

# VACo LEGISLATIVE SUMMARY

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**2022 Edition**

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## Vital Statistics from the 2022 Session

	Introduced	Passed	Failed	Vetoed
House Bills	1,364	469	791	10
House Joint Resolutions	456	410	45	0
House Resolutions	239	232	7	0
Senate Bills	777	371	307	16
Senate Joint Resolutions	222	203	11	0
Senate Resolutions	85	82	2	0
General Assembly Totals	3,143	1,767	1,163	26

**Note:** Bills that remained in conference committees when the General Assembly adjourned its regular session on March 12 were continued to the 2022 Special Session I. VACo will update this document as these bills are finalized.

**This document was revised on August 22, 2022.**

# 2022 Legislative Priorities

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## **ECONOMIC DEVELOPMENT AND PLANNING**

### **Broadband**

VACo urges the Commonwealth to provide adequate financial assistance to counties to build the necessary telecommunications infrastructure to deploy universal affordable access to the internet for all areas, particularly in underserved and rural areas. Additionally, VACo supports legislation that provides additional tools for counties to finance, build and operate open access networks in partnership with commercial internet service providers. VACo also supports efforts to streamline the permitting of broadband infrastructure in the VDOT right-of-way, at railroad crossings, and within utility easements.

## **EDUCATION**

### **Education Funding**

VACo urges the General Assembly to provide full state funding for public education, including the Standards of Quality (SOQ) as recommended by the Board of Education, where these recommendations coincide with prevailing local practice, targeted incentive programs, capital, and maintenance support, and teacher salaries. Full state funding should be achieved without reduction to other parts of state public education budgets or to other core services.

VACo supports additional state resources and additional statewide funding options for localities for capital and school construction costs, including expanding dedicated local sales and use tax authority first given to select counties by the General Assembly in 2019.

VACo supports voluntary incentives that encourage localities to increase teacher salaries to reflect the national average in compensation, as long as this is done without a required minimum local match. The state share of compensation for the base rate of salaries should reflect the actual average salary as determined by prevailing local practice.

## **ENERGY**

### **Energy Policy**

VACo supports energy policies and goals that reduce greenhouse gas emissions without compromising reliable and affordable access to electricity, and that address potential environmental impacts and life cycle costs for the manufacture, disposal, re-use, or recycle of material inputs. Such policies should allow for responsible coal and natural gas extraction, processing, and transport while protecting agricultural interests and natural resources.

## **ENVIRONMENT AND AGRICULTURE**

### **Water Quality Funding**

VACo supports effective partnerships across all levels of government as well as adequate financial and technical assistance from the federal and state governments to improve water quality. VACo supports improved water quality but opposes strategies that penalize local governments by withdrawing current forms of financial assistance or imposing monitoring, management, or similar requirements on localities without providing sufficient resources to accomplish those processes. VACo supports efforts to continue to restore and protect the Chesapeake Bay but opposes additional nutrient regulations on wastewater treatment facilities that are scientifically unsound, economically infeasible, or unnecessary for meeting the Commonwealth's goals. VACo opposes the imposition of a state fee, tax or surcharge, on water, sewer, solid waste, or any service provided by a local government or authority.

## **FINANCE**

### **American Rescue Plan Act and Federal Infrastructure Funds**

VACo supports the use of federal relief funds provided to the state through the American Rescue Plan Act, and federal infrastructure funding that may be provided to the state in the future, to make investments in county priorities, including broadband, wastewater and stormwater improvements, school capital needs, reimbursement for workers' compensation claims filed under the new presumption for

COVID-19, and assistance to localities in meeting election cybersecurity requirements. VACo encourages coordination with local governments in deployment of relief funds so that each federal dollar can be maximized for the benefit of the residents of the Commonwealth.

### **Local Finance**

VACo supports preserving the authority of county governments to levy and collect revenue from local business taxes.

## **GENERAL GOVERNMENT**

### **Local Authority**

VACo supports relaxation of the Dillon Rule and legislation maintaining and enhancing local authority and autonomy in matters including land use, revenue measures, procurement and other issues of local concern. VACo supports extending powers currently granted to some local governments to all local governments. VACo opposes legislation that erodes local authority.

### **Unfunded Mandates**

VACo opposes unfunded mandates and shifting fiscal responsibility for existing programs by the Commonwealth from the state to localities. When funding for a mandated program is altered, the mandate should be suspended until full funding is restored. When legislation with a cost to localities is passed by the General Assembly, the cost should be borne by the Commonwealth, and the legislation should contain a sunset clause providing that the mandate is not binding on localities until funding by the Commonwealth is provided.

## **HEALTH AND HUMAN RESOURCES**

### **Health and Human Resources Funding**

VACo supports transparent state policies and funding to ensure the Commonwealth's at-risk families have access to high quality and appropriate services. The Commonwealth should provide full funding to localities and their state administrative entities for state-mandated human services and provide the necessary program flexibility to enable localities to provide comprehensive and case-tailored services.

VACo supports resources necessary for behavioral health and mental health facilities to ensure the protection of residents' and staff health and safety, such as appropriate staff qualifications, training, compensation, and condition of the facilities.

## **TRANSPORTATION**

### **Transportation Funding**

VACo supports continued study and action to address the causes for declining growth in transportation revenues and to develop recommendations to grow revenue over time to meet increasing demands for new construction and maintenance for existing transportation infrastructure. Such action must address the secondary road needs of counties throughout the Commonwealth. VACo supports restoration of Revenue Sharing funds for the FY2023-FY2024 biennium.

VACo supports changes to simplify the Smart Scale process for allocating transportation funds to reduce time and costs to prepare and review applications. VACo supports adequate funding levels to maintain existing transit capital state match rates.

In 2018 the legislature enacted a dedicated funding solution for Metro that came largely through reallocation of existing revenues, at the expense of other significant transportation projects throughout Northern Virginia. Though significant progress was in the 2020 legislature, VACo supports continuing efforts to replace the regional funding that was redirected from the Northern Virginia Transportation Authority.

VACo supports efforts by the federal government to provide additional infrastructure funding to state and local governments, including passage of a five-year surface transportation reauthorization bill and encourages the state to coordinate with local governments on use of this funding.

# State Budget Overview



A lengthy state budget process concluded on June 22 with the Governor's signature on the biennium budget bill, following General Assembly approval of a compromise conference report on June 1 and consideration of a package of gubernatorial amendments on June 17.

A large infusion of revenues into state coffers allowed the legislature to make significant deposits to the state's reserves and the Virginia Retirement System, as well as providing across-the-board and targeted compensation increases. Budget negotiators also fashioned a compromise that provides approximately \$4 billion in tax relief, including a significant increase in the standard income tax deduction, one-time income tax rebates, a phased-in income tax subtraction for a portion of military benefits, partial refundability of a state earned income tax credit, and elimination of the accelerated sales tax requirement for businesses. Of particular importance to local governments, the budget eliminates the state portion of the sales and use tax on food for home consumption and essential personal hygiene products, effective January 1, 2023, and replaces the revenue distribution that would have otherwise been made to localities based on school-age population. The 1 percent local option portion remains in place.

