



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** January 23, 2023

**TO:** Board of Supervisors

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

**SUBJECT:** 2023 Legislative Report No. 1 – Board Legislative Committee Meeting of January 20, 2023

The regular 2023 Session of the Virginia General Assembly convened on January 11, 2023, and is scheduled to adjourn on February 25, 2023. This is a “short” session of 46 days.

The 2023 General Assembly has been very active and the volume of legislation is comparable to years past. As of January 23, 2,118 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 20 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 20, 2023:**

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

## **Specific Issues**

Update on State Budget: The Committee received a summary of budget items submitted by Governor Youngkin 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 29-57.

Mass Transit Fund (HB 1496/SB 1079): The Committee received an overview of the Mass Transit Fund formula proposed in HB 1496/SB 1079 (see "Supplementary Documents," pages 58).

## **Priority Principles for Reviewing Legislation**

1. **Adequately fund K-12 education.**
2. **Fully restore the \$102 million of funding to the Northern Virginia Transportation Authority (NVTA) that was diverted to the Washington Metropolitan Area Transit Authority (WMATA) in 2018, 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. **Preserve and expand local government authority, particularly in such key areas as taxation, land use, and the protection of public health, safety, and welfare; allow greater flexibility in the administration of government.**
5. **Restore the funding partnership between the state and localities through adequate state funding.**

## **Specific Legislation**

### **County Initiatives**

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

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

roads to make such a reduction on highways in a business district or residence district within the locality's boundaries. Initiate. (23103064D)

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

## **Historical Positions of the Board**

### **SUPPORT**

#### **Firearms**

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

**SB 1382** (Deeds) (SJUD) creates a Class 1 misdemeanor for any person who imports, sells, manufactures, purchases, possesses, transports, or transfers an assault firearm, as that term is defined in the bill, and prohibits a person who has been convicted of such violation from purchasing, possessing, or transporting a firearm for a period of three years from the date of conviction. The bill provides that an assault firearm does not include any firearm that is an antique firearm, has been rendered permanently inoperable, is manually operated by bolt, pump, lever, or slide action, or was manufactured before July 1, 2023. The bill also prohibits the sale of a large capacity ammunition feeding device, as that term is defined in the bill. The bill provides that any person who willfully and intentionally (i) sells an assault firearm to another person or (ii) purchases an assault firearm from another person is guilty of a Class 1 misdemeanor and that any person who imports, sells, barter, or transfers a large capacity ammunition feeding device is guilty of a Class

1 misdemeanor. The bill also makes it a Class 1 misdemeanor for any person younger than 21 years of age to import, sell, manufacture, purchase, possess, transport, or transfer an assault firearm regardless of the date of manufacture of such assault firearm. Support; Board has historically supported. (23104134D)

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

## **OPPOSE**

### **Elections**

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

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

**HB 1877** (Scott) (Reported from 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. (23104633D-H1)

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

**HB 1947** (Bloxom) (HPE) eliminates the permanent absentee voter list and provides for an annual absentee voter list by which any eligible voter who annually files an application and is enrolled on the list receives an absentee ballot for any election in which he is eligible to vote in the ensuing calendar year. The application for the annual absentee voter list requires, at a minimum, the voter

to provide his printed name, his date of birth, and the last four digits of his social security number. Oppose; Board has historically opposed. (23100849D)

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

### Courts

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

### Firearms

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

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

exclusively to the Commonwealth and shall be brought by the Attorney General. Oppose; Board has historically opposed. (23100913D)

### **Taxation**

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

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

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

## **AMEND**

### **Taxation**

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

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

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

## **New Bills – 2023 GA**

### **Elections**

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

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

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

### **Health and Human Services**

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

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

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

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

### **Courts**

**HB2424** (Seibold) (HCT)/**SB 814** (Surovell) (Senate Floor) allows a court to appoint interpreters for persons who are deaf or hard of hearing without procuring an interpreter through the Department for the Deaf and Hard-of-Hearing if another certified interpreter is readily available. Support. (23104740D, 23104569D-S1)

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

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

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

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

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

### **Firearms**

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

one firearm stored in violation of these provisions, a violation for each firearm shall constitute a separate Class 1 misdemeanor. The bill exempts any person in lawful possession of a firearm who carries such firearm on or about his person, the storage of antique firearms, and the lawful authorization of a minor to access a firearm. Support. (23104008D)

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

### **Land Use**

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

### **Short-Term Lodging**

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

an owner to add additional or otherwise alter existing parking spaces for the short-term rental property. The provisions of the bill shall apply to any short-term rental property managed by a realtor and operating as such on or after January 1, 2023. Oppose. (23104168D, 23104169D)

### **Parks**

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

### **Environment**

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

### **Taxation**

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

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

**HB 1749** (Walker) (HFIN) provides that a governing body of a locality may increase the real property tax rate (i) by an amount lower than three percent through a public hearing and a majority

vote of the governing body; (ii) by an amount of three percent or more, but lower than five percent through a public hearing and a two-thirds majority vote of the governing body; and (iii) by an amount of five percent or more through holding a referendum. The bill provides that the governing body of a locality may not hold a public hearing for a proposed rate increase on the same day as the annual budget hearing. Under current law, the governing body of a locality is required to limit the real property tax rate to a rate that would collect no more than 101 percent of the amount of real property taxes collected for the previous year; increases above this rate may only be imposed if the locality holds a public hearing. Oppose. (23104015D)

**HJ 533** (Tran) (Committee Referral Pending)/**SJ 231** (McPike) (SFIN) expands the current tax exemption for real property available to the surviving spouses of soldiers killed in action to the surviving spouses of soldiers who died in the line of duty with a Line of Duty determination from the U.S. Department of Defense. Amend. Amend to provide localities with local option, flexible authority for enacting and implementing property tax exemption. (23100802D, 23101950D)

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

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

### **Administration of Government**

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

**SB 1351** (Marsden) (SGL) allows, with certain exceptions, local and regional public bodies to convene as many all-virtual public meetings as each such public body deems acceptable in its individual remote participation meeting policy, to be adopted at least once annually by recorded vote at a public meeting. Current law limits all-virtual public meetings to no more than two times per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole

number, whichever is greater, and prohibits any such meeting from being held consecutively with another all-virtual public meeting. Support. (23102031D)

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

### **Transportation**

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

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

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

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

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

reimbursement of the original vehicle registration fee pursuant to relevant law. The bill directs the Commissioner to refund the cost of the highway use fee to any owner of a vehicle who prepaid the fee before the effective date of the bill, prorated for the period after which the highway use fee is no longer in effect. Oppose. (23103025D)

### Vehicle Exhaust Systems

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

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

## **Legislation Provided for Discussion**

### **Transportation**

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

**SB 1079** (Cosgrove) (SFIN) allocates 3.5 percent of the Commonwealth Mass Transit Fund (the Fund) to commuter rail systems jointly operated by transportation districts and excludes such commuter rail systems from receiving allocations pursuant to other distributions of the Fund. The bill requires such commuter rail systems to submit reports to the Commonwealth Transportation Board. The bill limits allocations by the Northern Virginia Transportation Commission (NVTC) for distribution to the Washington Metropolitan Area Transit Authority (WMATA) to 50 percent

of the total operating and capital assistance required to be provided by NVTC or other Virginia entities in the approved WMATA budget and establishes reporting requirements for NVTC. The bill codifies requirements for WMATA to adopt and submit certain planning documents first required pursuant to the eighth enactment of Chapter 854 and the eighth enactment of Chapter 856 of the Acts of Assembly of 2018 and repeals the original requirements. Support provisions related to VRE and remove cap on state aid for WMATA. (23101351D)

### *Towing*

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

**SB 979** (Marsden) (STRAN) prohibits localities from setting limits on towing fees and other associated fees for trespassing passenger cars and vehicles that are lower than the respective statewide maximum charges authorized for such fees in localities without a local ordinance setting towing fees; removes current specified limits for Planning Districts 8 and 16 that would fall below those limits; and requires an ordinance adopted by a locality that sets such limits to provide that no more than two additional fees can be charged for towing any vehicle between 7:00 p.m. and 8:00 a.m. or on any Saturday, Sunday, or holiday. The bill changes current statewide trespass towing fee limits on hookup and initial towing fees of passenger cars from \$150 to \$180 and additional fees for towing between 7:00 p.m. and 8:00 a.m. or on any Saturday, Sunday, or holiday from \$30 to \$35. (23100534D)

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

### *Bicycle/ Pedestrian Safety*

**HB 1589** (Sullivan) (HTRAN) allows persons riding bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, mopeds, or motorized skateboards or scooters to follow the pedestrian Walk signal at an intersection when traveling in the direction of the signal, provided they yield to pedestrians in the crosswalk traveling in the same direction. The bill provides that a person riding a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, moped, or motorized skateboard or scooter may not start to cross a highway in the direction of a

Don't Walk signal, but such person who has partially completed his crossing on the Walk signal shall proceed to a sidewalk or safety island and remain there while the Don't Walk signal is showing. Support with amendment. Amend to address implementation issues. (23102848D)

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

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

### **Environment**

**SB 1158** (Marsden) (SLG) grants localities in Planning District 8 (Northern Virginia) authority to establish exclusive service areas and award such service areas to businesses that as of July 1, 2024, are legally engaged in the pickup and disposal of garbage, trash, or refuse, wherein service will be provided to the residents of the locality. For each such business, the locality may establish a separate service area with a customer base that approximates the number of residential customers served by the business in the locality on July 1, 2023. The ordinance shall establish procedures for removing or adding businesses and adjusting the boundaries of such service areas as needed. Property owners' associations may continue to contract with properly licensed businesses of their choice notwithstanding the establishment of exclusive service areas. The bill contains a reenactment clause. Support concept of additional local authority to manage solid waste collection. (23103885D)

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

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

**HB 1501** (Runion) (HPS) requires every member appointed to a locality's law-enforcement civilian oversight body to observe within 90 days of the member's appointment a law-enforcement

officer employed with such locality's law-enforcement agency while such law-enforcement officer is engaged in his official duties and that such observation total no fewer than 24 hours, a portion of which includes a ride-along with a law-enforcement officer. The bill also provides that any disciplinary determination recommended by a law-enforcement civilian oversight body shall be advisory and that if any law-enforcement agency declines to implement such recommendation, such agency shall create and make available to the public within 30 days from the date such recommendation is reported to such agency a written public record of its rationale for declining to implement such recommendation. Finally, the bill requires each law-enforcement civilian oversight body to include at least one retired law-enforcement officer as a voting member; under current law, a retired law-enforcement officer may serve on such body as an advisory, nonvoting ex officio member. Monitor. (23100457D)

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

### **Taxation**

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

## **Legislation Requiring Further Review**

### **Administration of Government**

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

**HB 1487** (March) (HCCT) requires localities to provide a live video broadcast of public meetings of the local governing body and to archive such broadcasts on their websites. (23100033D)

**HB 2205** (Tran) (HFIN) creates a refundable tax credit for taxable years 2023 through 2027 for individuals whose households include dependents younger than the age of 18. The bill provides that the amount of the credit will be equal to \$500 for an individual or married persons filing a joint return whose family Virginia adjusted gross income, as defined by Virginia code, does not exceed \$100,000. The bill provides that if the amount of such credit exceeds the taxpayer's liability for the taxable year, the excess shall be refunded by the Tax Commissioner within 90 days after the filing date of the income tax return on which the taxpayer applies for such refund. (23102353D)

**HB 2245** (Tran) (HFIN) directs the Tax Commissioner to terminate the Virginia Free File Program and related agreement with the Consortium of Virginia. The bill also requires the Tax Commissioner to reinstate the iFile program or to develop and offer a substantially similar program that offers electronic filing services directly to Virginia individual taxpayers without monetary charge beginning in taxable year 2024. The bill contains technical amendments that remove obsolete language regarding fillable forms. (23104227D)

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

**SB 1237** (Obenshain) (SJUD) provides that, where any ordinance, resolution, notice, or advertisement is required by law to be published in a newspaper, such ordinance, resolution, notice, or advertisement instead may be published in an online publication, subject to certain requirements specified in the bill. (23103717D)

### **Building Code**

**SB 1263** (Hackworth) (SGL) defines stop work orders for the purposes of the Uniform Statewide Building Code. The bill provides that if, during an appeal pursuant to the provisions of the Administrative Process Act of the State Building Code Technical Review Board's decision with respect to the issuance of a stop work order by a local building official, the court finds in favor of the party that was issued the stop work order, such party shall be entitled to recover its actual costs of litigation, including court costs, attorney fees, and witness fees, from the locality responsible for issuing the stop work order. The bill contains technical edits. (23104259D)

### **Elections**

**HB 1948** (Bloxom) (HPE) removes the witness requirement for absentee ballots and replaces it with the requirement that the voter provide the last four digits of his social security number and his date of birth. (23100850D)

**HB 1680** (Ransone) (HPE) requires any registration application used to register persons after the close of registration records, up to and including the day of an election, to require the applicant to affirm, subject to felony penalties for making false statements, that he is not intentionally voting more than once in the same election, whether in the same or a different jurisdiction, and

that he is not intentionally registering to vote at more than one residence at the same time, both of which constitute the crime of election fraud and are punishable as a Class 6 felony. (23103314D)

**HB 1812** (March) (HPE) requires the Attorney General to provide assessments and reports on foreign interference, defined in the bill, in elections in the Commonwealth to the Governor and the General Assembly and to levy or recommend appropriate sanctions against any such foreign governments found to be interfering in elections in the Commonwealth. The bill also repeals the provision that allows persons 16 years of age or older to preregister to vote, removes the ability to register to vote using the websites of the Department of Elections or the Department of Motor Vehicles, and moves the deadline for registering to vote from 21 days prior to an election to 30 days prior to an election. In addition, the bill directs the Department of Elections to conduct list maintenance activities during the 30 days prior to any election in which a candidate for federal office is not on the ballot, including the removal of duplicate registrations, requires voters to provide an excuse in order to vote absentee, removes the option to vote absentee in person, reinstates provisions requiring the presentation of a valid form of photo identification in order to vote, and directs general registrars to provide a paper copy of the pollbook at each polling place during all elections. Finally, the bill eliminates curbside voting and same-day voter registration, prohibits the use of any voting system that can be connected to the Internet and directs the State Board of Elections to decertify any such voting system, and increases from a Class 6 felony to a Class 4 felony the penalty for voter registration fraud. (23101719D)

**HB 1847** (LaRock) (HPE) restores the local option to hold May elections; repeals laws permitting registration on election day and requiring preregistration of certain persons under 18 years of age; eliminates the permanent absentee voter list; removes provisions allowing general registrars to contract with a third party for the printing, assembly, and mailing of absentee ballot packets; requires an excuse to vote absentee; reduces absentee voting in person to the 10 days prior to the date of an election; requires that mailed absentee ballots be returned by the United States Postal Service; repeals provisions allowing for absentee ballot drop boxes; requires absentee ballots to be received by the general registrar by the close of polls on election day in order to be counted; requires presentation of a form of identification containing a photograph in order to vote; repeals the provisions of law permitting a voter who does not have one of the required forms of identification to vote after signing a statement that he is the named registered voter he claims to be; and requires that provisional ballot envelopes have written on them certain required information in order to be considered, including the signature of the officer of election administering the provisional ballot and his indication of whether photo identification was shown, and if so, the type. The bill also amends provisions regarding risk-limiting audits to allow for (i) risk-limiting audits of the part of a district that covers multiple localities that lies in a single locality and (ii) the use of the batch comparison method when conducting a risk-limiting audit. (23102822D)

**HB 2266** (Ransone) (HPE) directs the State Board of Elections to adopt a policy regarding the counting and reporting of absentee ballots in a central absentee voter precinct in order to ensure that the results of absentee ballots cast early in person are reported separately from mailed absentee ballots and the results of all absentee ballots cast by voters are reported by precinct in

accordance with law. Such policy is required to also ensure that all such results are posted on the State Board of Elections website no later than noon on the day after the election. The bill requires such policy to be adopted no later than September 1, 2023, and the Chairmen of the House and Senate Committees on Privileges and Elections to be notified of such policy within seven days of its adoption. (23103315D)

**HB 2049** (Bennett-Parker) (HPE) limits the entitlement of voters with disabilities to vote outside the polls to those whose disability prevents them from entering the polling place. Expands the definition of disability for purposes of providing assistance outside of a polling place to voters with disabilities to include any permanent or temporary disability. Under current law, the disability is limited to a permanent or temporary physical disability. (23100155D)

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

**HB 1813** (March) (HGL) exempts consumer, display, and permissible fireworks, defined in the bill and relevant law, from the definition of "device" as it pertains to criminal penalties for the possession, manufacture, transportation, distribution, or use of explosive devices. The bill provides that the Statewide Fire Prevention Code does not apply (i) to the sale of permissible or consumer fireworks; (ii) to any person using, igniting, or exploding permissible or consumer fireworks on residential or agricultural property with the consent of the owner of such property; or (iii) when such permissible or consumer fireworks are being transported from a locality where they were legally obtained to a locality where they are legally permitted. The bill imposes a 12 percent retail sales and use tax on the sale or use of consumer, display, or permissible fireworks the revenues from which shall be deposited in the Law Enforcement Support Fund, created by the bill. The bill contains technical amendments. (23100227D)

