul>	
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	<p>The budget also provides \$207.2 million from the General Fund to support the planning, development, and construction of multi-use trails in the Commonwealth, including the Fall Line Trail in central Virginia, the Shenandoah Valley Rail Trail, and the Eastern Shore Rail Trail.</p>	
<p><b>Governor</b>  Item 447.1  (2020-2022)</p>	<p>The Governor’s proposed 2020-2022 Caboose budget includes \$404.2 million from the following sources to create the 2021 Transportation Funding Initiative (\$115.8 million): \$233.4 million provided by the federal Coronavirus Response and Relief Supplemental Appropriations (CARES) Act; \$20 million in uncommitted balances in the Virginia Transportation Partnership Opportunity Fund; \$15 million in uncommitted balances previously allocated for Financial Assistance for Planning, Access Road, and Special Projects, and \$170.8 million from the GF, including the FY 2021 GF surplus directed to the Commonwealth Transportation Fund.</p> <p>The funding will be utilized for a variety of projects and programs including:</p> <ul style="list-style-type: none"> <li>• Up to \$30 million for the Mid-Atlantic Regional Spaceport, to enhance capabilities and provide access to space for new customers and programs (new in the Caboose budget);</li> <li>• Up to \$25.8 million for regional trails, including for several specified trails, none of which are in Northern Virginia (new in the Caboose budget);</li> <li>• Up to \$20 million for the Air Terminal Interchange at-grade intersection project on I-564 in Hampton Roads (new in the Caboose budget);</li> <li>• Up to \$20 million to improve I-64 between Richmond and Williamsburg (new in the Caboose budget);</li> <li>• Up to \$10 million for TPOF to return funding previously provided for the Initiative (new in the Caboose budget);</li> <li>• Up to \$10 million to support efforts to address the loss of wildlife habitat impacted by transportation projects in Hampton Roads (new in the Caboose budget);</li> </ul>	<p>None of the new projects listed are in Northern Virginia. However, several projects/programs in the original Funding Initiative benefited the County and/or region.</p>

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	<ul style="list-style-type: none"> <li>• Up to \$83.5 million to improve commuter rail service on the VRE Manassas Line;</li> <li>• Up to \$32.4 million for the Commonwealth's share of funding to the WMATA Capital Fund, as well as assistance for member jurisdictions to reduce their FY 2022 operational obligations;</li> <li>• Up to \$10 million for regional trails;</li> <li>• Up to \$10.9 million to establish pilot programs for fare-free transit;</li> <li>• Up to \$93.1 million for improvements to the Interstate 64 Corridor in the Hampton Roads and Richmond regions;</li> <li>• Up to \$10 million for a connected infrastructure redevelopment demonstration program within and adjacent to the Virginia Tech campus in the City of Falls Church; and,</li> <li>• A requirement for the Commonwealth Transportation Board (CTB) to provide an interim report on the use of these funds by November 1, 2021, and a final report by June 30, 2022.</li> </ul> <p>The budget also includes language restoring GFs allocated to this item if additional one-time, supplemental federal funds over \$55 million with similar eligibility requirements are made available prior to June 30, 2021.</p> <p>Similar language is not included in the 2022-2024 biennium budget.</p>	
<b><i>Highway Maintenance</i></b>		
<b><i>Governor</i></b> Item 448 (2020-2022)	<p>The Governor's proposed 2020-2022 Caboose budget provides approximately \$4.07 billion for Highway System Maintenance and Operations, a \$19.6 million decrease. This includes:</p> <ul style="list-style-type: none"> <li>• Approximately \$961.7 million for interstates (approximately \$9.3 million decrease);</li> <li>• Approximately \$1.27 billion for primaries (approximately \$1.4 million decrease);</li> <li>• Approximately \$1.22 billion for secondaries (approximately \$16.8 million decrease); and,</li> <li>• Approximately \$435.8 million for Transportation Operations Services (approximately \$5.2 million increase).</li> </ul>	Using historical estimates, approximately \$2.3 million less may be available for maintenance and operations within Northern Virginia.

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<p><b>Governor</b> Item 453 (2022-2024)</p>	<p>The proposed 2022-2024 budget provides \$4.28 billion for Highway System Maintenance and Operations, a \$206.6 million increase from the proposed Caboose budget. This includes:</p> <ul style="list-style-type: none"> <li>• Approximately \$987.5 million for interstates (approximately \$25.7 million increase);</li> <li>• Approximately \$1.54 billion for primaries (approximately \$270.8 million increase);</li> <li>• Approximately \$1.20 billion for secondaries (approximately \$16.7 million decrease); and,</li> <li>• Approximately \$400.4 million for Transportation Operations Services (approximately \$35.5 million decrease).</li> </ul>	<p>Using historical estimates, approximately \$31 million more may be available for maintenance and operations within Northern Virginia.</p>
<p><b><u>Special Structures</u></b></p>		
<p><b>Governor</b> Items 449 (2020-2022); 454 (2022- 2024)</p>	<p>The Governor’s proposed 2020-2022 Caboose budget provides \$30 million for this program, a \$25 million increase. The proposed 2022-2024 budget provides approximately \$161.3 million for this program, an additional increase of approximately \$131.3 million from the proposed Caboose budget.</p>	<p>The Commonwealth’s report on the overall condition of special structures identified only one such structure in Northern Virginia, so this should have little impact on the region.</p>
<p><b><u>Toll Facilities</u></b></p>		
<p><b>Governor</b> Items 450 (2020-2022); 455 (2022- 2024)</p>	<p>The Governor’s proposed 2020-2022 Caboose budget includes approximately \$154.8 million for toll facilities (approximately \$22.5 million decrease), approximately \$3 million for Debt Service (no change); approximately \$78.3 million for Maintenance and Operations (approximately \$22.5 million decrease); and, approximately \$73.5 million for the Revolving Fund (no change).</p> <p>The proposed 2022-2024 budget provides approximately \$196.9 million for toll facilities (approximately \$42.1 million decrease from the proposed Caboose budget, with no funding specified for Debt Service); approximately \$123.4 million for Maintenance and Operations (approximately \$45.1 million increase); and, approximately \$73.5 million for the Revolving Fund (no change).</p>	<p><b>TBD.</b></p>