The approved budget makes significant investments in county priorities such as school capital needs, K-12 staffing, and behavioral health. An overview of key items of interest to local governments follows below:

## **K-12 EDUCATION**

- Provides \$109.3 million General Funds (GF) in FY 2023 and \$162.3 million GF in FY 2024 to increase the number of recognized support positions. Since FY 2010, funded support positions have been calculated as a linear weighted average of support positions to funded SOQ instructional positions as reported by divisions. This budget action would increase the funded ratio from 17.75 support positions per 1,000 students to funded SOQ instructional positions to 20 support positions per 1,000 ADM to funded SOQ instructional positions in the first year, and 21 support positions per 1,000 ADM to funded SOQ instructional positions in the second year. This increases state support for support positions and partially removes the funding cap placed on support positions beginning in fiscal year 2010. Removal of the funding cap has been a long-held priority for VACo.
- Provides \$177.1 million GF in FY 2023 and \$177.4 million GF in FY 2024 to hold divisions harmless



for rebenchmarking data. VACo is appreciative that rebenchmarking considers the unusual nature of K-12 costs during the pandemic.

- Provides \$10 million GF in FY 2023 and \$10.3 million GF in FY 2024 for the state share of one school principal position per elementary school. Current law provides that elementary schools with fewer than 300 students are provided a half-time principal position; however, many localities staff beyond the current required ratio. VACo supports state funding for education costs aligned with prevailing local practice.
- Establishes the School Construction Assistance Program and provides \$400 million GF and \$50 million from the Literary Fund in FY 2023 to provide competitive grants for school construction and modernization, based on demonstrated poor building conditions, commitment, and need. Grants would cover 10 to 30 percent of reasonable project costs, depending on a locality's local composite index and fiscal stress score. VACo supports additional state resources for school construction costs.
- Funds the School Construction Grant Program at \$400 million in FY 2023. Provides \$1 million in base funding to each school division, with the remaining funds distributed based on weighted March 2022 ADM. Language allows funds to be used for debt service payments on projects that have been completed or initiated in the last ten years. Funds are not to be used for parking lots or facilities for extracurricular athletic activities. Funds unexpended at the end of FY 2023 or FY 2024 are to be carried on the locality's books in escrow. VACo supports additional state resources for school construction costs.
- Implements recommendations of the Department of Education and the Department of the Treasury to make Literary Fund construction loans more competitive and attractive to school divisions as a viable source for funding school construction projects. Replaces Literary Fund dollars in FY 2022 and in both years of the biennium that would otherwise have supported teacher retirement contributions with General Fund dollars, thus enabling the Board of Education to offer up to \$200 million in FY 2023 and up to \$200 million in FY 2024 from the Literary Fund. Modifies the loan program to increase the maximum project amount to \$25.0 million; benchmarks interest rates to the market with the rate capped at 2.0 percent for divisions with a LCI less than 0.3000; and offers a loan add-on for projects that result in school consolidation.
- Provides clarification that the Required Local Effort for Infrastructure and Operations Funds shall include local funds used for nonrecurring expenses. Funds may also be used for projects initiated but not yet completed. Any funds unexpended at end of FY 2023 or FY 2024 are to be carried on the locality's books in escrow.
- Provides \$132,932 GF per year for the Department of Education to develop a data collection tool to determine the age of school buildings and maintenance reserve funds needed pursuant to Chapter 650, 2022 Acts of Assembly.
- Increases the At-Risk Add-On maximum from 26% to 36% in FY 2023. This funding allocates additional dollars to school divisions with high concentrations of students living in poverty.
- Provides \$100 million GF in FY 2023 for college partnership lab schools. A "college partnership laboratory school" means a public, nonsectarian, nonreligious school in the Commonwealth established by a baccalaureate public institution of higher education; a nonprofit private institution of higher education whose primary purpose is to provide collegiate, graduate, or professional education and not to provide religious training or theological education. The amendment further requires the Board of Education to establish CPLS Fund guidelines before the release of funds and reverts any unobligated funds at the end of the 2022-24 biennium to the general fund. Final action on [legislation](#) regarding college partnership laboratory schools is still pending.
- Backfills funding for the school-age population distribution as a result of the elimination of the state portion of the grocery tax (\$104 million GF in FY 2023 and \$257.2 million GF in FY 2024). These payments are distributed to localities based on the estimate of school age population consistent with sales tax.
- Provides \$30.8 million GF in FY 2023 and \$31.6 million GF in FY 2024 for the state share to provide one reading specialist for every 550 students in kindergarten through third grade, and provides flexibility for school divisions to employ other instructional staff working toward

obtaining the training and licensure requirements prescribed in [HB 319 \(Coyner\)](#) that will become effective in the 2024-2025 school year. Expands the Early Reading Specialists Initiative to provide funding to additional schools that rank lowest statewide on the third grade reading Standards of Learning Assessment. Funds support the state share of an additional reading specialist, reading coach, or tuition for collegiate programs and instruction for currently employed instructional school personnel to earn the credentials necessary to meet licensure requirements to be endorsed as a reading specialist. These reading specialists are in addition to those required for all school divisions and funded through Basic Aid.

- Provides \$4.9 million GF in FY 2023 and \$4.6 million GF in FY 2024 for implementation of the [Virginia Literacy Act](#), which makes several changes relating to early student literacy, including, among other provisions, requiring each local school board to establish a division wide literacy plan; each local school board to employ one reading specialist for each 550 students in kindergarten through grade three, among other provisions.
- Provides \$1.5 million GF in FY 2023 for educator workforce initiatives to increase the supply of qualified educators and support educator recruitment and retention efforts. These funds can support provisionally licensed staff to receive a full teacher licensure, professional development, and mentoring for early career teachers.
- Provides \$28,040 GF in each year of the biennium to fund the School Health Services Committee created by enactment of [SB 62 \(Favola\)](#), which will review and provide advice to the General Assembly and other policy makers regarding proposals that require local school boards to offer certain health services in a school setting.
- Directs JLARC to review the cost of competing adjustment (COCA) as part of its review of SOQ standards and funding.
- Provides \$1.7 million GF in FY 2023 for one-time support to Accomack and Northampton for teacher recruitment and retention efforts (removes the proposed inclusion of Accomack and Northampton in the cost of competing adjustment (COCA) from the introduced budget).
- Provides \$150,000 GF in each year of the biennium to the Weldon Cooper Center for Public Service to fund additional demographic review of K-12 enrollment trends.

## **COMPENSATION**

- Provides funding for the state's share of a 5 percent salary increase in each year of the biennium for SOQ-recognized instructional and support staff. School divisions must provide salary increases of at least 2.5 percent in each year of the biennium to draw down state funds. Language in the conference report requires school divisions to certify that local matching funds for salary increases are derived from local sources. The conference report adjusts the timing of the salary increase so that it takes effect August 1, consistent with other salary actions in the budget.
- Directs \$124.7 million in ARPA funds for a one-time bonus of \$1000 on December 1, 2022, for SOQ-recognized instructional and support positions. No local match for these funds is required.
- Provides for salary increases for state employees of 5 percent per year (except employees who are receiving targeted salary increase at or above 7.5 percent in FY 2023, who will receive increases of 2.5 percent in FY 2023 and 5 percent in FY 2024); also provides similar salary increases for Constitutional officers and state-supported local employees, beginning August 1, 2022.
- Provides \$66.5 million GF in FY 2023 for a \$1000 bonus for state employees on December 1, 2022.
- Includes several targeted compensation actions, including:
  - Directs \$10 million in ARPA funding in FY 2023 for teacher recruitment incentive payments.
  - Increases the entry-level salary of sworn deputy sheriffs and regional jail officers to \$42,000; adjusts funding to reflect an effective date of August 1, 2022. Provides \$15.6 million over the biennium for a compression adjustment for sworn personnel with three or more years of service.
  - Provides \$4 million GF in FY 2023 and \$4.4 million GF in FY 2024 to increase salaries for general district court and juvenile and domestic relations court clerks by \$2000, effective