**HB 1607** (Tata) (HCCT) permits any locality to adopt an ordinance that establishes a uniform schedule of civil penalties for violations of ordinances. The bill provides that the civil penalty, unless elsewhere authorized, shall not exceed (i) \$500 for the initial summons, (ii) \$1,000 for the second violation, or (iii) \$1,500 for the third or subsequent violation. The bill further provides that a locality that has charged an individual criminally under the ordinance may also issue summonses for civil penalties for continued or additional violations of the ordinance. (23103077D)

### **Study**

**SJ 230** (Bell) (SRUL) directs the Virginia State Crime Commission to study the increase in hate crimes and bias-motivated acts directed toward Asian Americans and Pacific Islanders in the Commonwealth. (23103327D)

### **Taxation**

**SB 1161** (Stuart) (SFIN) increases the annual distribution of recordation tax revenues to cities and counties from \$20 million to \$60 million. (23103175D)

**HB 2110** (Bourne) (HFIN) extends the maximum duration of an installment agreement between a locality and a landowner to pay delinquent taxes from 60 to 72 months. The bill also allows for a property owner, or his heirs, to redeem real estate sold for delinquent taxes for a period of up to 365 days after such judicial sale. The bill provides that such redemption shall be made by paying to the purchaser the amount paid by the purchaser plus the amount of taxes, penalties, interest, and other charges due to a locality and incurred after the judicial sale and plus interest thereon at the rate of six percent per year. (23102515D)

**HB 1920** (Hope) (HFIN) prohibits a county, city, or town from imposing a license fee or levying a license tax on the privilege or right of publishing any blog or online website containing daily or regularly updated news, feature articles, advertisements, or correspondence, provided that such blog or online website employs full time at least one journalist who has a Virginia taxable income. (23100616D)

**HB 1406** (Anderson) (HAG) eliminates the requirement to pay a license tax for owning a dog or cat and eliminates the misdemeanor penalty for failing to pay such license tax. (23101032D)

**HB 1710** (LaRock) (HFIN) authorizes counties and cities in Planning District 3, 4, 5, 6, or 7 to impose an additional real estate tax on commercial and industrial property at a rate of up to \$0.10 per \$100 of assessed value. Any revenue raised from such tax would be required to be used to pay for transportation costs. Under current law, only localities within the Northern Virginia Transportation Authority or the Hampton Roads metropolitan planning area are authorized to impose such tax. The bill contains technical amendments. (23102377D)

**HB 1863** (Scott) (HFIN) makes numerous changes to the Commonwealth's tax structure with the intention of eliminating the personal income tax. The bill provides that beginning January 1, 2025, all income tax rates shall be reduced by 1.15 percent each year that a tax reduction condition, defined in the bill, is met. Under the bill, tax rate reductions shall occur each year and shall be cumulative until reaching zero. The tax reduction condition would be met and the tax rate reduction would occur in any fiscal year that the amount of general fund revenues collected plus the amount of additional general fund revenues, defined in the bill, is greater than or equal to the amount of general fund appropriations made for such fiscal year plus the amount of revenue reduction that would result from a 1.15 percent reduction in the individual income tax rate.

Additional general fund revenues are defined in the bill as general fund revenues that would be generated as a result of the tax policy changes resulting from the bill. The bill would increase the sales and use tax rate to 5.3 percent beginning July 1, 2024, and would increase this rate by one percent each year until reaching 9.3 percent beginning July 1, 2028. The bill would increase the tax on cigarettes by three cents per cigarette and would double the statutory tax rate on tobacco products, with the revenues from such taxes to be deposited in the general fund. The motor vehicle sales and use tax rate would be increased by one percent beginning July 1, 2024, and would increase by one percent each year until reaching an additional five percent over current rates beginning July 1, 2028. The motor fuels tax would also be increased by five cents per gallon beginning July 1, 2024, with additional five cents per gallon increases until reaching

an additional 25 cents per gallon beginning July 1, 2028. The bill requires all additional revenue generated by such tax increases to be deposited in the general fund.

Finally, the bill directs the Secretary of Finance to convene a workgroup to recommend additional tax policy changes that would be needed to eliminate personal income tax liability. (23100231D)

### **Transportation**

**HB 2302** (Adams, L.) (HTRAN) requires the Governor to include in the Budget Bill an appropriation of up to \$200 million, limited to \$100 million each year, from the Commonwealth Transportation Fund to maintain a minimum available balance of \$300 million in the Transportation Partnership Opportunity Fund (the Fund). The bill authorizes the Governor to direct funds from the Fund to the Commonwealth Transportation Board for transportation projects determined to be necessary to support major economic development initiatives or to enhance the economic development opportunities of the Commonwealth's transportation programs when recommended by the Secretary of Transportation and Secretary of Commerce and Trade; these directed funds do not have a specified limit. The bill also authorizes the Governor to use funds from the Fund to enhance the economic development opportunities of the Commonwealth's transportation programs. The bill authorizes the use of grants, funds directed to the Board, and revolving loans for property acquisition and new or improved infrastructure to support economic development opportunities of the Commonwealth's transportation programs. The bill removes the requirement for the Governor to provide copies of the guidelines and criteria for awarding grants and loans to the Chairmen of the House Committees on Appropriations, Finance, and Transportation and the Senate Committees on Finance and Appropriations and Transportation. The bill repeals the requirement for the Commonwealth Transportation Board to ensure that projects are not undertaken primarily for economic development purposes. (23103984D)

**SB 1106** (Newman) (STRAN) requires the Governor to include in the Budget Bill an appropriation of up to \$200 million, limited to \$100 million each year, from the Commonwealth Transportation Fund to maintain a minimum available balance of \$300 million in the Transportation Partnership Opportunity Fund (the Fund). The bill authorizes the Governor to direct funds from the Fund to the Commonwealth Transportation Board for transportation projects determined to be necessary to support major economic development initiatives or to enhance the economic development opportunities of the Commonwealth's transportation programs when recommended by the Secretary of Transportation and Secretary of Commerce and Trade; these directed funds do not have a specified limit. The bill also authorizes the Governor to use funds from the Fund to enhance the economic development opportunities of the Commonwealth's transportation programs. The bill authorizes the use of grants, funds directed to the Board, and revolving loans for property acquisition and new or improved infrastructure to support economic development opportunities of the Commonwealth's transportation programs. The bill removes the requirement for the Governor to provide copies of the guidelines and criteria for awarding grants and loans to the Chairmen of the House Committees on Appropriations, Finance, and Transportation and the Senate Committees on Finance and Appropriations and

Transportation. The bill repeals the requirement for the Commonwealth Transportation Board to ensure that projects are not undertaken primarily for economic development purposes. (23103887D)

### **Land Use**

**HB 1370** (Ware) (HAG) prohibits the siting of a new municipal solid waste landfill within one mile upgradient of any existing private well. (23100085D)

**SB 949** (Petersen) (SLG) removes an exclusion for residential dwellings with fewer than five dwelling units and condominium projects from certain requirements related to a voluntary special assessment lien that secures a loan for the initial acquisition and installation of clean energy, resiliency, or stormwater management improvements. (23101618D)

**SB 1078** (Petersen) (SLG) provides that any local government land use application required for the siting of a data center shall only be approved in areas where the data center (i) will have a minimal impact on historic, agricultural, and cultural resources and (ii) will not be within one mile of a national park or state park or other historically significant site. The bill also requires that prior to any such approval, a site assessment shall be performed to examine the effect of the data center on water usage and carbon emissions as well as any impacts on agricultural resources. (23100718D)

**SB 1312** (McClellan) (SLG) provides that any locality may by ordinance require electric vehicle charging stations as part of subdivision or site plan approval for a development containing commercial, industrial, or multifamily residential uses with a density of seven residential dwelling units per acre or greater. (23104300D)

**SB 1390** (Lewis) (SLG) extends to July 1, 2026, the sunset date for various local land use approvals for solar photovoltaic projects that were valid and outstanding as of July 1, 2023. (23103968D)

### **Stormwater Management**

**SB 1178** (Lewis) (SACNR) establishes that with regard to permanent gravel access roads associated with the construction and maintenance of electric transmission lines by a Phase I Utility, such utility is not required to obtain a General Virginia Pollutant Discharge Elimination System permit for the discharge of stormwater from construction activities if certain conditions are met and also requires such utility to provide in its annual standards and specifications reasonable assurance that such conditions will be satisfied. (23102335D)

### **Environment**

**HB 1485** (Webert) (HAG) changes the contingency for the effective date of the Chesapeake Bay Watershed Implementation Plan provisions to (i) allow consideration of a combination of point or nonpoint source pollution reduction efforts other than agricultural best management

conservation practices when determining whether the Commonwealth's commitments in the Chesapeake Bay Total Maximum Daily Load Phase III Watershed Implementation Plan have been satisfied and (ii) bar such provisions from becoming effective unless the Commonwealth funds the Virginia Natural Resources Commitment Fund each year of the current or existing biennial period. (23101756D)

**SB 1129** (Hanger) (SACNR) changes the contingency for the effective date of the Chesapeake Bay Watershed Implementation Plan to (i) allow consideration of a combination of point or nonpoint source pollution reduction efforts other than agricultural best management conservation practices when determining whether the Commonwealth's commitments in the Chesapeake Bay Total Maximum Daily Load Phase III Watershed Implementation Plan have been satisfied and (ii) bar such provisions from becoming effective unless the Commonwealth has fully funded the Virginia Natural Resources Commitment Fund until June 30, 2030. The bill also advances from July 1, 2026, to July 1, 2030, the contingency effective date of the Chesapeake Bay Watershed Implementation Plan. The bill requires the Department of Conservation and Recreation to submit an annual report analyzing the use of funds from the Virginia Agricultural Best Management Practices Cost-Share Program to demonstrate whether farmers or landowners are participating in the Program at levels to maximize nutrient load reductions. The bill directs each soil and water conservation district to report to the Department any recommendations for improving the disbursement of funds from the Virginia Natural Resources Commitment Fund and program efficiencies that would expedite the disbursement of such funds. Finally, the bill prohibits any regulatory action to be imposed on agricultural practices before the effective date of the Chesapeake Bay Watershed Implementation Plan. (23104207D)

**SB 1012** (Edwards) (SACNR) prohibits state agencies beginning July 1, 2024, from contracting for the purchase, sale, and distribution of (i) single-use plastic bags, cutlery, straws, or water bottles and (ii) single-use plastic food service containers and expanded polystyrene food service containers, except during a declared state of emergency. The bill directs the Department of General Services to post public notice of all prohibited goods on its public procurement website. The bill also authorizes any locality to prohibit by ordinance the purchase, sale, or provision, whether free or for a cost, of (a) single-use plastic bags, cutlery, straws, or water bottles and (b) single-use plastic food service containers and expanded polystyrene food service containers, with certain exceptions enumerated in the bill. (23101944D)

**HB 2096** (Bulova) (HAG) removes the provision in current law that prohibits the movement, transportation, delivery, shipment, or offering for shipment of any noxious weed into or within the Commonwealth without a permit from the Commissioner of Agriculture and Consumer Services and grants the Board of Agriculture and Consumer Services the authority to adopt regulations governing the conditions under which a permit will be required for such actions. The bill also adds requirements related to invasive plant species, including directing the Department of Conservation and Recreation to create an invasive plant species list and update it quadrennially. (23103916D)

**Health and Human Services**

**SB 1169** (Hanger) (SEH) modifies and reorganizes provisions related to the requirements of performance contracts entered into by the Department of Behavioral Health and Developmental Services with community services boards and behavioral health authorities. (23103870D)

**SB 1465** (Hanger) (SEH) provides that the purpose of behavioral health services provided by community services boards and behavioral health authorities is to enable individuals who have a mental illness or substance use disorder that significantly impairs their functioning to access effective, timely, and cost-efficient services that help them (i) overcome or manage functional impairments caused by the mental illness or substance use disorder and (ii) remain in the community to the greatest extent possible, consistent with the individual's well-being and public safety. The bill also requires that performance contracts entered into by the Department of Behavioral Health and Developmental Services with community services boards and behavioral health authorities include certain information, as specified in the bill. The bill reorganizes certain other provisions related to community services boards and behavioral health authorities. (23103868D)

**HB 1525** (Coyner) (HHWI) permits the Department of Behavioral Health and Developmental Services, direct care service providers, and community boards to hire peer recovery specialists who have been convicted of certain barrier crimes where a history of such offense does not pose a risk in the work of a peer recovery specialist. (23101949D)

**SB 846** (Favola) (SRSS) permits the Department of Behavioral Health and Developmental Services, direct care service providers, and community boards to hire peer recovery specialists who have been convicted of certain barrier crimes where a history of such offense does not pose a risk in the work of a peer recovery specialist. (23102071D)

**HB 2232** (Murphy) (HHWI) directs the Board of Medical Assistance Services to amend the state plan for medical assistance services to include a provision for the payment of medical assistance for violence prevention services. The bill requires the Department of Health to recognize violence prevention professionals and approve an accrediting body to certify such professionals. The bill requires the Department of Health to post on its website when such violence prevention services may be provided and billed and requires that a work group be established to design and implement such violence prevention services benefit. (23104056D)

**SB 1104** (Boysko) (SFIN) directs the Board of Medical Assistance Services to amend the state plan for medical assistance services to include a provision for payment of medical assistance for violence prevention services, defined in the bill, provided by a qualified violence prevention professional to an individual who receives medical treatment for an injury sustained as a result of community violence, defined in the bill, who is determined by a health care provider to be at risk of repeat injury or retaliation. The bill directs the Department of Medical Assistance Services to convene a work group to advise the Board on the design and implementation of the violence prevention services benefit and specifies that the work group include representatives from the Department and violence intervention programs, medical providers, survivors of community

violence, and other members as deemed appropriate by the Department. The bill requires the Department to post on its website the date upon which violence prevention services may be provided and billed pursuant to the provisions of the bill. (23102511D)

### **Zoning**

**HB 1473** (Fowler) (HCCT) alters the notice requirements related to local government adoption of land use plans and zoning ordinances by no longer requiring the notice to contain a descriptive summary of the proposed action but continues to require the locality to identify in the notice the place or places within the locality where copies of the proposed plans, ordinances, or amendments may be examined. Furthermore, such notice must include the street address or tax map parcel number of the parcels as well as the approximate acreage subject to the action. With regard to notice of proposed zoning actions, the bill also (i) removes the requirement to state general usage and density of the proposed zoning action and (ii) eliminates the requirement for an extra public hearing when land is zoned to a more intensive use classification than was contained in the previous public notice. (23103081D)

**SB 1331** (McClellan) (SLG) authorizes any locality in the Commonwealth to provide for an affordable housing dwelling unit program by amending the zoning ordinance of such locality. Current law restricts such authorization to counties with an urban county executive form of government or county manager plan of government and certain other localities. The bill also requires the comprehensive plan of each locality to show the connection between affordable housing and other needs of its residents, such as job creation, educational opportunities, and parks and recreational activities. (23104081D)

### **Courts**

**SB 841** (Surovell) (SRSS) provides that the membership of a local independent policy board of an alcohol safety action program must include at least one criminal defense attorney who has specialized knowledge in representing persons charged with driving while intoxicated offenses. The bill also provides that any court that has convicted a person of a reckless driving violation in which alcohol was a factor shall have continuing jurisdiction over such person during any period of license revocation related to that conviction for the limited purposes of (i) referring such person to a certified alcohol safety action program; (ii) providing for a restricted driver's license permit for such person; and (iii) imposing terms, conditions, and limitations for actions related to such person's participation in a certified alcohol safety action program and use of the restricted driver's license permit. This bill is a recommendation of the Commission on the Virginia Alcohol Safety Action Program. (23103601D)

**SB 1067** (Surovell) (SJUD) provides various factors that a judge or magistrate shall consider for the purpose of determining probable cause prior to issuing an emergency substantial risk order or a substantial risk order. The bill provides that such factors shall include whether the person who is subject to the order (i) committed any acts of violence or criminal offenses resulting in injury to himself or another person within the six months prior to the filing of the petition; (ii) made any threats or used any physical force against another person that resulted in injury within

the six months prior to the filing of the petition; (iii) violated any provision of a protective order issued or was arrested for stalking within the six months prior to the filing of the petition; (iv) was convicted of any offense that would prohibit such person from possessing a firearm; (v) engaged in any conduct within the year prior to the filing of the petition that demonstrated a pattern of violent acts or threats to another person, including any acts or threats made against family members, neighbors, co-workers, or toward schools or students or government buildings or employees; (vi) committed any acts of violence or criminal offenses against an animal within the six months prior to the filing of the petition; (vii) made any attempt or threat of suicide or any act, attempted act, or threat of self-harm that caused or may have caused serious bodily injury; or (viii) evidence of recent acquisition of a firearm or ammunition by the respondent. The bill also outlines various other factors that a judge or magistrate may, but is not required to, consider for the purpose of issuing an emergency substantial risk order or a substantial risk order. (23103667D)

### **Firearms**

**SB 909** (Favola) (SJUD) provides that a person who is prohibited from possessing a firearm because such person is subject to a protective order or has been convicted of an assault and battery of a family or household member may transfer a firearm owned by such prohibited person to any person who is not otherwise prohibited by law from possessing such firearm, provided that such person who is not otherwise prohibited by law from possessing such firearm is 21 years of age or older and does not reside with the person who is subject to the protective order. Under current law, there is no requirement that such transferee cannot be younger than 21 years of age and cannot reside with such prohibited person. The bill also provides that such prohibited person who transfers, sells, or surrenders a firearm pursuant to the provisions of the bill shall inform the clerk of the court of the name and address of the transferee, the federally licensed firearms dealer, or the law-enforcement agency in possession of the firearm. (23102002D)

**SB 1181** (Ebbin) (SJUD) creates a Class 1 misdemeanor, which is punishable as a Class 4 felony for a second or subsequent offense, for any person to knowingly sell, offer to sell, transfer, or purchase an unfinished frame or receiver, as defined in the bill, 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. (23104048D)

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

### **Health and Human Services**

**SB 953** (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," redefines "clinical health service" as "health care service," and adds a definition of "indigent" for purposes of the certificate of public need program. The bill directs the Department of Health to convene a work group of stakeholders to make recommendations for funding options to alleviate the risk of financial insolvency for public and private hospitals with fewer than 100 licensed beds in the event of a future public health emergency. The bill requires the work group to report its recommendations to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions by November 1, 2023. (23102257D)

**SB 975** (Peake) (Reported from SEH) changes references to certain practitioners in the Code to advanced practice registered nurse in order to align the Code with the professional designations established by the Consensus Model for Advanced Practice Registered Nurses Regulation established by the National Council of State Boards of Nursing. (23102178D)

## **Legislation Provided for Information**

### **Education/Schools**

**SB 1041** (McPike) (SEH) provides that the Board of Education shall require any candidate for division superintendent of a local school division serving a locality with a population greater than 140,000 people to have (i) a master's degree and relevant endorsements or a doctorate degree in educational administration or educational leadership administration and (ii) at least five years of instructional, administrative, and supervisory experience in education, with no exceptions or substitutes for senior leadership experience in non-education fields. The Board of Education may substitute certain requirements for education-specific endorsements, degrees, or educational, administrative, or supervisory experience for a certain amount of experience in senior leadership positions outside of the education field only for local school divisions serving a locality with a population not exceeding 140,000 people. (23102619D)

**SB 1052** (McPike) (Passed Senate) directs the Advisory Board on Teacher Education and Licensure to advise the Board of Education and submit recommendations on policies related to helping school divisions more effectively recruit and retain licensed teachers. (23102744D)

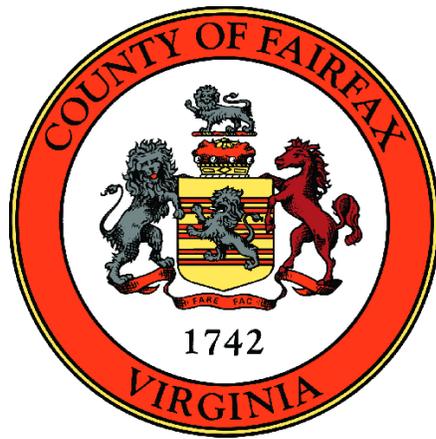
**HB 1893** (Walker) (HED) requires, prior to the start of each school year, each school board to post on its website in a prominent location and in a format that is easily accessible to the public (i) a list of each textbook to be used in any elementary or secondary school in the local school division during that school year and (ii) the Standards of Learning and any associated curriculum framework that correlate with any course or class to be offered in any elementary or secondary school in the local school division during that school year or a link to another source that contains such information. (23101817D)

Attachments: Supplementary documents

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

SUPPLEMENTARY DOCUMENTS  
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January 23, 2023

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# Fairfax County Legislative Summary

2023 General Assembly

January 23, 2023

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**VA - HB1378 State Air Pollution Control Board; motor vehicle emissions standards.**

County Position: Oppose

Last Action: Read first time (January 20, 2023)

Primary Patron: Delegate Tony O. Wilt (R)

Summary:

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

**VA - HB1429 Public defender; supplementing compensation.**

County Position: Oppose, funding court personnel is a critical state responsibility, Board has historically opposed.

Last Action: Referred to Committee for Courts of Justice (December 16, 2022)

Primary Patron: Delegate Timothy V. Anderson (R)

Summary:

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 employees, above the salary set by the Compensation Board to proportionally supplement the compensation of the public defender, or any of his deputies or employees, commensurate with the compensation of the attorney for the Commonwealth, or any of his deputies or employees, and to pay for such additional compensation from the funds of the county or city.

**VA - HB1444 Elections; voter identification containing a photograph required, availability of absentee voting.**

County Position: Oppose

Last Action: Assigned P & E sub: Subcommittee #1 (January 12, 2023)

Primary Patron: Delegate R. Lee Ware (R)

Summary:

Elections; voter identification containing a photograph required; availability of absentee voting in person; processing of returned absentee ballots; permanent absentee voter list repealed. Requires presentation of a form of identification containing a photograph in order to vote. A voter who does not show an accepted form of identification is entitled to cast a provisional ballot. The bill limits the period that absentee voting in person is available to the seven days prior to an election and allows localities to offer extended hours for absentee voting in person. Additionally, the bill repeals the provision that allows an absentee ballot that is returned after the close of polls to be counted if it is postmarked by election day and arrives by the Friday after the election. The

bill makes changes to the processing of returned absentee ballots and repeals the permanent absentee voter list.

### **VA - HB1467 Elections; voter identification containing photograph required, availability of absentee voting.**

County Position: Oppose

Last Action: Assigned P & E sub: Subcommittee #1 (January 12, 2023)

Primary Patron: Delegate Scott A. Wyatt (R)

Summary:

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 on active duty, persons who are residing temporarily outside of the United States, and their spouses and dependents. The bill limits the period during which absentee voting in person is available from 45 days preceding the date of the election to the Wednesday, Thursday, Friday, and Saturday immediately preceding the date of the election. The bill requires that absentee ballots returned by mail be returned to the office of the general registrar by the close of polls on election day and be postmarked on or before the Saturday preceding the date of the election. The bill eliminates the use of drop-off locations for the return of absentee ballots. The bill requires absentee ballot applications to contain the last four digits of the applicant's social security number and provides that the failure of an absentee ballot to include a witness signature is a material omission, rendering the ballot void.

### **VA - HB1470 Real property; tax exemption for certain disabled veterans and surviving spouses.**

County Position: Amend, amend to address implementation issues, Board has historically recommended amendment.

Last Action: Subcommittee recommends reporting (8-Y 0-N) (January 20, 2023)

Primary Patron: Delegate Vivian E. Watts (D)

Summary:

Real property tax; exemption for disabled veterans and surviving spouses. Provides that a person who is eligible for the real property tax exemption for certain disabled veterans and surviving spouses is entitled to a refund, retroactive to his date of eligibility, of taxes paid during the period of exemption, excluding interest or penalties. Under the bill, the refund is exempt from the statute of limitations for applications for correction of an assessment.

## **VA - HB1484 Sales Tax; exemption for food purchased for human consumption, essential personal hygiene products.**

County Position: **Oppose**, Board has historically opposed.

Last Action: Assigned Finance sub: Subcommittee #2 (January 19, 2023)

Primary Patron: Delegate Joseph P. McNamara (R)

Summary:

Sales tax; exemption for food purchased for human consumption and essential personal hygiene products. Provides an exemption from local sales and use tax beginning July 1, 2023, for food purchased for human consumption and essential personal hygiene products. The bill also provides an allocation of state revenues to fund the distribution to localities for funding that would have been distributed to them absent the exemption created by the bill. Under current law, such products are exempt from state sales and use tax but are subject to the standard local rate of one percent.

## **VA - HB1496 Commonwealth Mass Transit Fund; 2.5 percent of Fund allocated to CROC for operating purposes.**

County Position: **Support** provisions related to VRE and remove cap on state aid for WMATA.

Last Action: Assigned App. sub: Transportation & Public Safety (January 20, 2023)

Primary Patron: Delegate Terry L. Austin (R)

Summary:

Commonwealth Mass Transit Fund. Allocates 2.5 percent of the Commonwealth Mass Transit Fund (the Fund) to the Commuter Rail Operating and Capital Fund (CROC) for operating purposes. The bill creates a subfund called the Subfund within CROC for such funds. The bill decreases from 27 percent to 24.5 percent the allocation from the Fund to support the operating costs of transit providers and excludes the Virginia Railway Express from receiving such allocations. The bill requires the actual distribution of the 2.5 percent of the Fund to CROC to be based on service delivery factors established by the Commonwealth Transportation Board and reverts remaining funds to existing allocation for supporting the operating costs of transit providers.

## **VA - HB1501 Law-enforcement civilian oversight bodies; requirements of members.**

County Position: **Monitor**

Last Action: Reported from Public Safety with amendment(s) (12-Y 10-N) (January 20, 2023)

Primary Patron: Delegate Chris S. Runion (R)

Summary:

Law-enforcement civilian oversight bodies; requirements. Requires every member appointed to a locality's law-enforcement civilian oversight body to observe within 90 days of the member's appointment a law-enforcement officer employed with such locality's law-enforcement agency while such law-enforcement officer is engaged in his official duties and that such observation total no fewer than 24 hours, a portion of which includes a ride-along with a law-enforcement officer. The bill also provides that any disciplinary determination recommended by a law-enforcement civilian oversight body shall be advisory and that if any law-enforcement agency declines to implement such recommendation, such agency shall create and make available to the public within 30 days from the date such recommendation is reported to such agency a written public record of its rationale for

declining to implement such recommendation. Finally, the bill requires each law-enforcement civilian oversight body to include at least one retired law-enforcement officer as a voting member; under current law, a retired law-enforcement officer may serve on such body as an advisory, nonvoting ex officio member.

### **VA - HB1559 Ordinances, local; vehicle exhaust, operation on property near residential district.**

County Position: **Support**

Last Action: Assigned Transportation sub: Subcommittee #3 Highway Safety and Policy (January 16, 2023)

Primary Patron: Delegate Vivian E. Watts (D)

Summary:

Local ordinances; vehicle exhaust; operation on property near residential district. Allows local governing bodies to regulate, by ordinance, noise from vehicles not conforming to exhaust system requirements that are operated on highways or on public or private property in or within 500 feet of any residential district. Current law only allows such regulation by ordinance from such vehicles that are operated on a highway.

### **VA - HB1587 Commissioner of Highways; entering into certain agreements, civil penalties, agents.**

County Position: **Initiate**

Last Action: Subcommittee recommends reporting (9-Y 0-N) (January 18, 2023)

Primary Patron: Delegate Richard C. "Rip" Sullivan, Jr. (D)

Summary:

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

### **VA - HB1589 Pedestrian control signals; applicability to persons riding bicycles and other devices.**

County Position: **Support** with amendment, amend to address implementation issues.

Last Action: Assigned Transportation sub: Subcommittee #3 Highway Safety and Policy (January 13, 2023)

Primary Patron: Delegate Richard C. "Rip" Sullivan, Jr. (D)

Summary:

Pedestrian control signals; applicability to persons riding bicycles and other devices. Allows persons riding bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, mopeds, or motorized skateboards or scooters to follow the pedestrian Walk signal at an intersection when traveling in the direction of the signal, provided they yield to pedestrians in the crosswalk traveling in the same direction. The bill

provides that a person riding a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, moped, or motorized skateboard or scooter may not start to cross a highway in the direction of a Don't Walk signal, but such person who has partially completed his crossing on the Walk signal shall proceed to a sidewalk or safety island and remain there while the Don't Walk signal is showing.

### **VA - HB1591 Data Governance and Analytics, Office of; repeals sunset provision.**

County Position: Support

Last Action: Referred to Committee on Communications, Technology and Innovation (January 6, 2023)

Primary Patron: Delegate Glenn R. Davis (R)

Summary:

Office of Data Governance and Analytics; Chief Data Officer. Repeals the sunset provision enacted in 2021 that created the Office of Data Governance and Analytics and the position of Chief Data Officer within the Office of the Secretary of Administration, making both permanent. The provision is currently scheduled to expire on July 1, 2023.

### **VA - HB1609 Transit Ridership Incentive Program; on-demand microtransit operations.**

County Position: Support

Last Action: Assigned Transportation sub: Subcommittee #2 Transportation Infrastructure and Funding (January 13, 2023)

Primary Patron: Delegate Anne Ferrell Tata (R)

Summary:

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

### **VA - HB1665 Local land use approvals; extension of approvals to address the COVID-19 pandemic, sunset provision.**

County Position: Oppose, County has the tools to address this issue locally, see also SB 1205 (Lewis).

Last Action: Subcommittee recommends reporting (8-Y 1-N) (January 19, 2023)

Primary Patron: Delegate Daniel W. Marshall, III (R)

Summary:

Local land use approvals; extension of approvals to address the COVID-19 pandemic. Extends from July 1, 2023, to July 1, 2025, the sunset date for various local land use approvals that were valid and outstanding as of July 1, 2020. The bill also provides that its provisions shall not be construed to extend previous extensions related to the housing crisis and that any extension of approvals outstanding as of July 1, 2020, shall apply to

any such approvals granted subsequent to July 1, 2020, that expire prior to July 1, 2025. This provision is declarative of existing law.

### **VA - HB1685 Business local; taxes, penalties.**

County Position: **Oppose**

Last Action: Assigned Finance sub: Subcommittee #2 (January 13, 2023)

Primary Patron: Delegate Karen S. Greenhalgh (R)

Summary:

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

### **VA - HB1693 Absentee voting; return of absentee ballots, drop-off locations.**

County Position: **Oppose**, Board has historically opposed.

Last Action: Reported from Privileges and Elections (12-Y 10-N) (January 20, 2023)

Primary Patron: Delegate John J. McGuire, III (R)

Summary:

Absentee voting; return of absentee ballots; drop-off locations. Repeals the provisions of the Code providing for the establishment of drop-off locations for the return of absentee ballots.

### **VA - HB1749 Real property taxes; rate of increase procedure.**

County Position: **Oppose**

Last Action: Assigned Finance sub: Subcommittee #2 (January 19, 2023)

Primary Patron: Delegate Wendell S. Walker (R)

Summary:

Real property taxes; rate of increase procedure. Provides that a governing body of a locality may increase the real property tax rate (i) by an amount lower than three percent through a public hearing and a majority vote of the governing body; (ii) by an amount of three percent or more, but lower than five percent through a public hearing and a two-thirds majority vote of the governing body; and (iii) by an amount of five percent or more through holding a referendum. The bill provides that the governing body of a locality may not hold a public hearing for a proposed rate increase on the same day as the annual budget hearing. Under current law, the governing body of a locality is required to limit the real property tax rate to a rate that would collect no more than 101 percent of the amount of real property taxes collected for the previous year; increases above this rate may only be imposed if the locality holds a public hearing.

## **VA - HB1877 Absentee voting; availability of absentee voting in person, hours of operation.**

County Position: Oppose, Board has historically opposed.

Last Action: Committee substitute printed 23104633D-H1 (January 20, 2023)

Primary Patron: Delegate Phillip A. Scott (R)

Summary:

Absentee voting; availability of absentee voting in person; 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.

## **VA - HB1896 Banks; payment of franchise tax.**

County Position: Monitor, see also SB 1182 (Ruff).

Last Action: Assigned Finance sub: Subcommittee #2 (January 19, 2023)

Primary Patron: Delegate Kathy J. Byron (R)

Summary:

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

## **VA - HB1939 Primary and secondary state highway systems; reducing speed limits on highways part of system.**

County Position: Initiate

Last Action: Assigned Transportation sub: Subcommittee #2 Transportation Infrastructure and Funding (January 18, 2023)

Primary Patron: Delegate Kenneth R. Plum (D)

Summary:

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

**VA - HB1947 Absentee voting; annual absentee voter list.**

County Position: **Oppose**, Board has historically opposed.

Last Action: Assigned P & E sub: Subcommittee #2 (January 23, 2023)

Primary Patron: Delegate Robert S. Bloxom, Jr. (R)

Summary:

Absentee voting; annual absentee voter list. Eliminates the permanent absentee voter list and provides for an annual absentee voter list by which any eligible voter who annually files an application and is enrolled on the list receives an absentee ballot for any election in which he is eligible to vote in the ensuing calendar year. The application for the annual absentee voter list requires, at a minimum, the voter to provide his printed name, his date of birth, and the last four digits of his social security number.

**VA - HB2041 Parks, local; walking trails, liability for property owners.**

County Position: **Support**, see also SB 807 (Favola).

Last Action: Assigned CC & T sub: Subcommittee #2 (January 17, 2023)

Primary Patron: Delegate Irene Shin (D)

Summary:

Local parks; walking trails; liability; property owners. Authorizes a locality or park authority to establish, conduct, and regulate a system of walking trails and releases from certain civil liability the owner of any property leased, licensed, or provided by easement for such use in the absence of gross negligence or willful misconduct.