- July 10, 2022 (for the August 1 payday). Provides \$7.8 million per year for additional general district court clerk positions, salary increases for general district court clerks, or a combination of the two.
- o Provides \$3.9 million GF in FY 2023 and \$4.1 million GF in FY 2024 to implement the Office of the Executive Secretary of the Supreme Court's magistrate retention plan; directs the Executive Secretary to report on the allocation of these funds and their effectiveness at addressing workforce challenges by October 15, 2023. Adjusts the effective date such that the compensation initiative takes effect July 10, 2022 (for the August 1 payday), consistent with other compensation actions in FY 2023.
  - o Includes \$1.3 million GF in FY 2023 and \$1.5 million GF in FY 2024 for a \$1250 salary increase for all circuit court employees, effective August 1, 2022.
  - o Includes funding to set the starting salary for correctional officers at \$42,000 (equal to the level for deputy sheriffs and regional jails); addresses compression issues, and increases salaries for supervisory ranks. Provides \$3.3 million GF in FY 2023 and \$3.6 million GF in FY 2024 for a \$3000 salary increase for probation and parole officers; directs the Department to conduct a review of staffing levels, employee compensation, and employment conditions, and report by October 1, 2022.
  - o Increases salaries for direct care staff at state hospitals to the 50th percentile of market rates. Language directs DBHDS to assess the effectiveness of the compensation actions in reducing vacancies and turnover in the state hospital system. Takes similar actions for compensation increases for staff at training centers and at the Virginia Center for Behavioral Rehabilitation.
  - o Directs DBHDS to collect information on CSB employee compensation to assist in developing a compensation proposal for the 2023 session.
  - o Funds a compensation plan for sworn positions in the Virginia State Police; the plan addresses pay compression and increases the starting salary for newly-hired troopers from \$47,843 to \$51,500. Adjusts the funding levels to reflect a July 10 effective date.
  - o Provides \$2 million GF in FY 2024 for a \$3000 salary increase for probation and parole officers at the Department of Juvenile Justice; also provides \$2.2 million GF in FY 2024 for targeted salary increases and related compensation actions for Department of Juvenile Justice corrections staff.

## **JUDICIARY/PUBLIC SAFETY**

- Provides \$500,000 GF in FY 2022 to contract with the National Center for State Courts to evaluate judicial caseloads; a report is due October 15, 2023.
- Directs the Commission on the Virginia Alcohol Safety Action Program to review its organizational and financial structure and develop recommended actions needed to achieve long-term fiscal stability. This language addresses VACo's concerns about an earlier proposal considered during the budget process which would have required localities to contribute to the operating costs of these organizations; a study is a preferable approach.
- Provides \$859,920 GF per year to the Indigent Defense Commission for eight positions to address workload increases; directs the Commission to convene a workgroup to assess the feasibility of creating an Appellate Defender Office. Provides \$100,000 GF in FY 2023 for JLARC to contract for a study of the feasibility and costs of a statewide system of public defender officers and the staffing and pay associated with court-appointed legal counsel and defense. Legislation that would have required localities to provide pay supplements to public defenders' offices commensurate with supplements for Commonwealth's Attorneys' offices was incorporated in the bill sent to JLARC to study.
- Provides an additional \$22.5 million GF per year for School Resource Officer incentive grants; language waives local matching requirements in the first year.
- Provides \$13 million over the biennium for grants supporting violence intervention and prevention.



- Provides an additional \$500,000 GF per year for local pretrial services and community corrections.
- Increases funding for aid to localities with police departments (“HB 599”) by \$19.1 million GF in FY 2023 and \$27.9 million GF in FY 2024. VACo worked with partner organizations in support of additional funding for this program, which is statutorily required to increase along with the growth in the General Fund, but was level-funded in the introduced budget.
- Dedicates \$75 million in American Rescue Plan Act (ARPA) funding in FY 2023 for one-time grants to state and local law enforcement, with at least \$60 million directed to local law enforcement.
- Directs the Department of Juvenile Justice to review staffing levels, compensation, vacancies, and turnover rates, including an analysis of the impact of reductions in census levels on staffing requirements.
- Provides \$10 million GF in FY 2023 and \$5 million GF in FY 2024 for cybersecurity initiatives identified by the Secretary of Administration; funds are to remain unallotted until a report is submitted to the Governor and the “money committee” chairs detailing planned use of funds.

### **ADMINISTRATION – COMPENSATION BOARD (CONSTITUTIONAL OFFICERS AND JAILS)**

- Provides \$7.3 million in FY 2023 and \$9.9 million in FY 2024 for 125 new behavioral health case manager positions and 127 partially-funded medical/treatment positions to assist local and regional jails to comply with behavioral health standards that are in the process of being implemented. Language directs the Compensation Board to report on the implementation of these positions. VACo has worked with advocacy partners to support state assistance with the resources that will be required to comply with the behavioral health standards.
- Increases the per diem rate for state-responsible inmates by \$3/day (provides \$4.6 million in FY 2023 and \$7 million in FY 2024 for this purpose). VACo has worked with advocacy partners for the last several years in support of per diem increases.
- Language provides clarification regarding ordering of sheriffs’ deputies for courtroom security.
- Provides \$1.6 million over the biennium to support participation in Constitutional officers’ career development programs.
- Provides additional \$978,476 GF per year for Clerks’ operating budgets to replace the Technology Trust Funds that had been used to support operating costs.
- Restores \$673,767 GF in FY 2023 and \$735,018 GF in FY 2024 in state funding for Compensation Board-allocated positions in Commissioners’ offices that were previously de-funded.
- Restores \$165,667 GF in FY 2023 and \$180,728 GF in FY 2024 in state funding for 120 underfunded deputy treasurer positions.

### **ADMINISTRATION – ELECTIONS**

- Provides \$2.2 million GF in FY 2023 for voter notification mailings to all registered voters regarding new districts as a result of redistricting. VACo supported this funding.
- Unallots \$1.1 million in balances that would otherwise be used for reimbursing localities for postage costs associated with providing prepaid postage with absentee ballots. Removes language regarding reimbursement for prepaid postage for absentee.
- Eliminates funding included in the introduced budget in the second year to reimburse localities for 2024 presidential primary expenses.

### **AGRICULTURE AND FORESTRY**

- Provides approximately \$900,000 in increased funding for the Agriculture and Forestry Industries Development Fund over the biennium.
- Provides \$575,000 over the biennium for an invasive species detection program.
- Capitalizes the newly-created Forest Sustainability Fund with \$1 million GF in FY 2023, consistent with legislation passed during the 2022 session that provides for reimbursements to localities for revenue forgone due to the placement of real estate devoted to forest use in a use value assessment program. VACo supported this legislation.

- Directs the Department of Forestry to prepare an assessment of the environmental benefits of Virginia's forests and its forest economy.