**VA - HB2050 Virginia Freedom of Information Act; electronic meetings, local and regional public bodies.**

County Position: **Support**

Last Action: Assigned GL sub: Subcommittee #4 (January 18, 2023)

Primary Patron: Delegate Elizabeth B. Bennett-Parker (D)

Summary:

Virginia Freedom of Information Act; electronic meetings; local and regional public bodies. Allows, with certain exceptions, local and regional public bodies to convene as many all-virtual public meetings as each such public body deems acceptable in its individual remote participation meeting policy, to be adopted at least once annually by recorded vote at a public meeting. Current law limits all-virtual public meetings to no more than two times per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater, and prohibits any such meeting from being held consecutively with another all-virtual public meeting.

**VA - HB2095 Plans and programs; drought evaluation and response plans, Potomac River.**

County Position: Support, see also SB 1149 (Marsden).

Last Action: Read first time (January 20, 2023)

Primary Patron: Delegate David L. Bulova (D)

Summary:

Plans and programs; drought evaluation and response plans; Potomac River. Requires the State Water Control Board to recognize service areas for water utilities in the Commonwealth that use the Potomac River as a water supply source as a distinct drought evaluation region. The bill requires the Board to incorporate certain provisions from the Metropolitan Washington Water Supply and Drought Awareness Response Plan: Potomac River System into the existing drought evaluation plans that are applicable to the Potomac River drought evaluation region.

**VA - HB2176 Income tax, state; distribution of revenues to localities, funds for local school construction.**

County Position: Support

Last Action: Assigned Finance sub: Subcommittee #3 (January 19, 2023)

Primary Patron: Delegate Mark D. Sickles (D)

Summary:

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

**VA - HB2234 Voter registration; registering in person up to and including the day of the election.**

County Position: Oppose, Board has historically opposed.

Last Action: Referred to Committee on Privileges and Elections (January 11, 2023)

Primary Patron: Delegate H. Otto Wachsmann, Jr. (R)

Summary:

Voter registration; registering in person up to and including the day of the election; limited to certain persons. Provides that only members of a uniformed service, as defined in relevant law, persons who are residing temporarily outside of the United States, and spouses or dependents of such members or persons are entitled to register to vote after the close of registration records in person up to and including the day of the election. Under current law, any person who is qualified to register to vote is entitled to register to vote after the close of registration records up to and including the day of the election.

## **VA - HB2248** Substance use disorder; providers of treatment, use of methadone or opioid replacements.

County Position: Oppose

Last Action: Assigned HWI sub: Subcommittee #3 (January 13, 2023)

Primary Patron: Delegate A.C. Cordoza (R)

Summary:

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

## **VA - HB2271** Short-term rental property; locality's ability to restrict property managed by a Virginia realtor.

County Position: Oppose, see also SB 1391 (Lewis).

Last Action: Referred to Committee on Counties, Cities and Towns (January 11, 2023)

Primary Patron: Delegate Daniel W. Marshall, III (R)

Summary:

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

**VA - HB2338 Transit Ridership Incentive Program; use of funds, improving accessibility.**

County Position: **Support**

Last Action: Assigned Transportation sub: Subcommittee #2 Transportation Infrastructure and Funding (January 18, 2023)

Primary Patron: Delegate Delores L. McQuinn (D)

Summary:

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

**VA - HB2361 Real property; tax exemption for certain disabled veterans and surviving spouses.**

County Position: **Amend**, amend to address implementation issues, Board has historically recommended amendment.

Last Action: Referred to Committee on Finance (January 13, 2023)

Primary Patron: Delegate Bill D. Wiley (R)

Summary:

Real property tax; exemption for disabled veterans and surviving spouses. Provides that a person who is eligible for the real property tax exemption for certain disabled veterans and surviving spouses is entitled to a refund, retroactive to his date of eligibility, of taxes paid during the period of exemption, excluding interest or penalties. Under the bill, the refund is exempt from the statute of limitations for applications for correction of an assessment.

**VA - HB2424 Interpreters for persons who are deaf or hard of hearing; court may appoint certified interpreter.**

County Position: **Support**, see also SB 814 (Surovell).

Last Action: Assigned Courts sub: Subcommittee #2 (January 20, 2023)

Primary Sponsor: Delegate Holly M. Seibold (D)

Summary:

Interpreters for persons who are deaf or hard of hearing. Provides that if the Department for the Deaf and Hard-of-Hearing cannot procure a qualified interpreter to assist a party or witness in a civil proceeding who is speech-impaired or who is deaf or hard of hearing, then the court may appoint a readily available interpreter with full certification from the Registry of Interpreters for the Deaf, Inc., or an equivalent national certification.

## [VA - HJ497](#) Constitutional amendt.; prop. tax exemption for surviving spouses of certain members of armed forces.

County Position: **Amend**, amend to support as state tax credit, Board has historically recommended amendment.

Last Action: Committee Referral Pending (January 10, 2023)

Primary Patron: Delegate David A. Reid (D)

Summary:

Constitutional amendment (first reference); real property tax exemption; surviving spouses of certain members of the armed forces. Provides that the General Assembly may by general law exempt from taxation the real property of a surviving spouse of a member of the armed forces of the United States who died in the attack on the Pentagon on September 11, 2001. Under a current constitutional provision, only the surviving spouse of a member of the armed forces who was killed in action is eligible for the real property tax exemption.

## [VA - HJ533](#) Const. amendment; prop. tax exemption for surviving spouses of soldiers who died in line of duty.

County Position: **Amend**, amend to provide localities with local option, flexible authority for enacting and implementing property tax exemption, see also SJ 231 (McPike).

Last Action: Committee Referral Pending (January 11, 2023)

Primary Patron: Delegate Kathy K.L. Tran (D)

Summary:

Constitutional amendment (first reference); real property tax exemption; surviving spouses of soldiers who died in the line of duty. Expands the current tax exemption for real property available to the surviving spouses of soldiers killed in action to the surviving spouses of soldiers who died in the line of duty with a Line of Duty determination from the U.S. Department of Defense.

## [VA - SB790](#) Towing enforcement; violations of current law subject to Va. Consumer Protection Act.

County Position: **Support**

Last Action: Referred to Committee on Transportation (November 22, 2022)

Primary Patron: Senator Barbara A. Favola (D)

Summary:

Towing enforcement. Provides that violations of current law regarding tow truck drivers and towing and recovery operators are subject to the Virginia Consumer Protection Act. The bill repeals the \$150 civil penalty for certain towing violations in Planning District 8.

## **VA - SB792 COVID-19 immunization; prohibition on requirement, discrimination prohibited, civil penalty.**

County Position: Oppose

Last Action: Referred to Committee on Education and Health (November 29, 2022)

Primary Patron: Senator Amanda F. Chase (R)

Summary:

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

## **VA - SB805 Firearms; control by localities of possession or carrying.**

County Position: Oppose, Board has historically opposed.

Last Action: Referred to Committee on the Judiciary (December 9, 2022)

Primary Patron: Senator Amanda F. Chase (R)

Summary:

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. The bill provides that any firearm received by the locality pursuant to a buy-back program shall be offered for sale by public auction or sealed bids to a person licensed as a dealer. Current law provides that any such firearm shall be destroyed by the locality unless the person surrendering the firearm requests in writing that the firearm be offered for sale. The bill also limits the authority of localities to bring lawsuits against certain firearms manufacturers and others and further provides that the right to bring any such action is reserved exclusively to the Commonwealth and shall be brought by the Attorney General.

## **VA - SB807 Parks, local; walking trails, liability for property owners.**

County Position: Support, see also HB 2041 (Shin).

Last Action: Read third time and passed Senate (37-Y 3-N) (January 19, 2023)

Primary Patron: Senator Barbara A. Favola (D)

Summary:

Local parks; walking trails; liability; property owners. Authorizes a locality or park authority to establish, conduct, and regulate a system of walking trails and releases from certain civil liability the owner of any

property leased, licensed, or provided by easement for such use in the absence of gross negligence or willful misconduct.

### **VA - SB814 Interpreters; persons who are deaf or hard of hearing.**

County Position: Support, see also HB 2424 (Seibold).

Last Action: Read third time and passed Senate (40-Y 0-N) (January 19, 2023)

Primary Patron: Senator Scott A. Surovell (D)

Summary:

Interpreters for persons who are deaf or hard of hearing. Allows a court to appoint interpreters for persons who are deaf or hard of hearing without procuring an interpreter through the Department for the Deaf and Hard-of-Hearing if another certified interpreter is readily available.

### **VA - SB833 COVID-19 immunization; prohibition on requirement, discrimination prohibited, civil penalty.**

County Position: Oppose

Last Action: Referred to Committee on Education and Health (December 23, 2022)

Primary Patron: Senator Amanda F. Chase (R)

Summary:

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

### **VA - SB847 Pedestrian control signals; applicability to persons riding bicycles and other devices.**

County Position: Support with amendment, amend to address implementation issues.

Last Action: Referred to Committee on Transportation (December 28, 2022)

Primary Patron: Senator Barbara A. Favola (D)

Summary:

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

## **VA - SB862 Highway use fee and mileage-based user fee program; eliminates the program.**

County Position: **Oppose**

Last Action: Referred to Committee on Transportation (December 30, 2022)

Primary Patron: Senator Stephen D. Newman (R)

Summary:

Highway use fee and mileage-based user fee program; repeal. Eliminates the highway use fee and mileage-based user fee program. The bill directs the Commissioner of the Department of Motor Vehicles to continue to reimburse the cost of the highway use fee to any applicant that paid a highway use fee and is eligible for reimbursement of the original vehicle registration fee pursuant to relevant law. The bill directs the Commissioner to refund the cost of the highway use fee to any owner of a vehicle who prepaid the fee before the effective date of the bill, prorated for the period after which the highway use fee is no longer in effect.

## **VA - SB884 Elections; registration, absentee voting, and conduct of election.**

County Position: **Oppose**

Last Action: Referred to Committee on Privileges and Elections (January 4, 2023)

Primary Patron: Senator Amanda F. Chase (R)

Summary:

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

## **VA - SB900 Voter identification; identification containing a photograph required.**

County Position: **Oppose**, Board has historically opposed.

Last Action: Referred to Committee on Privileges and Elections (January 5, 2023)

Primary Patron: Senator Ryan T. McDougle (R)

Summary:

Voter identification; identification containing a photograph required. 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.

**VA - SB901 Firearm in unattended motor vehicle; civil penalty.**

County Position: **Support**, Board has historically supported.

Last Action: Rereferred to Transportation (January 16, 2023)

Primary Patron: Senator David W. Marsden (D)

Summary:

Firearm in unattended motor vehicle; civil penalty. Provides that no person shall leave, place, or store a handgun in an unattended motor vehicle, as defined in the bill, unless the vehicle is locked and the handgun is secured in a locked container or locked compartment of the vehicle. The bill provides that any person violating such prohibition is subject to a civil penalty of no more than \$500 and such unattended motor vehicle may be subject to removal for safekeeping.

**VA - SB918 Assault firearms and certain ammunition feeding devices; carrying, sale, transfer, etc.**

County Position: **Support**, Board has historically supported.

Last Action: Referred to Committee on the Judiciary (January 6, 2023)

Primary Patron: Senator Joseph D. Morrissey (D)

Summary:

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

**VA - SB922 Income tax, state; manufactured home park sale.**

County Position: **Support**

Last Action: Referred to Committee on Finance and Appropriations (January 6, 2023)

Primary Patron: Senator Ghazala F. Hashmi (D)

Summary:

Income tax subtraction; manufactured home park sale. Exempts income earned from the sale of a manufactured home park, as defined in relevant law, to either (i) an entity that is owned by at least 25 percent

of the residents of such manufactured home park or (ii) an organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code, provided that such sale terms require the guaranteed maintenance of the property as a manufactured home park for a period of at least 30 years following the sale.

### **VA - SB966 Jails, local; compensation for cost of incarceration.**

County Position: **Support**

Last Action: Referred to Committee on Rehabilitation and Social Services (January 6, 2023)

Primary Patron: Senator Mark J. Peake (R)

Summary:

Compensation of local jails for cost of incarceration. Requires the Department of Corrections to compensate local jails for the actual cost, based on the rate calculated in the Compensation Board's annual jail cost report, of incarcerating felons who should otherwise be confined in a state correctional facility. Current law provides for local jails to be compensated at the rate set forth in the general appropriation act.

### **VA - SB968 Voter identification; identification containing a photograph required.**

County Position: **Oppose**, Board has historically opposed.

Last Action: Incorporated by Privileges and Elections (SB794-McDougle) (15-Y 0-N) (January 17, 2023)

Primary Patron: Senator Mark J. Peake (R)

Summary:

Voter identification; identification containing a photograph required. 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.

### **VA - SB977 Transit Ridership Incentive Program; on-demand microtransit operations.**

County Position: **Support**

Last Action: Referred to Committee on Transportation (January 6, 2023)

Primary Patron: Senator T. Montgomery "Monty" Mason (D)

Summary:

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

### **VA - SB1069 Pedestrians; drivers stopping at certain signs.**

County Position: **Initiate**

Last Action: Reported from Transportation (12-Y 2-N) (January 19, 2023)

Primary Patron: Senator Richard L. Saslaw (D)

## Summary:

Drivers stopping for pedestrians; certain signs; stops. Requires the driver of a vehicle on a highway approaching a pedestrian who is crossing such highway to stop for such pedestrian. Currently, a driver is required to yield the right-of-way to such pedestrian by stopping and remaining stopped. The bill also provides that localities that are already authorized to install signs directing motor vehicles to yield the right-of-way to pedestrians crossing or attempting to cross a highway may also install signs directing motor vehicles to stop for such pedestrians.

**VA - SB1079 Commonwealth Mass Transit Fund; allocation to commuter rail systems,**

County Position: **Support** provisions related to VRE and remove cap on state aid for WMATA.

Last Action: Referred to Committee on Finance and Appropriations (January 9, 2023)

Primary Patron: Senator John A. Cosgrove, Jr. (R)

## Summary:

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

**VA - SB1085 Motor vehicle exhaust systems; aftermarket amplifying devices, inspections.**

County Position: **Support**

Last Action: Referred to Committee on Transportation (January 9, 2023)

Primary Patron: Senator Adam P. Ebbin (D)

## Summary:

Motor vehicle exhaust systems; aftermarket amplifying devices; inspections. Prohibits the sale and use of devices designed to create or amplify noise emitted from a motor vehicle, moped, or motorized skateboard or scooter to a level higher than that of the originally manufactured vehicle and requires motor vehicle inspection regulations to include compliance with such requirements. The bill creates a noise limit of 85 decibels as measured from a distance of 50 feet that a motor vehicle, moped, or motorized skateboard or scooter may emit.

**VA - SB1139 Firearms; storage in residence where minor present, penalty.**

County Position: **Support**

Last Action: Referred to Committee on the Judiciary (January 10, 2023)

Primary Patron: Senator Jennifer B. Boysko (D)

## Summary:

Storage of firearms in a residence where a minor is present; penalty. Requires any person who possesses a firearm in a residence where such person knows or reasonably should know that a minor under 18 years of

age is present to store such firearm unloaded in a locked container, compartment, or cabinet and to store all ammunition in a separate locked container, compartment, or cabinet. The bill requires that the key or combination to such locked containers, compartments, or cabinets be inaccessible to any minor. The bill provides that a violation is a Class 1 misdemeanor, and, in a case where there is more than one firearm stored in violation of these provisions, a violation for each firearm shall constitute a separate Class 1 misdemeanor. The bill exempts any person in lawful possession of a firearm who carries such firearm on or about his person, the storage of antique firearms, and the lawful authorization of a minor to access a firearm.

### **VA - SB1149 Plans and programs; drought evaluation and response plans, Potomac River.**

County Position: Support, see also HB 2095 (Bulova).

Last Action: Referred to Committee on Agriculture, Conservation and Natural Resources (January 10, 2023)

Primary Patron: Senator David W. Marsden (D)

Summary:

Plans and programs; drought evaluation and response plans; Potomac River. Requires the State Water Control Board to recognize service areas for water utilities in the Commonwealth that use the Potomac River as a water supply source as a distinct drought evaluation region. The bill requires the Board to incorporate certain provisions from the Metropolitan Washington Water Supply and Drought Awareness Response Plan: Potomac River System into the existing drought evaluation plans that are applicable to the Potomac River drought evaluation region.

### **VA - SB1158 Garbage and refuse pickup and disposal services; regulation, exclusive service areas.**

County Position: **Support** concept of additional local authority to manage solid waste collection.

Last Action: Referred to Committee on Local Government (January 10, 2023)

Primary Patron: Senator David W. Marsden (D)

Summary:

Regulation of garbage and refuse pickup and disposal services; exclusive service areas; Planning District 8. Grants localities in Planning District 8 (Northern Virginia) authority to establish exclusive service areas and award such service areas to businesses that as of July 1, 2024, are legally engaged in the pickup and disposal of garbage, trash, or refuse, wherein service will be provided to the residents of the locality. For each such business, the locality may establish a separate service area with a customer base that approximates the number of residential customers served by the business in the locality on July 1, 2023. The ordinance shall establish procedures for removing or adding businesses and adjusting the boundaries of such service areas as needed. Property owners' associations may continue to contract with properly licensed businesses of their choice notwithstanding the establishment of exclusive service areas. The bill contains a reenactment clause.