## **ECONOMIC DEVELOPMENT/WORKFORCE**

- Provides \$2.5 million GF in FY 2022 for grants to GO Virginia regions to identify and address business needs for workers in regional industry clusters. Language in the biennium budget directs the Department of Housing and Community Development to continue the program.
- Directs \$130 million in ARPA funds to the Rebuild Virginia program in FY 2022.
- Provides \$75,000 GF in FY 2023 for a comprehensive review of workforce development in the state. Directs the Governor to designate a member of the Executive Branch to be an advisor on health workforce development.
- Provides \$54.5 million GF per year for the Virginia Business Ready Sites Program Fund, with direction to the Virginia Economic Development Partnership to consider investing funds in sites over 1,000 acres and smaller sites of at least 50 acres concentrated in GO Virginia Regions 1 and 2. Allows reimbursement to localities, without a local match requirement, for fees associated with rezoning land for the purpose of building a portfolio of strategic economic development sites. Earmarks an additional \$50 million for deposit to the Fund from undesignated FY 2022 surplus dollars.
- Earmarks \$200,000 GF per year for the Lenowisco and Cumberland Plateau Planning District Commissions for economic development efforts that align with federal funding opportunities.
- Provides \$3.4 million over the biennium in increased funding for the Enterprise Zone Grant Program.
- Provides \$1 million per year for the Regional Innovation Fund.
- Provides \$16 million GF in FY 2023 and \$17 million GF in FY 2024 for workforce development training.

## **BROADBAND**

- Includes language allowing public broadband authorities to apply directly for Virginia Telecommunication Initiative (VATI) funds without investment by the private sector, with a cap of 10 percent of total available funding in any fiscal year.
- Includes an annual reporting requirement for VATI grant awards.

## **HOUSING/COMMUNITY DEVELOPMENT**

- Deposits an additional \$40 million over the biennium into the Virginia Housing Trust Fund. Language authorizes the Governor to transfer funding from the Housing Trust Fund to the General Fund if Virginia Housing Opportunity Tax Credit claims exceed revenue loss assumptions.
- Directs the Department of Housing and Community Development (DHCD) to assess the feasibility of using Housing Trust Fund resources to develop manufactured home parks as a source of affordable housing.
- Directs DHCD to convene a workgroup to develop model guidelines for the creation of a program to provide long-term rental assistance to low income, very low income, and extremely low income renters to enable them to afford housing costing 30 percent of their income.

## **EDUCATION – CHILD CARE/EARLY CHILDHOOD**

- Directs the Department of Education to maximize Child Care Development Funds (CCDF) to eliminate the waitlist for child care subsidy and to maintain expanded income eligibility requirements for the biennium, which would otherwise expire May 31.
- Includes \$13.7 million GF in each year of the biennium to rebenchmark the Virginia Preschool Initiative per pupil amount in a manner similar to the rebenchmarking formula for K-12.

- Includes \$6.1 million GF in FY 2023 and \$13.4 million GF in FY 2024 to expand access to the Virginia Preschool Initiative for three-year-old children on a competitive basis and subject to available appropriation.

### **AID TO LOCAL PUBLIC LIBRARIES**

- Provides \$2.5 million GF per year in aid to local public libraries. Language states that it is the objective of the Commonwealth to fully fund the formula for state aid to local libraries, with phase-in complete by FY 2026.

### **HHR – ADULT AND AGING SERVICES**

- Directs the Secretary of Health and Human Resources to continue the workgroup on aging services established during the 2021 session; adds legislators and other stakeholders to the workgroup.
- Provides \$250,000 GF in FY 2023 for the Department of Aging and Rehabilitative Services (DARS) to determine the potential cost of addressing unmet needs for in-home services and home modifications provided by Area Agencies on Aging and local departments of social services.
- Funds five regional positions at DARS to support additional oversight of adult protective services being provided by local departments of social services (\$599,207 GF per year).
- Provides \$2.7 million GF in FY 2023 and \$2.6 million GF in FY 2024 for additional public guardianship slots.

### **HHR – CHILDREN’S SERVICES ACT**

- Provides an additional \$500,000 GF per year for local administrative costs for CSA. VACo and advocacy partners requested an increase in these resources, which are currently funded at \$2.1 million per year and have not been increased since FY 2017.
- Delays the implementation of rate setting for private special education day placements by one year (until July 1, 2023); directs the Office of Children’s Services to use the first year funding to develop a fiscal impact estimate of rate changes on expenditures.

### **HHR- HEALTH**

- Maintains the \$8.5 million included in the introduced budget over the biennium to complete the three-year phase-in of updates to local match rates for the local health department funding formula.
- Maintains the \$878,435 GF/\$650,411 NGF in FY 2023 and \$892,559 GF/\$661,967 NGF in FY 2024 in the introduced budget for rent increases for local health departments.
- Maintains \$482,400 GF in the introduced budget in FY 2022 to reallocate state matching dollars for Drinking Water State Revolving Fund projects. Provides an additional \$3 million GF in FY 2023 in state matching funds.
- Provides \$1.1 million per year for comprehensive harm reduction.
- Retains funding in the introduced budget to consolidate small community waterworks (\$1 million GF per year).
- Retains \$800,00 GF in FY 2023 and \$300,000 GF in FY 2024 for the Virginia Health Workforce Development Authority. The first year funding includes \$500,000 for a workgroup to study primary care workforce issues and potential solutions, including loan forgiveness programs. The conference report adds \$100,000 GF in FY 2023 to support an expanded review of nursing education programs.
- Funds the newly-established Joint Subcommittee to Examine the Commonwealth’s Pandemic Response (\$178,400 GF/year).

## **HHR- BEHAVIORAL HEALTH**

- Retains \$2 million GF in FY 2022 in the introduced budget for the operations of crisis assessment centers that have converted into crisis receiving centers (which offer a broader array of services).
- Retains \$4.2 million GF in FY 2022 in the introduced budget for overtime costs at state hospitals.
- Retains provisions in the introduced budget to use \$9 million GF in FY 2022 in one-time funds to continue temporary staffing contracts to address staffing shortages at state behavioral health facilities.
- Retains \$3 million GF in the introduced budget in FY 2023 for a contract with the Virginia Health Care Foundation for a pilot project to remove barriers to the mental health workforce, including the payment of supervision costs for individuals seeking degrees in social work or counseling.
- Retains \$1.9 million GF per year in the introduced budget for the remaining costs of the contract for alternative transportation of individuals under a Temporary Detention Order to ensure 24/7 coverage statewide.
- Provides \$2 million in FY 2023 and \$3.4 million in FY 2024 for a program of alternative custody for individuals under a Temporary Detention Order who are awaiting transport to an inpatient bed; directs the Department of Behavioral Health and Developmental Services, in consultation with affected stakeholders, to implement a plan to provide alternative custody options for individuals under temporary detention orders to reduce the length of time law enforcement resources are involved and to improve patient outcomes.
- Retains \$1.65 million GF in FY 2024 in the introduced budget to continue a pilot program for individuals with dementia who may otherwise be admitted to a state facility (the pilot program is funded through American Rescue Plan Act State Fiscal Recovery Fund dollars in FY 2023).
- Retains \$1 million GF per year in the introduced budget for regional dementia behavioral specialists to provide training and consultative services and support.
- Retains \$3.7 million GF in FY 2023 and \$3.3 million GF in the introduced budget in FY 2024 for discharge assistance planning (funding in the first year includes the costs of a contract to study and implement rates for services provided with these funds, as well as the costs of information technology for tracking these funds).
- Retains \$11.25 million GF in FY 2023 and \$19.1 million GF in FY 2024 in the introduced budget for permanent supportive housing (\$2.5 million per year of this funding is set aside for individuals with serious mental illness residing in Northern Virginia).
- Retains \$1.1 million GF in FY 2023 and \$2.7 million GF in FY 2024 in the introduced budget for the state rental assistance program for individuals with intellectual or developmental disabilities.
- Retains \$2 million GF in FY 2023 and \$22 million GF in FY 2024 in the introduced budget for crisis services, including support for the expansion of Crisis Intervention Team Assessment Centers or Crisis Stabilization Units into 23-hour crisis receiving or observation centers. \$20 million in ARPA Fiscal Recovery Funds supports these efforts in FY 2023. Adds \$2.5 million in FY 2023 for start-up costs for crisis receiving centers in three regions and designates an allocation for funding necessary to implement a crisis receiving center in the Region 2000 area.
- Provides \$2.9 million over the biennium for the Virginia Mental Health Access Program, which expands access to mental health services for children.
- Retains appropriation of \$1.7 million per year from the Crisis Call Center Fund (generated by a surcharge on wireless service charges enacted in 2021) for costs associated with the establishment and operation of the 988 Crisis Call Center. In addition to serving as the National Suicide Prevention Lifeline (988 will be the new federally-designated number to reach these resources, effective in July 2022), the call center is envisioned to be a key element of the Marcus Alert system for resolution of low-acuity calls for service and an avenue for access to behavioral health supports in times of crisis.
- Retains \$3 million GF per year in the introduced budget to continue the phased implementation of the Marcus Alert system (each local or regional implementation area will receive \$600,000 per year).
- Funds the remaining three services in STEP-VA, as well as local infrastructure and regional management (\$22.2 million from ARPA in FY 2023 and \$28.3 million GF in FY 2024 and \$4.7

million NGF in FY 2023 and \$7.5 million NGF in FY 2024 from 988 call center funding).

- Retains introduced budget funding of \$650,000 GF per year to expand and provide additional support to existing mental health dockets.
- Retains \$5 million GF in FY 2024 in the introduced budget for substance use disorder-specific training of the intellectual disability and developmental disability provider workforce, the development and implementation of substance use disorder services specific to transition-age youth (up to age 25), and additional substance use disorder services related to the COVID-19 pandemic. Funding in the first year is provided through American Rescue Plan Act State Fiscal Recovery Fund dollars.
- Provides \$2.4 million over the biennium for grants to members of the Virginia Association of Recovery Residences. Directs DBHDS to monitor credentialed recovery homes for regulatory compliance and to consult with the Virginia Association of Recovery Residences to keep the agency's public website's list of credentialed recovery homes up to date.
- Directs the Behavioral Health Commission to study how to maximize school-based mental health services, to include forming a stakeholder task force; a report is due December 1, 2023.
- Provides up to \$25 million in FY 2023 to defease outstanding bonds at the Central Virginia Training Center.
- Directs the Secretary of Health and Human Resources to establish a workgroup to review the current structure of DBHDS and make recommendations on modifications to the department's structure that improve the delivery of behavioral health and developmental disability services. Provides \$750,000 GF in FY 2023 for a feasibility study of transforming Catawba Hospital into a campus at which a continuum of substance abuse treatment and recovery services are provided.
- Provides \$2.9 million GF per year to support Community Services Boards commensurate with the 12.5 percent increase in Medicaid reimbursement for Part C Early Intervention services for children who are covered by Medicaid. This funding accounts for Part C Early Intervention services provided to infants and toddlers who do not have Medicaid as a funding source.
- Expands eligible uses of the existing \$3.7 million per year in jail discharge assistance planning funds (allowing use of emergency client assistance resources) and strikes the current limit on the number of jails where the funds may be used.

## **HHR- MEDICAID**

- Directs the Secretary of Health and Human Resources to establish a Task Force on Eligibility Redetermination to evaluate the state's plan for the redetermination that will be required at the end of the federal Public Health Emergency. Allows use of ARPA funds for operational costs, including overtime for local departments of social services or emergency contracts. Clarifies that ARPA funding provided in the introduced budget for operational backlogs at the Department of Medical Assistance Services (DMAS) may be used for IT system changes and overtime costs at local departments of social services.
- Includes language directing the modification of Medicaid managed care contracts to include a requirement for a video or telephone conference to establish a transition plan with incarcerated individuals during the 30 days prior to release from incarceration.
- Provides \$4 million GF and \$4.2 million NGF per year to adjust per diem rates for Psychiatric Residential Treatment Facilities; language authorizes DMAS to rebase rates every three years, beginning July 1, 2023.
- Provides 600 developmental disability waivers slots in FY 2024. Directs DBHDS to allocate any new waiver slots to the CSBs by the first day of the fiscal year, so that the slots can be assigned to eligible individuals on the Priority One waiting list as soon as possible.

## **HHR- SOCIAL SERVICES**

- Retains the proposed increase to the auxiliary grant rate from \$1562 to \$1609 per month in the caboose budget, effective January 1, 2022. (Localities pay a 20 percent match for the auxiliary



grant.) Captures \$2 million in balances in the program in FY 2022.

- Retains language in the introduced budget directing the creation of a workgroup on TANF block grant spending to recommend changes necessary to ensure annual structural balance in state TANF spending.
- Retains \$3.5 million GF and \$7.1 million GF (with matching amounts of NGF each year) included in the introduced budget to develop an updated child welfare information system to meet federal requirements.
- Retains \$400,000 GF/\$3.6 million NGF in FY 2023 and \$831,410 GF/\$4 million NGF in FY 2024 to fund implementation of the Family First Prevention Services Act, including fidelity monitoring and evaluation of evidence-based prevention services.
- Funds a 5 percent increase in TANF standards of assistance (\$529,949 GF/\$4.3 million NGF in FY 2023; \$603,856 GF/\$4.9 million NGF in FY 2024).
- Provides \$1.5 million per year from the TANF block grant for Community Action Agencies.
- Provides an additional \$4.4 million GF in FY 2023 and \$291,060 NGF in FY 2023 to support efforts to address the lack of placements for high-acuity children in foster care. This funding would support the development of partnerships between local departments of social services to increase capacity to approve kinship caregivers and recruit and train locally-approved foster parents; support an enhanced treatment foster care pilot program that would provide stipends for foster families caring for high-acuity children; support additional coordination, recruitment, and training for foster care agencies; and support initiatives of the Safe and Sound Task Force, including community-based treatments, support for kinship, foster, and adoptive families, and trauma-informed care for children in foster care who are displaced, or at risk of becoming displaced.

## **LABOR**

- Directs the Secretary of Labor to prioritize improvements to the Virginia Employment Commission (VEC) outlined in JLARC's November 2021 report. Directs the procurement of a national firm to conduct an efficiency review of the VEC's unemployment insurance operations.
- Retains language providing that the VEC is to compute employer tax rates by excluding pandemic-related claim activity. Tax rates for any employer may be less than, but shall not exceed, the established rate for that employer for calendar year 2021. Directs the fund builder unemployment insurance tax to be set for calendar year 2023 at a rate not to exceed the rate for calendar year 2020.
- Directs the implementation of a series of JLARC recommendations:
  - Directs VEC to maintain at least two positions in the new Office of the Unemployment Compensation Ombudsman.
  - Directs VEC to work with the Virginia Information Technologies Agency to provide an independent audit of VEC's IT security systems and identify any necessary IT security improvements.
  - Directs VEC to fully transform all agency IT systems and servers to the state's central IT infrastructure as soon as possible and no later than November 2024.
  - Directs VEC to develop a remediation plan for outstanding adjudication and claims issues.
  - Directs VEC to collect user feedback on the usability of the Unemployment Insurance benefits claim system.
  - Directs VEC to review federal Department of Labor guidance for any changes that may be needed.