### **VA - SB1167 Firearm industry members; standards of responsible conduct, civil liability.**

County Position: **Support**

Last Action: Referred to Committee on the Judiciary (January 10, 2023)

Primary Patron: Senator J. Chapman Petersen (D)

Summary:

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

### **VA - SB1182 Banks; payment of franchise tax.**

County Position: Monitor, see also HB 1896 (Byron).

Last Action: Rereferred to Finance and Appropriations (January 16, 2023)

Primary Patron: Senator Frank M. Ruff, Jr. (R)

Summary:

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

### **VA - SB1183 Applicant Fingerprint Database; participation in FBI Next Generation Identification Rap Back Serv.**

County Position: Support

Last Action: Referred to Committee on the Judiciary (January 10, 2023)

Primary Patron: Senator Bryce E. Reeves (R)

Summary:

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

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

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

### **VA - SB1205 Local land use approvals; extension of approvals to address the COVID-19 pandemic, sunset provision.**

County Position: **Oppose**, County has the tools to address this issue locally, see also HB 1665 (Marshall).

Last Action: Referred to Committee on Local Government (January 10, 2023)

Primary Patron: Senator Lynwood W. Lewis, Jr. (D)

Summary:

Local land use approvals; extension of approvals to address the COVID-19 pandemic. Extends from July 1, 2023, to July 1, 2025, the sunset date for various local land use approvals that were valid and outstanding as of July 1, 2020. The bill also provides that its provisions shall not be construed to extend previous extensions related to the housing crisis and that any extension of approvals outstanding as of July 1, 2020, shall apply to any such approvals granted subsequent to July 1, 2020, that expire prior to July 1, 2025. This provision is declarative of existing law.

### **VA - SB1236 Firearms, etc.; control of possession by locality.**

County Position: **Oppose**, Board has historically opposed.

Last Action: Rereferred to Judiciary (January 16, 2023)

Primary Patron: Senator Mark D. Obenshain (R)

Summary:

Control of firearms by localities. Removes a locality's authority to prohibit the possession or carrying of firearms, ammunition, or components or any combination thereof in (i) any public park owned or operated by the locality; (ii) any recreation or community center facility operated by the locality; or (iii) any public street, road, alley, or sidewalk or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit.

**VA - SB1293 Bicycles; exemptions to certain traffic control devices, local ordinances.**

County Position: **Monitor**

Last Action: Referred to Committee on Transportation (January 10, 2023)

Primary Patron: Senator R. Creigh Deeds (D)

Summary:

Bicycles; exemptions to certain traffic control devices; local ordinances. Authorizes the local governing body of any county, city, or town to by ordinance authorize a bicyclist to treat a stop light as a stop sign and a stop sign as a yield right-of-way sign, provided that certain safety measures are observed.

**VA - SB1315 Localities, public & private schools, higher educational institution, & employers; face coverings.**

County Position: **Oppose**, Board has historically opposed.

Last Action: Referred to Committee on Education and Health (January 10, 2023)

Primary Patron: Senator Amanda F. Chase (R)

Summary:

Localities, public and private schools, institutions of higher education, and employers; face coverings. Prohibits any locality, school board, division superintendent, school principal, private school, institution of higher education, or employer from adopting, implementing, or enforcing any policy, rule, or order related to COVID-19 that requires individuals to wear a face covering.

**VA - SB1326 Transit Ridership Incentive Program; use of funds, improving accessibility.**

County Position: **Support**

Last Action: Referred to Committee on Transportation (January 10, 2023)

Primary Patron: Senator Jennifer L. McClellan (D)

Summary:

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

**VA - SB1351 Virginia Freedom of Information Act; electronic meetings, local and regional public bodies.**

County Position: **Support**

Last Action: Referred to Committee on General Laws and Technology (January 11, 2023)

Primary Patron: Senator David W. Marsden (D)

Summary:

Virginia Freedom of Information Act; electronic meetings; local and regional public bodies. Allows, with certain exceptions, local and regional public bodies to convene as many all-virtual public meetings as each such public body deems acceptable in its individual remote participation meeting policy, to be adopted at least once annually by recorded vote at a public meeting. Current law limits all-virtual public meetings to no more than two

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

### **VA - SB1382 Assault firearms and certain ammunition feeding devices; purchase, possession, etc., prohibited.**

County Position: **Support**, Board has historically supported.

Last Action: Referred to Committee on the Judiciary (January 11, 2023)

Primary Patron: Senator R. Creigh Deeds (D)

Summary:

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

### **VA - SB1391 Short-term rental property; locality's ability to restrict property managed by a Virginia realtor.**

County Position: **Oppose**, see also HB 2271 (Marshall).

Last Action: Referred to Committee on Local Government (January 11, 2023)

Primary Patron: Senator Lynwood W. Lewis, Jr. (D)

Summary:

Short-term rental property; locality's ability to restrict property managed by a Virginia realtor. Provides that a locality may not restrict by ordinance any short-term rental property managed by a Virginia realtor, defined in the bill. The bill provides that a locality may not enforce an ordinance against such property where the ordinance (i) prohibits short-term rentals; (ii) limits occupancy in a short-term rental property to less than what is allowed under the building code or local zoning regulations; (iii) limits the number of days in a calendar year for which a short-term rental property can be rented; (iv) requires an owner to occupy the short-term rental property as his primary residence for any number of days in a calendar year; (v) requires any type of remote monitoring device to be installed on the short-term rental property, including decibel, audio, or video; (vi) requires exterior or interior inspections of the short-term rental property pertaining to any items defined under the building code more frequently than every five years, unless a complaint has been filed with the locality or building authority; (vii) requires repairs, renovations, or updates to the structure of the short-term rental

property that are greater than those required under the applicable building code; or (viii) requires an owner to add additional or otherwise alter existing parking spaces for the short-term rental property. The provisions of the bill shall apply to any short-term rental property managed by a realtor and operating as such on or after January 1, 2023.

### **VA - SB1408** Sales and use tax, local; additional tax authorized in all counties & cities to support schools.

County Position: **Support**

Last Action: Read second time and engrossed (January 20, 2023)

Primary Patron: Senator Jennifer L. McClellan (D)

Summary:

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

### **VA - SJ231** Const. amendment; prop. tax exemption for surviving spouses of soldiers who died in line of duty.

County Position: **Amend**, amend to provide localities with local option, flexible authority for enacting and implementing property tax exemption, see also HJ 533 (Tran).

Last Action: Rereferred to Finance and Appropriations (January 17, 2023)

Primary Patron: Senator Jeremy S. McPike (D)

Summary:

Constitutional amendment (first reference); real property tax exemption; surviving spouses of soldiers who died in the line of duty. Expands the current tax exemption for real property available to the surviving spouses of soldiers killed in action to the surviving spouses of soldiers who died in the line of duty with a Line of Duty determination from the U.S. Department of Defense.

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## General

Source	Amendment	Fairfax County Impact
<b>Compensation/Compensation Board</b>		
<i><b>Governor</b></i> Item 483	Provisions in the state budget approved in June 2022 for a 5% salary increase for state-supported local employees, effective July 1, 2023, remain unchanged.	<b>Positive.</b> The County would receive approximately \$1.86 million in additional state funding in FY 2024 from the Compensation Board.
<i><b>Governor</b></i> Item 72.S	Provides \$13.9 million General Funds (GF) in FY 2024 to address compression issues for sworn sheriff deputies and regional jail officers.	<b>Positive.</b> It is unclear how much the County will receive in FY 2024 from the Compensation Board as there is no specific language on how these funds would be allocated through the state.
<i><b>Governor</b></i> Item 72.T	<p>Provides \$4 million GF in FY 2024 for a pilot program to provide resources to sheriffs' offices and regional jails to assist with staffing costs incurred in court-ordered transportation of individuals in their custody subject to temporary detention and emergency custody orders (funding and language allows for up to 71 deputy sheriff positions or additional part-time funding).</p> <p>Positions and funding will be allocated to sheriff's offices, jails, and regional jails in localities within regions 1, 2, 3, 4, and 5 as established by DBHDS. The program will exclude any sheriff's office in these regions that has a memorandum of understanding with DBHDS to provide off-duty deputies for time spent supervising individuals subject to TDOs or ECOs.</p>	<p><b>Positive.</b> It is unclear how much the County will receive in FY 2024 from the Compensation Board as there is no specific language on how these funds would be allocated through the state.</p> <p>Currently, law enforcement spends hundreds of hours transporting individuals under a TDO to an inpatient bed, affecting resources needed for other public safety duties.</p>
<b>Judiciary/Public Safety</b>		
<i><b>Governor</b></i> Item 42	Provides \$3.5 million GF in FY 2024 to support specialty treatment dockets for Veterans, Behavioral Health, and Drug Treatment.	<b>Positive.</b> It is unclear how much the County will receive in FY 2024 as there is no specific language on how these funds would be allocated through the state.
<i><b>Governor</b></i> Multiple Items	Provides additional GF funding in FY 2024 to increase the per diem for retired and recalled judges from \$250 to \$400 per workday in Circuit Courts, General District Courts, and Juvenile and Domestic Relations District Courts.	No direct fiscal impact to the County as paying for judges is a state responsibility.
<i><b>Governor</b></i> Item 51	Provides \$7.4 million GF in FY 2024 for compensation adjustments to address	<b>Positive.</b> It is unclear how funds or positions would be allocated across Virginia; however, there would be a budget impact to Fairfax

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	recruitment and retention issues in public defender offices.	County as the County provides 15% salary supplements to all positions in the Public Defender's Office.
<b>Governor</b> Item 410 F.1	Provides \$30 million GF in FY 2024 as one-time appropriation to support the Operation Bold Blue Line Initiative. The funds will be distributed to state and local law enforcement agencies to bolster recruiting and training efforts. Funds may be used for hiring bonuses and relocation expenses for new officers, among other purposes.	<b>Positive.</b> It is unclear how much the County will receive in FY 2024 as there is no specific language on how these funds would be allocated through the state.
<b>Governor</b> Item 408 N.2	Increases by \$20 million GF funding available in FY 2024 for Operation Ceasefire Grant Fund. This funding is for purposes of implementing violent crime reduction strategies, providing training for law-enforcement officers and prosecutors, providing equipment for law-enforcement agencies, and awarding grants to organizations such as state and local law-enforcement agencies, local attorneys for the Commonwealth, localities, social service providers, and nonprofit organizations that are engaged in group violence intervention efforts.	<b>Positive.</b> Support for community violence intervention programs is included in the County's legislative program.  Fairfax County Police Department would need to put together an Operation Cease Fire strategy and possibly track the outcomes of that strategy. It is unclear how much the County will receive in FY 2024 as there is no specific language on how these funds would be allocated through the state.
<b>Governor</b> Item 408 T.1	Provides \$10 million to create the Virginia Mass Violence Care Fund to assist victims of mass violence in Virginia.	<b>TBD.</b>
<b>Governor</b> Item 408 P	Removes language requiring a 50% match from localities for the body-worn camera grant program.	<b>Positive.</b>
<b>Elections</b>		
<b>Governor</b> Item 485 M	Provides \$5.9 million GF in FY 2024 to reimburse localities for their presidential primary expenditures.	<b>Positive.</b> The population of Fairfax County is about 13% of the state population. Based on this percentage, the County would receive approximately \$767,000 of the \$5.9 million in state funding for the Presidential Primary reimbursement.
<b>Economic Development/Workforce</b>		
<b>Governor</b> Item 113 O	Increases funding by \$35.5 million GF in FY 2023 (for a total of \$78 million) for required payments from the Major Headquarters (HQ) Workforce Grant Fund for the new Amazon headquarters (HQ2). This funding was contingently appropriated from 2022 actual revenue collections.	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.

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<b>Governor</b> Item 113 P.1	Increases funding by \$50 million GF in FY 2023 (for a total of \$104.5 million) for the Virginia Business Ready Sites Program Fund for the preparation of sites for industrial or commercial development. This funding was contingently appropriated from 2022 actual revenue collections.	<b>TBD.</b> The new Business Ready Sites Program and ongoing appropriation has the potential to make Fairfax County less suitable for Fund awards as mega-sites are rare in Fairfax County.
<b>Governor</b> Item 113 S.1 and T.1	Provides \$200 million GF in FY 2023 and \$250 million in FY 2024 for a Site Acquisition Pilot Program to identify and fill gaps in the Commonwealth's current portfolio of industrial properties available for economic development projects, or be deposited to the Business Ready Sites Program Fund. FY 2024 funding is contingent on actual GF revenue collections for FY 2023 being equal to or in excess of the official revenue estimate. Language sets out a process for prioritizing up to five sites for potential purchase or option by the Commonwealth.	<b>TBD.</b> There are three sites that have been reviewed and funded for the Virginia Economic Development Partnership to continue to investigate, with up to an additional five sites for exploration; however, none are in Fairfax County.
<b>Governor</b> Item 115 U.1	Expands the Go Virginia Talent Pathways program by providing \$24.5 million GF in FY 2024 for qualifying regions to support organizational, administrative, and capacity building activities, as well as funding grants to support the development of the talent pathways development collaborations.	<b>Positive.</b> Support for workforce development is included in the County's legislative program. Appears in alignment with County goals and workforce strategy.
<b>Governor</b> Item 115 X.1	Provides \$10 million GF in FY 2024 for allocations to four regional councils to further workforce development efforts.	<b>Positive.</b> Support for workforce development is included in the County's legislative program. However, Fairfax County is not included in regions targeted for this funding.
<b>Governor</b> Item 115 W	Provides \$1.3 million GF in FY 2024 under the Go Virginia program to address workforce needs in agricultural technology industries.	<b>Positive.</b> Support for workforce development is included in the County's legislative program.
<b>Governor</b> Item 212 DD	Provides \$3 million GF in FY 2024 for career placement centers on community college campuses.	<b>Positive.</b> Support for workforce development is included in the County's legislative program.
<b>Governor</b> Item 215	Provides \$15 million GF in FY 2024 to establish five accelerator programs that partner community colleges with local school divisions to teach courses that lead to attainment of industry-recognized certifications or credentials that are in demand by regional employers.	<b>Positive.</b> Support for workforce development is included in the County's legislative program.

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<b>Governor</b> Item 487.50 B.1	Includes an increase of \$5 million GF in FY 2024 (for a total of \$15 million) for the Innovative Internship Fund and Program. This funding is designated to expand paid or credit-bearing student internships and other work-based learning experiences in collaboration with Virginia employers.	<b>Positive.</b> Support for workforce development is included in the County's legislative program.
<b>Governor</b> Item 117	Provides \$10 million GF in FY 2024 for a program to assist local building authorities in addressing permitting backlogs.	<b>Positive.</b> It is unclear how much the County will receive in FY 2024 as there is no specific language on how these funds would be allocated through the state.
<b>Governor</b> Item 142	Increases the maximum reimbursement amount for eligible institutions participating in the New Economy Workforce Credential Grant Program from \$3,000 to \$4,000 per eligible student.	<b>Positive.</b> Support for workforce development is included in the County's legislative program.
<b>Governor</b> Item 122	Deposits \$10 million GF in FY 2024 into the new Virginia Power Innovation Fund, which will be used for research and development of innovative energy technologies, including nuclear, hydrogen, carbon capture and utilization, and energy storage. Included in this appropriation is \$5 million to support establishing a Virginia Nuclear Innovation Hub and \$5 million for energy innovation grants.	<b>Positive.</b> Supports legislative program innovation and green energy use and expansion.
<b>Agriculture and Forestry</b>		
<b>Governor</b> Item 99 A	Provides \$1.25 million additional GF in each year to support the Agriculture and Forestry Industries Development Fund for agricultural technology grants.	<b>TBD.</b>
<b>Governor</b> Item 99 D	Provides \$1 million GF in FY 2024 for competitive grant funding for agricultural technology research.	<b>TBD.</b>
<b>Natural and Historic Resources</b>		
<b>Governor</b> Item 374	Increase the appropriation for the Water Quality Improvement Fund (WQIF) by \$87.1 million GF in FY 2024. This funding meets the mandatory deposit requirements associated with the FY 2022 excess GF revenue collections and discretionary year-end general fund balances.	<b>Positive.</b> Support for WQIF funding is included in the County's legislative program.
<b>Governor</b> Item 374	Increases the appropriation for the Resilient Virginia Revolving Loan Fund by \$100 million GF in each year, which provides loans or grants to local governments to finance or refinance the cost of resilience projects. Funding in FY 2024 is contingent on actual GF revenue collections	<b>TBD.</b>

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	for FY 2023 being equal to or in excess of the official revenue estimate.	
<b>Governor</b> Item 374	Allocates a supplemental deposit of \$50 million GF in FY 2024 to the Virginia Natural Resources Commitment Fund to support agriculture best management practices.	<b>TBD.</b>
<b>Governor</b> Item 380 L.1, M and Item 486	Includes \$107.1 million GF in FY 2024 to deposit in the Virginia WQIF to reimburse eligible entities for costs incurred in implementing the Enhanced Nutrient Removal Certainty Program. Additional \$86.1 million is provided from distributions of the federal State and Local Recovery Fund pursuant to the American Rescue Plan Act of 2021 and an additional \$43.9 million GF is included from excess 2022 GF revenue collections and discretionary year-end general fund balances required for deposit to the WQIF.	<b>TBD.</b>
<b>Governor</b> Item 386	Provides one-time funding of \$5 million GF in FY 2023 for the Black, Indigenous, and People of Color Preservation Fund (BIPOC).	<b>TBD.</b>
<b>Other Items of Interest</b>		
<b>Governor</b> Item 483 AA1	Provides \$99.8 million for a one-time bonus in the amount of \$1,500 for state employees on December 1, 2023.	No fiscal impact to the County.
<b>Governor</b> Item 483 BB1	Provides \$100 million for a merit bonus of up to 10% of base pay on December 1, 2023 for top-performing state employees contingent on actual GF revenue collections for FY 2023 being equal to or in excess of the official revenue estimate.	No fiscal impact to the County.
<b>Governor</b> Item 267	Appropriates \$406 million for the mandatory deposit to the Revenue Stabilization Fund in FY 2024.	No fiscal impact to the County.
<b>Governor</b> Item 269	Appropriates \$250 million for a deposit to the Virginia Retirement System in FY 2023 (which was contingently appropriated last session).	<b>Positive.</b> Improving the funded status of the VRS will provide long-term financial savings for the state and localities.
<b>Tax Changes</b>		
<b>Governor</b> Item 4-14	Reduces the corporate income tax rate from 6% to 5% beginning January 1, 2023.	
<b>Governor</b> Item 4-14	Allows a qualified business income deduction of up to 50% of the deduction allowed under the Internal Revenue Code (excluding qualified Real Estate Investment Trust dividends) for taxable years beginning January 1, 2023.	