## **NATURAL AND HISTORIC RESOURCES**

- Retains the introduced budget's appropriation of \$313 million GF for a mandatory deposit to the Water Quality Improvement Fund in FY 2023.
- Provides an additional \$3.6 million GF per year for soil and water conservation districts.
- Uses \$25 million from the Community Flood Preparedness Fund to capitalize the Resilient Virginia Revolving Loan Fund.

- Reprograms \$1 million GF from the Small Herd Initiative to a study of harmful algal blooms in Lake Anna.
- Provides \$3.5 million GF in FY 2023 and \$4.2 million GF in FY 2024 for state park management and operations (in addition to the \$1.9 million provided over the biennium in the introduced budget).
- Provides \$6 million per year for the Virginia Land Conservation Fund.
- Provides \$320,000 GF in FY 2023 to allow for continued surveillance of groundwater and surface water for certain contaminants.
- Provides one-time capitalization of the Black, Indigenous, and People of Color Preservation Fund of \$5 million in FY 2023.
- Provides \$45 million GF in FY 2023 to the Department of Conservation and Recreation for Virginia State Park and outdoor recreation area deferred maintenance and construction needs.
- Provides \$25 million for the Stormwater Local Assistance Fund.

## **TRANSPORTATION**

- Includes language exempting manufacturers who sell buses for public transportation from the requirement of having a manufacturers' and dealers' license. VACo supported this change, which allows local governments and transit authorities to purchase buses.
- Adds \$171.7 million GF in FY 2022 and redirects \$115.8 million GF that was included in the introduced budget for transportation projects (\$30 million to Mid-Atlantic Spaceport; \$37.5 million for multi-use trails; \$210 million for I-64 between exit 205 and exit 234; \$10 million for Nimmo Parkway).
- Provides \$41.5 million GF for multi-use trails in FY 2023 and \$7 million per year from the Transportation Alternatives Program for multi-use trails. Provides \$5 million GF in FY 2023 for the Transit Ridership Incentive Fund. Provides \$5 million GF in FY 2023 for the Norris Bridge replacement and provides \$110 million GF in FY 2024 for improvements to I-64 between Exit 205 and Exit 234.
- Maintains from the introduced budget \$30 million in additional funds for the Revenue Sharing Program in FY 2022. Also retains \$197.3 million in FY 2023 and \$208.1 million in FY 2024. This increases funding in each year by approximately \$100 million, which could be used to expedite restoration of revenue sharing funds delayed by the General Assembly and Commonwealth Transportation Board (CTB) in order to respond to the pandemic. Such action would still require CTB approval. VACo supports this funding and action.
- Directs \$150 million GF from undesignated FY 2022 surplus revenues for I-64 between exit 205 and exit 234.
- Reflects the impact of the elimination of the state portion of sales tax levied on food for human consumption and personal hygiene products, which reduces Commonwealth Transportation Fund revenues by \$190.1 million over the course of the biennium.
- Increases VDOT's appropriation by \$647.4 million NGF in FY 2022 to reflect anticipated increases in state revenues from the December Commonwealth Transportation Fund (CTF) forecast and increases in federal formula funding under the Infrastructure Investment and Jobs Act (IIJA).
- Increases VDOT's appropriation by \$686.4 million NGF in FY 2023 and \$864.7 million NGF in FY 2024 to reflect the revised December CTF forecast, and the increased formula funding anticipated under the IIJA.

## **VETERANS AND DEFENSE AFFAIRS**

- Provides \$5 million for the Virginia Military Community Infrastructure Program in FY 2023. These grant funds are intended to serve as a local match for military communities to pursue Department of Defense grants to support infrastructure resilience projects in military installations and to enhance military readiness.
- Includes \$5 million GF per year for a suicide and opiate prevention and intervention program for veterans. Includes language directing the Department of Veterans Services to coordinate with

the Department of Health, Department of Behavioral Health and Developmental Services, and Department of Criminal Justice Services as it establishes and implements the new program.

- Includes \$150,000 GF per year for the National Guard to conduct cybersecurity audits for local governments and state agencies.
- Provides \$2.5 million GF in FY 2023 and \$3.75 million GF in FY 2024 for the Department of Veterans Services to expand services to veterans.

## **TAX POLICY**

- Eliminates the state portion of the sales and use tax on food for home consumption and essential personal hygiene products, effective January 1, 2023, and provides for replacement of the revenue that would otherwise be distributed to localities based on school-age population.
- Direct the Department of Taxation to study and develop a proposal to require that all individuals who conduct local property tax assessments receive state certification and ongoing recertification.
- Retains provisions in the caboose and biennium budgets allowing a one-time income tax refund of up to \$250 for an individual or \$500 for married persons filing a joint return.
- Reflects full conformity with the Internal Revenue Code regarding the tax treatment of Paycheck Protection Program loans, Emergency EIDL Grants and Targeted EIDL Advances, Shuttered Venue Operator Grants, and Restaurant Revitalization Grants.
- Eliminates the accelerated sales tax in FY 2022.
- Increases the standard deduction to \$8000 for single filers and \$16,000 for married filers, between January 1, 2022, and January 1, 2026, contingent on meeting revenue growth targets.
- Updates the Virginia Housing Opportunity Tax Credit to allow \$60 million in credits per year between calendar years 2022 and 2025, to be claimed over ten years.
- Provides for an income tax subtraction for military benefits for veterans aged at least 55, beginning at \$10,000 in tax year 2022 and increasing to \$40,000 for tax year 2025 and beyond.
- Retains the proposal in the introduced budget to establish a refundable state income tax credit equal to 15 percent of the federal earned income tax credit. Revises the language so that the credit applies to tax years 2022 through 2025.
- Reflects the passage of legislation to increase the deduction allowed for business interest from 20 to 30 percent.

## **RESERVES**

- Retains the appropriation in the introduced budget of the mandatory deposit to the Revenue Stabilization Fund of \$1.1 billion in FY 2023.
- Sets aside \$498.7 million for an expected Revenue Stabilization Fund deposit in FY 2024 based on the FY 2022 revenue forecast. Includes language allowing the maximum combined amounts in the Revenue Stabilization and Revenue Reserve Funds to be 20 percent (rather than 15 percent) of the average annual tax revenues derived from taxes on income and retail sales as certified by the Auditor of Public Accounts for the three fiscal years immediately preceding. Similar language in the biennium budget also directs the Secretary of Finance to prepare recommendations for consideration of adjustments to, or a removal of, the existing cap on the combined balance of the Revenue Stabilization Fund and the Revenue Reserve Fund.