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<b>Governor</b> Item 4-14	Reduces the top marginal individual income tax rate from 5.75% to 5.5% for taxable years beginning January 1, 2024, contingent on meeting revenue estimates in FY 2023 (\$333.3 million revenue reduction).	
<b>Governor</b> Item 4-14	Authorizes an increase in the standard deduction to \$9,000 for single filers and \$18,000 for married filers for taxable years beginning January 1, 2024, and before January 1, 2026.	
<b>Governor</b> Item 4-14	Removes the age limit on military retirement pay deductions beginning January 1, 2023. Currently, this only applies to those 55 and older.	

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## Public Education

Source	Amendment	Fairfax County Impact
<b>Sales Tax</b>		
<i><b>Governor</b></i> Item 137	Updates sales tax estimates (approximately \$168 million GF over the biennium) and updates Average Daily Membership projections based on actual fall membership (\$71.2 million over the biennium).	This results in additional state funding of \$28.8 million in FY 2023 and \$9.1 million in FY 2024 over the FY 2023 Approved Budget.
<b>Bonus in FY 2024</b>		
<i><b>Governor</b></i> Item 137	Provides \$45.2 million GF in FY 2024 for the state share of a 1% retention bonus for SOQ-recognized instructional and support positions on September 1, 2023.	<p>A required local match based on the division's Local Composite Index (LQI) is required in FY 2024.</p> <p>The proposal would provide state funding of approximately \$4.3 million.</p> <p>For FY 2024, the cost to provide a 1% retention bonus totals \$19.9 million. After accounting for state funding (and the fact that Fairfax County Public Schools (FCPS) must pay 100% of any bonus for non-SOQ positions), the net cost to FCPS would be \$15.5 million.</p> <p>Staff eligible for the bonus payment can be hired at any point during FY 2023 but must also remain employed with the same school division in FY 2024.</p>
<i><b>Governor</b></i> Item 136	Provides \$50 million in FY 2024 for \$5,000 teacher performance bonuses, to be awarded to top performing teachers identified by the Virginia Department of Education (VDOE) in conjunction with local school divisions.	The impact for FCPS cannot be delineated at this time as eligibility metrics are not included in the proposal. Bonuses will be paid to top performing teachers identified by VDOE and local school divisions based on student academic growth as demonstrated on assessments provided in the 2023-2024 school year, including the Standards of Learning assessments, through-year growth assessments, or other metrics as determined by VDOE.
<i><b>Governor</b></i> Item 136	Provides \$10 million GF in FY 2024 for incentive payments for instructional positions in hard-to-fill positions or hard-to-staff schools.	The impact to FCPS cannot be delineated at this time as participating school divisions must report vacant instructional positions as of July 1, 2023, to VDOE and then VDOE will communicate each school division's

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		available allocation for the program based on the vacancy data. FCPS may not qualify as distribution of these incentives is typically prioritized to school divisions experiencing overall free and reduced lunch rate of 40% or more.
<b>Reading Specialist Positions</b>		
<i>Governor</i> Item 137	Provides \$16.9 million GF in FY 2024 for the state share of one reading specialist position for each 550 students in grades 4 and 5, beginning in school year 2023-2024.	This results in an estimated state funding of \$1.2 million for FCPS as compared to the FY 2024 budget forecast presented on November 22, 2022, and the FY 2023 Approved Budget.  FCPS' staffing for reading specialist positions would meet the new staffing ratio requirement.
<b>Math Instructional Specialist Positions</b>		
<i>Governor</i> Item 137	Provides \$7.2 million GF in FY 2024 for the state share of math instructional specialist positions at underperforming schools. The state share of one math specialist position will be provided to local school divisions with K-8 schools that rank in the lowest 10% statewide on the Spring 2021 Standards of Learning assessment.	This results in an estimated state funding of \$0.5 million for FCPS as compared to the FY 2024 budget forecast presented on November 22, 2022, and FY 2023 Approved Budget.  This action requires an additional local share of \$0.8 million, generating a net cost of approximately \$0.4 million.
<b>Other Items of Interest</b>		
<i>Governor</i> Item 137	Deposits an additional \$50 million in FY 2023 to the College Partnership Laboratory Schools Fund. A "college partnership laboratory school" means a public, nonsectarian, nonreligious school in the Commonwealth established by a baccalaureate public institution of higher education.	The impact for FCPS cannot be determined at this time.
<b>Impact to the Fairfax County Public Schools' (FCPS) FY 2024 Operating Fund Budget:</b>		
<p><b>Governor's Introduced Budget:</b> Compared to FCPS' FY 2024 Budget Forecast, presented to the School Board and the Board of Supervisors on November 22, 2022, the Governor's budget amendments include \$23.5 million more in sales tax and \$5.8 million more in state aid which is contingent on providing an average salary increase of 5% and a 1% retention bonus.</p> <p>It should be noted that several items would require additional expenditures for the local share, including a net \$15.5 million local expenditure associated with the 1% retention bonus, which were not assumed in FCPS' FY 2024 Budget Forecast.</p>		

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## Health and Human Services

Source	Amendment	Fairfax County Impact
<b>Medicaid Waivers</b>		
<i><b>Governor</b></i> Item 304.J	Provides approximately \$15.2 million GF and \$15.8 million Non-General Funds (NGF) in FY 2024 to increase the number of Developmental Disability (DD) waiver slots, beginning on July 1, 2023, to 1,100 by adding 500 additional slots. This amendment increases the number of new Family and Individual Supports (FIS) waiver slots in FY 2024 from 500 to 930, and the number of new Community Living (CL) waiver slots from 100 to 170 in FY 2024.	<b>TBD.</b> The Fairfax-Falls Church Community Services Board (CSB) did not receive additional waiver slots in FY 2023 as new waiver slots were not included in the FY 2023 budget. As a result of a significant delay in the release of the waiver slots provided in the FY 2022 budget, those slots were recalculated and the CSB was provided with 150 total additional slots. With the addition of the 500 slots projected statewide in FY 2024, the Fairfax-Falls Church CSB's allocation is projected to increase by 70 slots, to 220 additional slots overall (typically the CSB receives 12-14% of total state allocations). The County supports increasing Medicaid 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 920). The slot increases afford greater capacity for much needed services; however, they also call for an increase in support coordinators (+11) and supervisors (+1.5), and given persistent workforce issues across the state, the CSB will likely be challenged to balance competing demands.
<i><b>Governor</b></i> Item 304	Provides an additional approximately \$163,000 GF and \$23,000 NGF in FY 2024 for one service authorization position and one provider development position to support the 500 additional DD Medicaid waiver slots.	No direct fiscal impact to the County as these are Department of Behavioral Health and Developmental Services (DBHDS) positions.
<i><b>Governor</b></i> Item 304.VVVV.	Directs the Department of Medical Assistance Services (DMAS) to seek federal authority to implement telehealth service delivery options for DD waivers that are currently authorized by the Appropriation Act or Code of Virginia.	Telehealth service delivery would impact support coordinators' ability to effectively assess an individual's environment, general health/well-being, and safety. This may be sufficient on a case-by-case basis when in-person visits

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		cannot be managed, but it is not ideal or sufficient in all circumstances.
<b>Governor</b> Item 308.HH	Moves \$85,000 GF and \$85,000 NGF in FY 2024 from DBHDS to DMAS to support agency responsibilities associated with DD waiver services that will be transferred effective July 1, 2023. Includes language designating DMAS as the agency responsible for all financial analysis, rates, and budget work associated with Virginia’s DD waiver services.	No significant County impact.
<b>Governor</b>	Provides an additional \$350,000 GF in FY 2024 to maintain the Medicaid Waiver Management System (WaMS), including upgrades that will keep the system relevant and efficiently utilized, and to support interoperability with CSBs.	<b>TBD.</b> DBHDS system modernization to help decrease administrative burdens on CSB staff is critical. DBHDS currently has multiple, independent databases that create duplicate and, at times, triplicate data entry. This creates an administrative burden that reduces the ability of providers to deliver services, negatively impacts employees' working conditions, further exacerbates high staff turnover rates, and compromises data quality. Increasing collaboration between DBHDS and CSBs is positive.
<b>Governor</b>	Provides an additional approximately \$261,000 GF in FY 2024 for two additional cybersecurity positions in the DBHDS central office to support IT security needs of the state-operated behavioral health and intellectual disability system, including state-operated facilities.	No significant County impact.
<b>Children’s Services Act (CSA)</b>		
<b>Governor</b> Item 284.b.2.a	Reduces appropriation by \$6.9 million GF in FY 2023 to reflect the projected program spending level.	No County impact. Local CSA expenditures have been trending downward and therefore, sufficient budget authority is currently available. This represents state budgetary alignment with projected locality expenditures.
<b>Governor</b> Item 284.M	Directs the Director of the Department of Planning and Budget (DPB) to revert approximately \$29.2 million in FY 2022 balances that were carried forward into FY 2023 pursuant to budget language.	No County impact. State expenditures have decreased by an estimated \$5 million. This item appears to be budget management at the state level.
<b>Early Childhood Services</b>		
<b>Governor</b> Item 129.V.	Allows the Superintendent of Public Instruction to alter staff-to-child ratios and group sizes for licensed child day centers and child day centers that participate in the Child Care Subsidy	This will provide flexibility for child-teacher ratio, likely due to staff shortage issues.

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	Program by increasing the number of children per staff (by one child for groups of children from birth to the age of eligibility to attend public school, and two children for groups of children from the age of eligibility to attend public school through 12 years). This authority is set to expire June 30, 2024.	
<b>Governor</b> Item 136.S.	Provides \$20 million GF in FY 2024 to support a pilot program for full-day, full-year services for at-risk children in the Lenowisco and Crater Planning Districts through the Virginia Early Childhood Foundation Mixed Delivery preschool program.	No County impact.
<b>Governor</b> Item 137.C.14	Reduces by approximately \$331,000 GF in FY 2023 funding for schools and community-based organizations to provide quality preschool programs for at-risk four-year-olds who are unserved by HeadStart program funding, and for at-risk five-year-olds who are not eligible to attend kindergarten, or who did not have access to a sufficient preschool experience.	No County impact as it is reallocating adjustments from FY 2023.
<b>Governor</b> Item 137.C.14	Reduces funding to serve at-risk three-year-olds who are unserved by Head Start funding by approximately \$2 million GF in FY 2023.	No County impact as it is reallocating adjustments from FY 2023.
<b>Governor</b> Item 137.C.14	Revises teacher requirements for community-based providers that are recipients of Virginia Preschool Initiative (VPI) grants to align requirements for such providers under VPI and Mixed Delivery to increase the number of children served in high quality preschool settings.	<b>Positive.</b> This will allow reimbursement of teacher salary, which is currently not allowed.
<b>Governor</b> Item 137.C.14	Reduces funding to support increased VPI teacher to student ratios and class sizes by approximately \$52,000 GF in FY 2023.	No County impact as it is reallocating adjustments from FY 2023.
<b>Governor</b> Item 137.C.14	Provides an additional approximately \$4.3 million GF in FY 2023 as flexible funding available to supplement any of the initiatives provided for within section C.14 (VPI payments).	No County impact as it is reallocating adjustments and is providing flexibility.
<b>Governor</b> Item 137.C.15.a.	Reduces by \$7.7 million in FY 2023 and by \$7.7 million in FY 2024 the additional payment disbursed to local school divisions for the purposes of providing early reading intervention services to students in grades kindergarten through three.	<b>TBD.</b>

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<b>Governor</b> Item 304.TTTT	Increases reimbursement rates for Early Intervention services, excluding case management, by 12.5%, effective for services provided on or after July 1, 2023. Provides \$1.1 million GF and \$1.2 million NGF in FY 2024 for the rate increase.	<b>Positive.</b> DMAS rates for Early Intervention services were increased temporarily by 12.5% on July 1, 2021, and expired on June 30, 2022, except for targeted case management/service coordination, which has been increased indefinitely. This would reinstate the increases that expired on June 30, 2022.
<b>Child Welfare</b>		
<b>Governor</b>	Provides approximately \$8.3 million GF in FY 2024 to implement recommendations from the Office of the State Inspector General’s audit of the state’s Child Protective Services (CPS) system, to include additional CPS worker and supervisor positions, which will initially be targeted toward the local departments with the highest needs.	No County impact.
<b>Governor</b> Item 137.C.23	Reduces by approximately \$1.2 million in FY 2023 the funding from the Lottery Proceeds Fund to support children attending public school who have been placed in foster care or other such residential care across jurisdictional lines.	No County impact.
<b>Governor</b> Item 345	Reduces funding provided for the cost of providing foster care and adoption subsidy payments by approximately \$14.3 million GF and \$566,000 NGF in FY 2023, and by approximately \$5.6 million GF and \$5.9 million NGF in FY 2024. Based on recent expenditure trends and the impact of child welfare policy changes, this amendment adjusts the appropriation for the necessary costs of providing payments to foster care and adoptive families.	<b>TBD.</b> Forecasted economic downturns are correlated with potential for higher needs for foster care, and if that happens, more funding may be needed.
<b>Governor</b>	Provides an additional approximately \$2.3 million GF and \$2 million NGF in FY 2024, to raise maximum maintenance payments made to foster family homes on behalf of foster children by 5%. This increase is also assumed for adoption subsidy funding, to ensure that adoption subsidies keep pace with foster family rates and to avoid any disincentives to adoption.	<b>Positive.</b> Increased maintenance payments for foster parents will have a positive impact on the County's GF. Adoption subsidies are paid for through federal Title IV-E, having no impact on the County's GF.
<b>Governor</b> Item 345.M	Provides that any unspent Comprehensive Child Welfare Information System (CCWIS) funds will carry forward. This amendment provides flexibility to continue the systems build without additional potential delays.	<b>Positive.</b> This is needed to move forward with a new child welfare system.