## **VIRGINIA RETIREMENT SYSTEM**

- Deposits \$750 million in FY 2022 into the VRS trust fund and earmarks \$250 million of undesignated FY 2022 surplus revenues for an additional deposit to VRS.
- Deposits \$80.4 million GF over the biennium to VRS to increase the funded status for the retiree health credit plans for state employees, Constitutional officers and their employees, and local social service departments to 30 percent.
- Directs VRS to conduct a review of the state's current provisions regarding individuals who have

retired and wish to return to work in a VRS-covered position.

- Maintains employer contribution rates from the previous biennium rather than accepting VRS Board of Trustees recommendations to lower rates.

### **AMERICAN RESCUE PLAN ACT AND INFRASTRUCTURE INVESTMENT AND JOBS ACT**

- Includes language directing the Virginia Information Technologies Agency to take steps to obtain the cybersecurity grant funding available to the state under the federal Infrastructure Investment and Jobs Act of 2021 (IIJA). Appropriates the federal funding (\$21.4 million) and the state match (\$4.9 million GF) in FY 2023.
- Directs the Secretary of Finance to develop a risk assessment of executive branch agency internal controls for administering and disbursing pandemic relief funds. Earmarks \$600,000 in ARPA funding in FY 2023 for the Secretary of Finance to engage additional administrative oversight of executive branch expenditures of ARPA dollars.
- Provides \$500,000 GF in FY 2023 for efforts to pursue grants related to IIJA (to be conducted in conjunction with entities identified by the Secretary of Finance, including local governments).
- Provides \$3 million GF in FY 2023 as state match for federal Drinking Water State Revolving Fund grants from IIJA.
- Retains funding in the introduced budget (\$8.1 million GF in FY 2023 and \$9.5 million GF in FY 2024) to meet anticipated matching requirements for additional federal funding for the Virginia Clean Water Revolving Loan Fund in IIJA.

### **OTHER**

- Revises the definition of “skill games.”
- Imposes labeling requirements for industrial hemp extract or food containing industrial hemp extract that contains tetrahydrocannabinol (THC); creates a class 3 misdemeanor for possession of more than four ounces but not more than one pound of marijuana outside of a person’s residence (and a class 2 misdemeanor for a second or subsequent offense). Prohibits selling products with THC to persons younger than 21, with certain exceptions for medical cannabis. Imposes packaging and labeling requirements for products containing THC. Prohibits selling industrial hemp extract or THC-containing products in the shape of a human, animal, vehicle, or fruit. Language directs the convening of a task force on the regulation of industrial hemp extracts and other substances containing THC.

# Summary of Legislation Affecting Counties

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Unless otherwise stated, all legislation from the 2022 General Assembly Session takes effect on July 1, 2022.

## ECONOMIC DEVELOPMENT AND PLANNING

### PASSED LEGISLATION

#### **HB 112 Commercial mobile radio and cellular telephone service providers; Lifeline service** *(Chief patron: Kilgore)*

Grants authority to the State Corporation Commission to designate any commercial mobile radio or cellular telephone service provider as an eligible telecommunications carrier for purposes of providing **Lifeline Program** service, in addition to any such provider designated under federal law, without requiring such provider to obtain a certificate otherwise required by the Commission prior to furnishing exchange telephone service in the Commonwealth.

#### **HB 182/SB 500 Investor-owned water and water and sewer utilities; ratemaking proceedings, evaluation of utilities.** *(Chief patrons: Bloxom and Lewis)*

Amends § 56-235.2 of the Code of Virginia to require the State Corporation Commission, in any ratemaking proceeding for an investor-owned utility authorized to furnish water or water and sewer service initiated after January 1, 2022, to evaluate such utility on a stand-alone basis and, for purposes of establishing any revenue requirement and rates, utilize such utility's actual end-of-test period capital structure and cost of capital without regard to the cost of capital, capital structure, or

investments of any other entities with which such utility may be affiliated. If the Commission finds that the debt-to-equity ratio of the actual end-of-test period capital structure of such utility is unreasonable, the bill authorizes the Commission to utilize a debt to equity ratio that it finds to be reasonable. The bill requires the Commission, in all proceedings initiated after January 1, 2022, in which the Commission reviews the rates and associated earnings of an investor-owned utility authorized to furnish water or water and sewer service, to conduct such review utilizing the same cost of capital and capital structure adopted in the utility's most recent rate case in which such rates were set, without regard to any later changes in the cost of capital or capital structure.

#### **HB 214 Redevelopment and housing authorities; naming convention.** *(Chief patron: Robinson)*

Amends § 36-4 of the Code of Virginia to provide that a locality that establishes a redevelopment and housing authority may name such authority an appropriate name and title. Current law requires the authority to be known as the "\_\_\_\_\_" (insert name of locality) Redevelopment and Housing Authority." The bill contains technical amendments.

#### **HB 217 STEM and Computing (STEM+C); required to review federal occupational categories.** *(Chief patron: Simonds)*

Requires the Virginia Economic Development Partnership Authority's Office of Education and Labor Market Alignment (the Office) to (i) review the occupational categories in the U.S. Bureau of Labor Statistics' standard occupational classification system to determine the occupational categories that are not properly captured in the Commonwealth's existing STEM+C workforce profile and the gaps in the Commonwealth's tracking of careers in these occupational categories for the purpose of furthering the Office's efforts



to specifically align STEM+C workforce and education and (ii) share its findings with the Virginia Science, Technology, Engineering, and Mathematics (STEM) Education Advisory Board (the Board) for the purpose of better aligning K-16 education priorities and the Board's tracking and coordination of STEM+C. The bill requires the Office, in conducting such review, to focus on occupational categories that are not currently tracked or categorized by the U.S. Bureau of Labor Statistics as STEM+C career fields and to submit its findings and any recommendations to the General Assembly no later than October 1, 2022.

**HB 272/SB 501 Local land use approvals; extension of approvals to address the COVID-19 pandemic.** *(Chief patrons: Marshall and Lewis)*

Amends § 15.2-2209.1:1 of the Code of Virginia to extend from July 1, 2022, to July 1, 2023, the sunset date for various local land use approvals that were valid and outstanding as of July 1, 2020. The bill also provides that its provisions shall not be construed to extend previous extensions related to the COVID-19 housing crisis.

**HB 298/SB 142 Land bank ordinances; disposition.** *(Chief patrons: Rasoul and Edwards)*

Amends § 58.1-3970.1 of the Code of Virginia to authorize localities to petition the circuit court to appoint a special commissioner to, in lieu of a sale at public auction, convey certain real estate having delinquent taxes or liens to the locality's land bank entity or an existing nonprofit entity designated by the locality to carry out the functions of a land bank entity. Currently, such real estate may be conveyed only to the locality itself. The bill also allows real estate that contains a derelict building and has delinquent taxes and liens exceeding 25 percent of its assessed value to be conveyed via special commissioner, in lieu of a sale at public auction, to the locality, the locality's land bank entity, or such existing nonprofit entity. The bill requires a land bank entity or existing

nonprofit entity that receives such parcels to pay any surplusage above the amount of unpaid taxes or liens to the former owners or other parties with an interest in the property.

**HB 354/SB 315 Virginia Military Community Infrastructure Grant Program and Fund; created.** *(Chief patrons: Tata and Spruill)*

Amends § 2.2-231 of the Code of Virginia to establish the Virginia Military Community Infrastructure Grant Fund (the Fund) to support military communities in the Commonwealth by awarding grants to aid the planning and design, construction, or completion of infrastructure projects that enhance military readiness, installation resiliency, or quality of life for military communities. The bill directs the Secretary of Veterans and Defense Affairs to develop guidance and criteria to be used in awarding grants from the Fund and an annual grant application that sets out certain requirements for a grantee.