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<b>Governor</b> Item 345.Q	Provides approximately \$935,200 GF in FY 2024 to support up to 12 kinship navigator programs. Includes language requiring the Department of Social Services (DSS) to continue to seek and apply for any federal grant funds that can be used to support the cost of kinship navigator programs, and to submit a report on the effectiveness of kinship navigator programs by September 1 of each year.	<b>Positive.</b> The County is moving towards more placements with relatives.
<b>Health Departments</b>		
<b>Governor</b> Item 283.J	Provides \$250,000 GF in FY 2024 to cover the one-time cost of a consultant to develop a statewide strategic plan on the Commonwealth's health care workforce needs.	<b>TBD.</b>
<b>Governor</b> Item 287.C.1	Provides an additional \$10 million GF in FY 2024 to the Nursing Preceptor Incentive Program, to raise the maximum incentive to \$5,000 (from \$1,000), and expand the program to include licensed practical nurses and registered nurses.	<b>TBD.</b>
<b>Governor</b> Item 287.E	Provides an additional \$1 million GF in FY 2024 to fund nursing scholarship and loan repayment programs to recruit and retain nurses and nurse faculty.	<b>TBD.</b>
<b>Governor</b> Item 287.G	Provides \$30 million GF in FY 2024 for the Virginia Department of Health (VDH) to establish the Earn to Learn Nursing Education Acceleration Program.	<b>TBD.</b>
<b>Governor</b> Item 291.A	Provides an additional \$50,000 GF in FY 2024 to purchase medications for individuals who have tuberculosis (TB), to account for an increase in medication costs and to provide treatment options to more individuals.	<b>Positive.</b> On average, the Fairfax Health District has one-third of the Commonwealth's TB cases (reflecting the diversity of the population, which includes individuals from countries with high TB burdens). The Fairfax Health Department offers evaluation and treatment of active TB disease and latent TB infection. Additional funding will help mitigate the increasing medication costs to provide pharmacotherapy.
<b>Governor</b> Item 291.N	Extends the repayment term for any existing Treasury loan authorized by VDH for the purpose of COVID-19 pandemic response activities to June 30, 2024, if federal reimbursement expected from the Federal Emergency Management Agency (FEMA) has	<b>TBD.</b>

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	not been received by the planned date of repayment.	
<b>Governor</b> Item 291	Provides approximately \$150.8 million NGF in FY 2024 for Epidemiology and Laboratory Capacity for Prevention and Control of Emerging Infectious Diseases Cooperative Agreement grants, which are not funded by the federal American Rescue Plan Act (ARPA).	<b>Positive.</b> VDH received funding from the Centers for Disease Control and Prevention (CDC) through the Epidemiology and Laboratory Capacity grant to promote antimicrobial stewardship in acute care hospitals, outpatient settings, and skilled nursing facilities. The Fairfax Health District has entered into an MOU with VDH to improve antimicrobial stewardship among Fairfax County skilled nursing facilities. Additional funding would enhance the Health Department’s ongoing efforts to address increasing antimicrobial resistance in these high-risk settings.
<b>Governor</b> Item 294	Provides approximately \$944,000 GF and \$698,000 NGF in FY 2024 to support local health districts that are expecting significant cost increases resulting from moving to new facilities or increasing rent in existing facilities.	<b>TBD.</b>
<b>Governor</b> Item 296.E	Provides approximately \$3.4 million GF in FY 2024 as a state match to draw down U.S. Environmental Protection Agency (EPA) grant funds for the Drinking Water State Revolving Fund. Increases NGF appropriation by \$91.9 million to keep pace with reimbursement and payment trends of drinking water grants.	<b>TBD.</b> This could be beneficial to Fairfax Water.
<b>Governor</b> Item 296	Provides an additional \$1.1 million GF in FY 2023 to cover federal deferrals associated with payments to the EPA dating back to March 2021.	<b>TBD.</b> This could be beneficial to Fairfax Water.
<b>Governor</b> Item 404	Provides \$50,000 toward establishing a ban on abortions after 15 weeks of pregnancy.	Prohibition or limitations on abortion could interfere with the ability of individuals/families to determine the number and spacing of children. It may also increase the rates of unplanned births, which may increase families’ risk factors, potentially increasing the likelihood of child abuse and neglect. There could also be an increase in unsafe abortions.
<b>Governor</b> Item 4-5.04	Prevents expenditures from GF or NGF sources from being used for providing abortion services, except as otherwise required by federal law.	Currently, public funds can only be used for abortion services in situations where pregnancy results from rape or incest, a physician certifies that the fetus is believed

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		to have an incapacitating physical deformity or mental deficiency, or cases where the pregnancy threatens the life or health of the mother/birthing person. This prohibition could create health implications for pregnant individuals, as well as for victims of sexual violence.
<i><b>Governor</b></i>	Provides an additional \$125,000 in FY 2024 for sexual assault examiner training for Emergency Department staff, as required by the Code of Virginia.	No significant County impact.
<b>Department for Aging and Rehabilitative Services (DARS)</b>		
<i><b>Governor</b></i> Item 330.A	Provides an additional approximately \$285,000 GF and \$2.2 million NGF in FY 2024 to ensure DARS has sufficient resources to fully access federal vocational rehabilitation grant dollars.	No County impact.
<i><b>Governor</b></i> Item 330.B	Provides an additional approximately \$139,400 GF in FY 2023, and \$139,400 GF in FY 2024, to provide vocational rehabilitation services for persons recovering from mental health issues, alcohol, and other substance abuse issues.	No significant County impact.
<i><b>Governor</b></i> Item 330.I	Provides an additional approximately \$37,400 GF in FY 2024 for the Centers for Independent Living, to reflect the latest statewide salary actions. Language requiring DARS to collect and make operating data available is also included.	No County impact.
<i><b>Governor</b></i> Item 330.K	Provides an additional approximately \$225,600 GF in FY 2024 to enable the Personal Assistance Services program to maintain wage alignment with Medicaid rates without reducing services. This program serves individuals who have the most severe physical disabilities, requiring assistance with daily living activities.	No County impact.
<i><b>Governor</b></i> Item 330.N	Provides an additional \$61,800 GF in both FY 2023 and FY 2024 for the Long-Term Rehabilitation Case Management Services Program.	No County impact.
<b>Department of Medical Assistance Services (DMAS)</b>		
<i><b>Governor</b></i> Item 302	Reduces funding by \$1.5 million GF in FY 2023 and \$250,000 GF in FY 2024 for the estimated cost of hospital and physician services for individuals subject to involuntary commitment. Projected expenditures are lower than previously estimated.	No significant impact to the County.

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<i><b>Governor</b></i>	Adjusts funding for the Family Access to Medical Insurance Security program to reflect the latest forecast of expenditures as projected by DMAS.	No County impact.
<i><b>Governor</b></i>	Adjusts funding for the Commonwealth's Medicaid Children's Health Insurance Program (CHIP) to reflect the latest expenditure forecast as projected by DMAS.	No County impact.
<i><b>Governor</b></i>	Provides funding for the cost of Medicaid utilization and inflation as estimated in the most recent expenditure forecast.	No significant County impact. Provides required increases due to higher costs and utilization.
<i><b>Governor</b></i>	Adjusts Medicaid and CHIP appropriations to account for the anticipated extension of the national public health emergency through April 11, 2023. The expected extension would mean that the federal continuous enrollment requirement would expire on April 30, 2023, and the federal Medicaid Assistance Percentages enhancement would continue through June 30, 2023. Allows DPB to move appropriations between fiscal years as necessary to maximize federal reimbursements.	No County impact.
<i><b>Governor</b></i> Item 304	Adjusts Virginia Health Care Fund appropriation to reflect the latest revenue estimates.	<b>Positive.</b> Provides funding based on latest revenue estimates.
<i><b>Governor</b></i> Item 304.A	Provides an additional approximately \$268,800 GF in FY 2024 and an additional approximately \$280,600 from the federal trust fund for reimbursement to the institutions within DBHDS.	<b>TBD.</b>
<i><b>Governor</b></i> Item 304.UUUU	Updates the reimbursement methodology for outpatient rehabilitation services to the resource-based relative value scale. This change is necessary to align Virginia's reimbursement methodology with Medicare and industry standards. All changes must be budget neutral.	No County impact.
<i><b>Governor</b></i> Item 304.XXXX	Increases provider rates for agency- and consumer-directed personal care, respite, and companion services by 5%, effective July 1, 2023. Provides \$42 million GF and \$47.2 million NGF in FY 2024 for the rate increase.	<b>Positive.</b> A rate increase would attract more qualified staff and increase provider capacity.
<i><b>Governor</b></i> Item 308.EE	Requires DMAS to convene a workgroup to examine the impact of including psychiatric residential treatment services in the managed care program. This workgroup must examine	<b>Workgroup offers a potential for positive outcomes.</b> This would be a new benefit that could potentially strengthen community support for behavioral health

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	potential cost and program and system of care impacts, including how local funding and the federally required independent assessment process for these services must be accounted for in managed care.	services. There is currently no reimbursement for residential treatment, so including psychiatric residential treatment services in the managed care program has the potential for opening up needed community supports. Ensuring any new program provides beneficial services that are easy for consumers to navigate in a cost-effective way is critically important, particularly if managed care is the option being examined by the state.
<b>Governor</b> Item 308.FF	Provides \$428,565 GF and \$428,565 from federal funds in FY 2024 for seven positions to increase the amount of third-party liability recoveries. It is expected that these positions will generate sufficient savings in the Medicaid program to offset the new administrative costs.	No significant County impact.
<b>Governor</b> Item 308.GG	Authorizes DMAS to reprocure the Commonwealth’s managed care service delivery system, with an expected implementation date of July 1, 2024. Additionally, authorizes DMAS to make changes to the managed care program, as necessary, to improve fiscal efficiency and enhance health care delivery. Provides approximately \$1.7 million GF and \$2.6 million NGF in FY 2023 to support one-time costs associated with the re-procurement.	<b>TBD.</b> It will be important to monitor the Request For Proposal process to ensure there are no significant changes to the Medicaid benefit package in areas related to behavioral health. It is essential that the state’s service delivery system provides beneficial services that are easy for consumers to navigate, including appropriate rates for providers and services, particularly in high-cost areas like Northern Virginia.
<b>Governor</b>	Directs \$20 million in FY 2024 from the State and Local Fiscal Recovery Funds from ARPA to DMAS to procure a vendor to assist in the redetermination of Medicaid enrollees following the end of the COVID-19 public health emergency. This funding would be in addition to the \$5 million in ARPA funding in FY 2023 previously provided. It also directs \$10 million in FY 2024 in ARPA funding to DSS to support overtime costs at local departments for Medicaid redeterminations. Additionally, it bars the transfer of the new funding until a report detailing the Commonwealth’s final plan to perform all unwinding activities is provided to the Task Force on Eligibility Redetermination.	<b>Positive.</b> This would provide overtime pay for Medicaid Unwinding. Fairfax County Department of Family Services (DFS) has more than 40,000 Medicaid cases to address as a part of unwinding, and additional funding to support overtime is needed.

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<b>Behavioral Health</b>		
<b>Governor</b> Item 144.W	Provides \$9 million GF in FY 2024 to support student mental health services in K-12 and institutions of higher education.	<b>TBD.</b> This is a positive use of funding to address significant youth behavioral health challenges, though it is unclear how and where funding will be allocated. Support for additional state funding for youth behavioral health services is included in the County's Legislative Program.
<b>Governor</b> Item 283.I.	Provides \$750,000 GF in FY 2024 to cover the one-time cost of a consultant to assist with implementing a plan to transform behavioral health.	<b>TBD.</b> Further analysis and information on how and where funding will be allocated is needed.
<b>Governor</b> Item 283.K.	Provides \$250,000 GF in FY 2024 for the Secretary of Health and Human Resources, in collaboration with the Secretary of Veterans Affairs, to cover the one-time cost of a consultant that will study the Commonwealth's coordination of behavioral health and substance abuse programs, with an emphasis on veteran services. The study will include state efforts to address substance use disorder, suicide, and post-traumatic stress disorder. A report will be due by October 1, 2023.	No direct fiscal impact to County, but study is focused on an at-risk population.
<b>Governor</b> Item 287.B	Provides an additional \$2.5 million GF in FY 2024 to VDH for the Virginia Behavioral Health Loan Repayment Program, raising the maximum award amount for child and adolescent psychiatrists, psychiatric nurse practitioners, and psychiatrists, from \$30,000 to \$50,000.	<b>TBD.</b> A positive step by the state to find ways to stabilize the behavioral health care workforce in the future. To support behavioral health staff working at CSBs and other public agencies, language could be added prioritizing access to such funding for those participating in the public behavioral health care system.
<b>Governor</b> Item 287.H	Provides \$5 million GF in FY 2024 to VDH for loan repayments for psychiatric registered nurses and psychiatric nurse practitioners who work in Virginia for four years. The schedule will provide repayment of 25% of the eligible loan at the end of each year for the four completed years of service.	<b>TBD.</b> A positive step by the state to find ways to stabilize the behavioral health care workforce in the future. To support behavioral health staff working at CSBs and other public agencies, language could be added prioritizing access to such funding for those participating in the public behavioral health care system.
<b>Governor</b>	Transfers approximately \$1 million GF in FY 2024 from DBHDS' central office to state-operated facilities, to assist with infrastructure requirements for implementation of electronic health records. Per DPB, this zero-sum transfer has no fiscal impact.	No significant County impact.

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<b>Governor</b> Item 304.GG	Provides an additional \$1 million GF and an additional \$1 million NGF in FY 2024 to support 20 additional psychiatric residency slots, funded through Medicaid, beginning in FY 2024.	<b>TBD.</b> Positive step by the state to find ways to stabilize the behavioral health care workforce in the future.
<b>Governor</b> Item 304.WWWW	Provides authority to expand provider qualifications, allowing individuals working on their required hours of supervision for certification through DBHDS to be eligible for registration through the Department of Health Professions (DHP) to be approved as a Medicaid provider type for mental health and substance use disorder peer supported services. Authorizes DMAS to adjust caseload limits for peer recovery specialists to align with DBHDS and DHP revised policies to increase access to peer recovery services.	<b>TBD.</b>
<b>Governor</b> Item 311.HH	Provides \$15 million GF in FY 2024 for grants to school divisions, public community-based providers, or private community-based providers to contract for the provision of school-based mental health services.	<b>TBD.</b> Further analysis and information on grant process is needed, but could be a positive use of funds as the CSB continues partnering with schools to enhance youth behavioral health services in the community. Support for additional state funding for youth behavioral health services is included in the County's Legislative Program.
<b>Governor</b> Item 311.MM	Provides \$20 million GF in FY 2024 for comprehensive psychiatric emergency programs or similar models of psychiatric care in emergency departments. Projects may include public-private partnerships, including contracts with private entities. All selected programs must collaborate with the region's CSB or behavioral health authority.	<b>TBD.</b> Further analysis and information on how and where funding will be allocated is needed. Investments in a comprehensive psychiatric care program would be a positive use of funds.
<b>Governor</b> Item 312.D	Combines funding and earmarks for alternative transportation and alternative custody for court-ordered individuals subject to temporary detention and emergency custody orders to provide needed flexibility to target resources toward the specific needs of each community. The combination of these appropriations will ensure that the elements of the emerging system are compatible with one another and support continuous care of the population. The amended language also clarifies that alternative transportation and custody programs can be	<b>TBD.</b> Further analysis is needed to determine full impacts to the County.

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	administered through contracts with private contractors, local law enforcement organizations, CSBs, or other methods as necessary to implement the program. It also includes \$1 million GF in FY 2024 for local law enforcement agencies that agree to utilize off-duty officers to transport and/or maintain custody of an individual awaiting admission to a mental health facility or for whom a bed has not yet been identified.	
<b>Governor</b> Item 312.O.2	Sets aside \$1.5 million GF to pursue a pilot program to support the discharge of private hospital patients at-risk of transfer to state mental health hospitals from the existing appropriation of \$7.5 million GF in FY 2024 for DBHDS to pursue alternative inpatient options to state hospitals, or to increase capacity in the community for individuals on the Extraordinary Barriers List,.	<b>TBD.</b> Further analysis and information on location of pilot program needed to determine full impacts to the County.
<b>Governor</b> Item 312.P	Expands language to allow funding currently earmarked for dementia patients to also be used for the discharge and diversion of all older adults (aged 60 and older) who may otherwise be admitted to a state facility.	<b>TBD.</b>
<b>Governor</b> Item 312.W	Provides \$58.3 million GF in FY 2024 to expand and modernize the comprehensive crisis services system, including but not limited to, investment in additional crisis receiving centers, crisis stabilization units, and enhancements to existing sites. This funding includes approximately \$845,000 for administrative costs.	<b>TBD.</b> Further analysis and information on where funding will be allocated is needed to determine full impacts to the County. Funding going toward crisis services is positive, but it is essential that the allocation is fair to localities based upon population size.
<b>Governor</b> Item 312.X	Provides \$8 million GF in FY 2024 for supervised residential care, giving priority to projects that prioritize individuals on the state’s Extraordinary Barriers List.	<b>TBD.</b> Further analysis and information on where funding will be allocated is needed to determine full impacts to the County
<b>Governor</b> Item 312.Y	Provides \$20 million GF in FY 2024 for the one-time costs of establishing additional mobile crisis services in underserved areas.	No significant County impact.
<b>Governor</b> Item 313	Provides an additional \$8 million to expand housing opportunities for individuals with serious mental illness through the Permanent Supportive Housing program.	<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 includes wraparound case management for individuals, to help ensure that those individuals are

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		successful in maintaining their housing, as housing alone will not be sufficient.
<i><b>Governor</b></i>	Provides an additional approximately \$97,800 GF in FY 2024 for one position to track and gather data related to restoration of competency court orders in the forensic mental health system, both inpatient and outpatient.	No significant County impact.
<i><b>Governor</b></i>	Provides an additional \$4 million GF in FY 2023 to begin the installation of duress systems at state-operated mental health facilities.	No significant County impact.
<b>Department of Social Services (DSS)</b>		
<i><b>Governor</b></i> Item 341	Updates appropriation to Temporary Assistance for Needy Families (TANF) and Virginia Initiative for Education and Work (VIEW) to properly account for the anticipated cost of providing mandated TANF benefits, including cash assistance payments, employment services, and VIEW child care. This package also includes adjustments to the Unemployed Parents program.	<b>Positive.</b> Additional TANF funds will further support low-income families.
<i><b>Governor</b></i> Item 342	Funds the NGF portion of the salary increase state-supported local employees received in FY 2023, and increases the federal appropriation for pass through funding at local departments of social services.	<b>TBD.</b> The County does not typically adopt targeted salary increases for state-funded positions (County salaries often already exceed that of lower-salaried jurisdictions who may be the target of such increases).
<i><b>Governor</b></i> Item 343.F	Provides an additional approximately \$10 million NGF in FY 2024 to support the design, development, and implementation of a modernized child support technology system.	No significant County impact
<i><b>Governor</b></i> Item 344.A	Increases the Auxiliary Grant (AG) rate from \$1,609 to \$1,682 per month, effective January 1, 2023.	<b>Positive.</b> Increasing the AG rate will further support the AG community.
<i><b>Governor</b></i> Item 350.I	Provides approximately \$6.1 million GF in FY 2023 for DSS to repay the federal Food and Nutrition Services for an over-issuance of Supplemental Nutrition Assistance Program (SNAP) benefits.	No County impact. Only impacts the state.
<i><b>Governor</b></i> Item 350	Provides approximately \$110,900 GF and \$110,900 NGF in FY 2024 to convert part-time SNAP evaluation reviewer positions to five full-time positions. This conversion will allow for more comprehensive monitoring of, and compliance with, the federal SNAP requirements.	No County impact. Only impacts the state.

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<b>Governor</b> Item 350.J	Provides approximately \$3.8 million GF and \$3.8 million NGF in FY 2024 for a new virtual desktop model to provide local department shared support sites with the functionality the locality requires, while also maintaining compliance with Commonwealth security standards.	No significant County impact.
<b>Substance Use</b>		
<b>Governor</b> Item 61	Provides an initial \$3.5 million NGF appropriation and five positions in FY 2024, allowing the Opioid Abatement Authority (OAA) to provide grants, loans, and awards at the beginning of the fiscal year without delay. Also, creates the Commonwealth Opioid Abatement and Remediation Fund, which will receive deposits from settlements, judgments, verdicts, or other court orders relating to consumer protection claims regarding the manufacturing, marketing, distribution, or sale of opioids. The Fund will support efforts to treat, prevent, or reduce opioid use disorder or the misuse of opioids, or otherwise abate the opioid epidemic. Related legislation will be introduced during the 2023 GA session.	Appears to be an administrative step in establishing the OAA.
<b>Governor</b> Item 362.50	Provides that the OAA will abate and remediate the opioid epidemic in the Commonwealth through financial support from the OAA Fund, in the form of grants, donations, or other assistance, for efforts to treat, prevent, and reduce opioid use disorder and misuse of opioids in the Commonwealth. Authorizes the OAA to request NGF appropriation increases from the OAA Fund.	Appears to be an administrative step in establishing the OAA.
<b>Governor</b> Item 283.L	Provides \$5 million NGF in FY 2024 (from the OAA Fund) to conduct a public awareness campaign to reduce the number of incidents of fentanyl poisoning among youth.	<b>TBD.</b> It will be critical for any statewide awareness campaign materials to be available in multiple languages.
<b>Governor</b> Item 291.P	Provides \$7 million NGF in FY 2024 (from the OAA Fund) to support costs associated with a statewide fentanyl response strategy, pursuant to legislation to be introduced in the 2023 GA.	<b>TBD.</b> More information is needed on the goals and implementation timeline of the statewide strategy.
<b>Governor</b> Item 312.H	Provides approximately \$1.4 million NGF in FY 2023 and \$1.4 million NGF in FY 2024 (from the OAA Fund) to purchase and distribute	<b>TBD.</b> It remains unclear how funding will be allocated throughout the state.

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	additional REVIVE! kits and associated doses of naloxone used to treat emergency cases of opioid overdose or suspected opioid overdose.	
<b>Other</b>		
<b>Governor</b> Item 353	Provides an additional \$22,800 GF in FY 2024 to the Virginia Board for People with Disabilities to cover increased operating costs and avoid reductions to core services.	No County impact.
<b>Governor</b> Item 357.B	Provides additional support for vocational rehabilitation services provided to blind and vision impaired Virginians. The funding provided will allow the agency to support approximately 55 cases.	No County impact.

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## Transportation

Source	Amendment	Fairfax County Impact
<b>REGIONAL ITEMS</b>		
<b>Northern Virginia Transportation Authority (NVTA) Funding</b>		
<i>Governor</i> Item 460	Includes approximately \$869.1 million for distribution of NVTA Fund revenues over the biennium, approximately a \$47.1 million increase.	<p>The amount received by the County is dependent on actual collections from revenue sources. Through its Six Year Program, NVTA allocates 70% (approximately \$608.4 million in 2022-2024) to regional projects, and that funding has already been approved for projects through adoption of NVTA's FY 2018-2023 and FY 2020-2025 Six Year Programs.</p> <p>Fairfax County should receive approximately \$117 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 Washington Metropolitan Area Transit Authority (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>		
<i>Governor</i> Item 444	Provides approximately \$207.4 million over the 2022-2024 biennium for regional gas taxes (for NVTC, Potomac and Rappahannock Transportation Commission (PRTC), and other regional gas taxes). Estimates approximately \$88.3 million for NVTC over the 2022-2024 biennium, and an additional \$22.2 million annually that is transferred to the WMATA Capital Fund per HB 1539/SB 856 (2018). Also, \$15 million of NVTC and PRTC revenues are transferred annually to the Commuter Rail Operating and Capital Fund.	The amount received by NVTC and the County is dependent on actual collections from the revenue sources.

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<b>STATEWIDE PROGRAMS</b>		
<b>Department of Rail and Public Transportation (DRPT)</b>		
<b>Governor</b> Item 447	<p>Provides approximately \$1.14 billion for Public Transportation Programs (no change), including:</p> <ul style="list-style-type: none"> <li>• Approximately \$213 million for Operating Assistance (no change);</li> <li>• Approximately \$120 million for Capital Assistance (no change);</li> <li>• Approximately \$357.7 million for WMATA operating and capital costs (state share of WMATA assistance) (no change);</li> <li>• \$4 million for federally mandated state safety oversight of fixed rail guideway transit agencies, i.e. the Metrorail Safety Commission (MSC) (no change); and,</li> <li>• \$100 million as the state match for the federal Passenger Rail Investment and Improvement Act (PRIIA) (no change).</li> </ul> <p>Includes approximately \$318.8 million for the WMATA Capital Fund, which includes state funding as well as the local and regional funding redirected as part of HB 1539/SB 856 (2018) (no change).</p>	Statewide Operating and Capital funding is subject to the transit prioritization process required by legislation passed in the 2018 General Assembly, entitled MERIT, and programs created in HB 1414/SB 890 (2020), so the impact to Fairfax Connector and PRTC is unclear.
<b>Virginia Passenger Rail Authority/Rail Programs</b>		
<b>Governor</b> Item 445	Includes approximately \$615.3 million for passenger rail development and operation programs (no change).	<b>TBD.</b> Will help fund rail projects, including those located in Northern Virginia (such as improvements in the I-95 Corridor)
<b>Virginia Department of Transportation (VDOT)</b>		
<b><u>Environmental Monitoring and Evaluation</u></b>		
<b>Governor</b> Item 450	Includes \$37.8 million for Environmental Monitoring and Evaluation (approximately \$17 million decrease). This includes approximately \$21.8 million for Environmental Monitoring and Compliance for Highway Projects (approximately \$1.9 million increase) and approximately \$7.8 million for Municipal Separate Storm Sewer System (MS4) Compliance Activities (approximately \$19.6 million decrease).	<b>TBD.</b>

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<b><u>Highway Construction</u></b>		
<b>Governor</b> Item 452	<p>Provides approximately \$8.52 billion for Highway Construction Programs, an approximately \$452 million decrease. This includes:</p> <ul style="list-style-type: none"> <li>• Approximately \$221.7 million for the Virginia Highway Safety Improvement Program (approximately \$69.3 million increase);</li> <li>• Approximately \$922.4 million for the Interstate Operations and Enhancement Program (approximately \$484.4 million increase);</li> <li>• Approximately \$648.9 million for State of Good Repair (approximately \$183.2 million decrease);</li> <li>• Approximately \$601.1 million for the High Priority Projects Program (approximately \$262.8 million decrease);</li> <li>• Approximately \$796.8 million for the Construction District Grant Program (approximately \$226.6 million decrease), which includes \$227.5 million from the regional fuel tax collected in transportation districts that do not have a regional authority;</li> <li>• Approximately \$4.71 billion for Specialized State and Federal Programs (approximately \$339.4 million decrease); and,</li> <li>• Approximately \$510.2 million for Legacy Construction Formula Programs (no change).</li> </ul> <p>Of the Specialized State and Federal Programs:</p> <ul style="list-style-type: none"> <li>• Approximately \$251.9 million for the federal Regional Surface Transportation Program (RSTP) (approximately \$18.5 million increase);</li> <li>• Approximately \$82 million in federal funds for a new federal resiliency program (approximately \$7.5 million decrease);</li> </ul>	<p>Many of these funds are subject to Smart Scale or other prioritization processes, so the impact to Fairfax County is unclear.</p> <p>The approximate \$131 million decrease in CMAQ should decrease the amount of funding from this program that is provided to Northern Virginia.</p> <p>The increases in RSTP and Transportation Alternative funds could benefit the County and region.</p>

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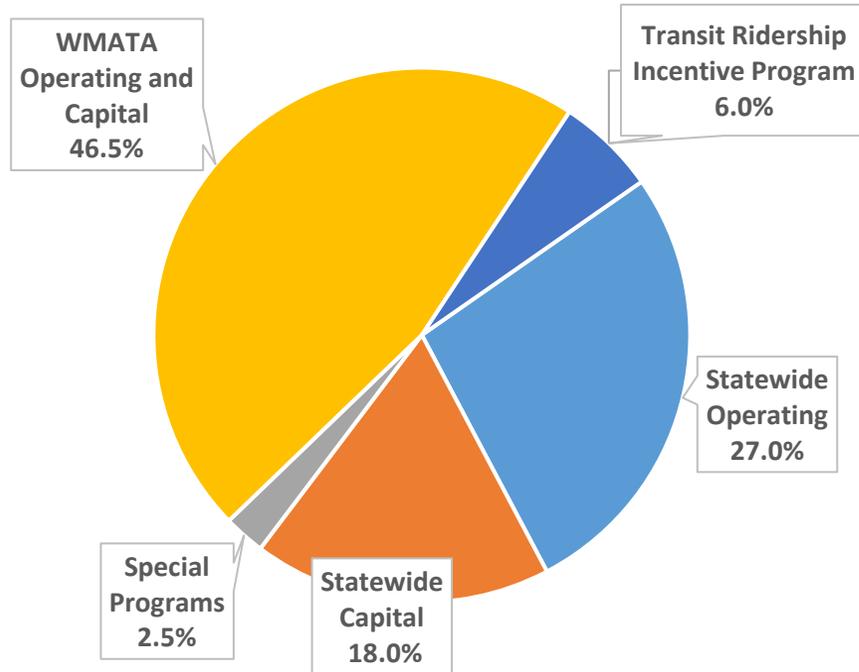
	<ul style="list-style-type: none"> <li>• Approximately \$160.1 million for the federal Congestion Mitigation and Air Quality Program (CMAQ) (approximately \$131.8 million decrease);</li> <li>• Approximately \$405.4 million for Revenue Sharing (no change);</li> <li>• Approximately \$52.3 million for the Surface Transportation Block Grant Program Set-Aside (approximately \$12 million increase); and,</li> <li>• Approximately \$67.9 million federal and state matching funds for the federal Carbon Reduction Program (approximately \$2.3 million decrease).</li> </ul> <p>Included in the amounts for Specialized State and Federal Programs:</p> <ul style="list-style-type: none"> <li>• Approximately \$2.43 billion represents estimated project participation costs from localities and regional entities; and,</li> <li>• The reappropriation of approximately \$901.1 million from bond proceeds from various bond programs.</li> </ul> <p>Transfers \$100 million from uncommitted balances in the Virginia Transportation Infrastructure Bank to the Transportation Partnership Opportunity Fund (TPOF). Also provides \$200 million from revenue increases identified in the December 2022 revenue forecast of the Commonwealth Transportation Fund in the FY 2024-2029 Six-Year Improvement Program to the TPOF.</p>	
<b><i>Highway Maintenance</i></b>		
<b><i>Governor</i></b> Item 453	<p>Provides \$4.83 billion for Highway System Maintenance and Operations, an approximately \$579.4 million increase. This includes:</p> <ul style="list-style-type: none"> <li>• Approximately \$1.19 billion for interstates (approximately \$201.7 million increase);</li> <li>• Approximately \$1.54 billion for primaries (approximately \$3.8 million decrease);</li> </ul>	<p>Using historical estimates, approximately \$87 million more may be available for maintenance and operations within Northern Virginia.</p>

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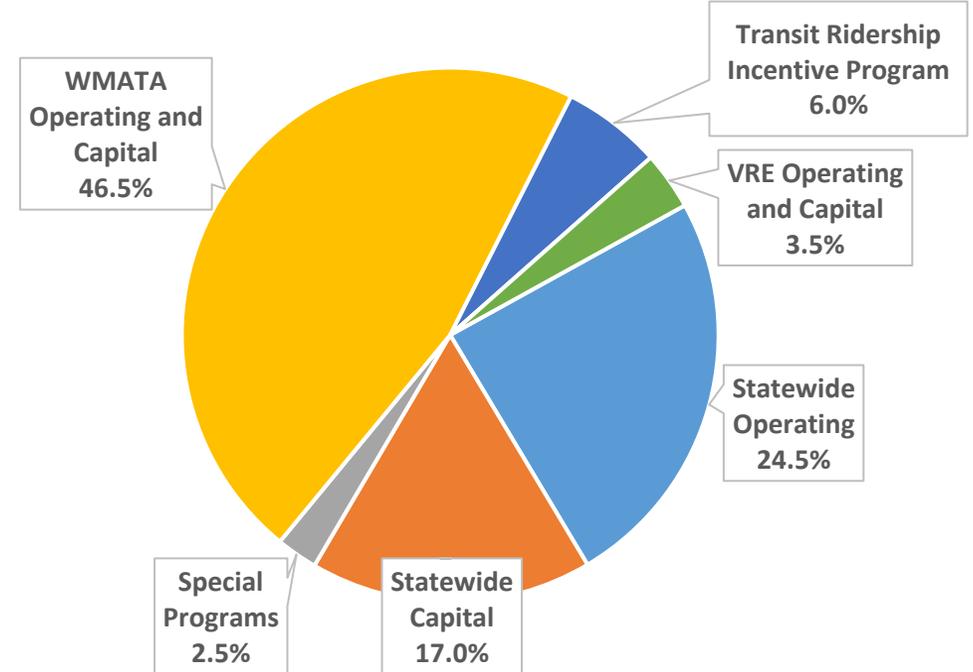
	<ul style="list-style-type: none"> <li>• Approximately \$1.32 billion for secondaries (approximately \$142 million increase); and,</li> <li>• Approximately \$641.8 million for Transportation Operations Services (approximately \$241.4 million increase).</li> </ul>	
<b><u>Special Structures</u></b>		
<b><i>Governor</i></b> Item 454	Provides \$165 million for this program (approximately \$3.8 million increase).	The Commonwealth's report on the overall condition of special structures identified only one such structure in Northern Virginia, so this will likely have little impact on the region.
<b><u>Toll Facilities</u></b>		
<b><i>Governor</i></b> Item 455	Provides approximately \$173.9 million for toll facilities (approximately \$23 million decrease), including approximately \$100.4 million for Maintenance and Operations (approximately \$23 million decrease); and approximately \$73.5 million for the Revolving Fund (no change).	<b>TBD.</b>

# Mass Transit Fund

Current Formula



HB 1496 / SB 1079 Formula



- **Statewide Operating** - Allocated to support operating costs of transit providers and distributed on the basis of service delivery factors. *\*WMATA is not eligible for this program.\**
- **Statewide Capital** - Distributed utilizing the transit capital prioritization process. *\*WMATA is not eligible for this program.\**
- **Transit Ridership Incentive Program (TRIP)** – Promotes improved transit service in urbanized areas of the Commonwealth with a population in excess of 100,000, and reduces barriers to transit use for low-income individuals.
- **Special Programs** – Includes ridesharing, transportation demand management programs, experimental transit, public transportation promotion, operation studies, and technical assistance.

- **Statewide Operating** - Allocated to support operating costs of transit providers and distributed on the basis of service delivery factors. *\*WMATA and VRE are not eligible for this program.\**
- **Statewide Capital** - Distributed utilizing the transit capital prioritization process. *\*WMATA and VRE are not eligible for this program.\**
- **Transit Ridership Incentive Program (TRIP)** – Promotes improved transit service in urbanized areas of the Commonwealth with a population in excess of 100,000, and reduces barriers to transit use for low-income individuals. *(no change from current formula)*
- **Special Programs** – Includes ridesharing, transportation demand management programs, experimental transit, public transportation promotion, operation studies, and technical assistance. *(no change from current formula)*
- **VRE** - The amount of funding shall be based on service delivery factors, based on effectiveness and efficiency as established by the Commonwealth Transportation Board. Any remaining funding will revert to Statewide Capital.
- **WMATA** – State funding to WMATA cannot exceed 50% of Virginia’s total local operating and capital subsidy in the approved WMATA budget. Any amount above 50% will revert to Statewide Capital. State funding has not typically exceeded 50%, with the exception of the time period during the COVID-19 pandemic.