**HB 358/SB 572 Veteran-owned small businesses; waiving of fees.** *(Chief patrons: McGuire and Kiggans)*

Directs the Secretary of Veterans and Defense Affairs and the Secretary of Commerce and Trade, in conjunction with the Department of Small Business and Supplier Diversity, to examine the waiving of fees associated with permits necessary to establish a small business for veteran-owned small businesses.

**HB 405 Business park electric transmission infrastructure pilot program; location of qualifying projects.** *(Chief patron: Ballard)*

Amends § 56-576 and § 56-585.1:10 of the Code of Virginia by amending the definition of "business park" by adding that a business park may be established by a locality and by removing the requirement that a business park be located in an area of the Commonwealth designated as an opportunity zone by the U.S. Secretary of the Treasury via his delegation of authority to the Internal Revenue Service.

**HB 437 Localities; public meeting during state project planning phase.** (*Chief patron: Bulova*)

Amends § 15.2-2202 of the Code of Virginia to allow a locality the option to request a public meeting in the locality during the planning phase of a public facilities state project from the state agency or institution of higher education responsible for such project.

**HB 445/SB 446 High-speed broadband service; expanding to new residential & commercial development.** (*Chief patrons: Murphy and Boysko*)

Provides that the Department of Housing and Community Development shall convene a stakeholder advisory group for the purpose of evaluating local and state policies, procedures, or ordinances to facilitate the expansion of high-speed broadband service and associated infrastructure in new residential and commercial development. The stakeholder advisory group shall be composed of representatives from the commercial and residential land development and construction industry, local government, high-speed broadband providers, and other stakeholders as determined by the Department and shall report its findings and recommendations to the Broadband Advisory Council no later than September 30, 2022.

**HB 565/SB 685 Advanced Manufacturing Talent Investment Fund; created.** (*Chief patrons: O'Quinn and Mason*)

Creates the Advanced Manufacturing Talent Investment Fund to support the General Assembly's long-term goal of supporting efforts to increase the number of new eligible credentials in advanced manufacturing. The bill provides that moneys in the Fund shall also be used to improve the readiness of graduates to be employed in advanced manufacturing fields and fields that align with advanced manufacturing growth opportunities identified by the Virginia Economic Development Partnership.

**HB 615 Sale of cemeteries owned by a locality; notice to descendants.** (*Chief patron: Roem*)

Adds § 57-35.37 to the Code of Virginia to provide that no cemetery owned by a county or city shall be sold to a private owner unless the county or city has made a good faith effort to ensure, prior to sale, that the ownership of such cemetery is vested in the estate of the last owner of record or that permission for the sale has been granted by the family members or descendants of such owner. The bill describes a good faith effort as an attempt by the county or city to contact all known family members and descendants of the last owner of record no less than three separate times by phone, mail, or visiting the last known address of record for such family members or descendants. The bill requires a county or city to keep written records of each attempt to contact a family member or descendant.

**HB 616 Zoning appeals, board of; funding.** (*Chief patron: Roem*)

Amends § 15.2-2308 of the Code of Virginia to provide that upon request of the board of zoning appeals (BZA), a governing body shall consider appropriation of funds so that the BZA may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. The bill also provides that if a BZA has needs that surpass the budgeted amount, the governing body shall review the BZA's request. Existing law allows such BZA expenditures "within the limits of funds appropriated by the governing body."

**HB 648 Comprehensive plan; public hearing.** (*Chief patron: Kory*)

Amends § 15.2-2232 of the Code of Virginia to clarify provisions related to whether certain public facilities are substantially in accord with the adopted comprehensive plan by adding parks to the types of public uses that may, with certain types of land use applications, be excepted from the requirement for submittal to and approval by the planning commission

or the governing body for the purpose of determining substantial accord.

**HB 654 GO Virginia Grants; extends sunset provision.** (*Chief patron: Wampler*)

Extends from July 1, 2022, to July 1, 2023, the sunset of the provision that allows a locality to use grant funds awarded by the Tobacco Region Revitalization Commission as matching funds for GO Virginia grants.

**HB 702 Va. Residential Property Disclosure Act; required disclosures, maximum lot coverage.** (*Chief patron: Keam*)

Amends § 55.1-703 of the Code of Virginia to require that the owner of residential real property include in the residential property disclosure statement provided to a potential purchaser of such residential real property a statement that the owner makes no representation with respect to current lot lines or the ability to expand, improve, or add any structures on the property and that the potential purchaser is advised to exercise necessary due diligence, including obtaining a property survey and contacting the locality to determine zoning ordinances or lot coverage, height, or setback requirements on the property.

**HB 718/SB 661 Apprenticeship program; Bd. of Workforce Development to prepare recommendations for primary office.** (*Chief patrons: Filler-Corn and Lucas*)

Directs the Virginia Board of Workforce Development (the Board) to collaborate with the Department of Labor and Industry, the Department of Education, and the Secretaries of Labor, Education, and Commerce and Trade and rely on data from the Office of Education and Labor Market Alignment in reviewing the performance of current apprenticeship programs in meeting high-demand industry needs. The bill requires the Board to prepare recommendations for creating a primary office for apprenticeship programs based on such review and report its recommendations to the Governor and the General Assembly by December 1, 2022.

**HB 961 Cemeteries; registration, publication prior to sale.** (*Chief patron: Roem*)

Amends § 15.2-978 of the Code of Virginia to expand provisions that allow localities to adopt an ordinance setting forth a register of identified cemeteries, graveyards, or other places of burial located on private property not belonging to any memorial or monumental association by providing that such localities shall publish a notice prior to the public sale of any publicly owned property that contains a known cemetery, graveyard, or other place of burial, or as soon thereafter as possible. The notice shall specify that a cemetery is present on the property. If the property falls under an exception provided for significant historic and archeological sites that would be jeopardized by public disclosure of their location, then no such notice is required.

**HB 1019/SB 444 Conveyance of easement and appurtenances.** (*Chief patrons: Brewer and Boysko*)

Amends § 2.2-1151 of the Code of Virginia to add telecommunications companies to the list of entities to which a state department, agency, or institution may grant an easement.

**HB 1065 Manufactured home lot rental agreements and public notices; work group to develop sample documents.** (*Chief patron: Krizek*)

Directs the Department of Housing and Community Development to convene a work group consisting of representatives from the Virginia Housing Development Authority, manufactured home park owners and residents, attorneys with relevant expertise, and other relevant stakeholders for the purposes of developing a sample manufactured home lot rental agreement and sample manufactured home park notices regarding an intent to sell.

**HB 1088 Planning; definition of subdivision, boundary line agreement.** (*Chief patron: Leftwich*)

Amends § 15.2-2201 of the Code of Virginia to change the definition of “subdivision” to

provide that it does not preclude different owners of adjacent parcels from entering into a valid and enforceable boundary line agreement with one another so long as such agreement is only used to resolve a bona fide property line dispute, the boundary adjustment does not move by more than 250 feet from the center of the current platted line or alter either parcel's resultant acreage by more than five percent of the smaller parcel size, and such agreement does not create an additional lot, alter the existing boundary lines of localities, result in greater street frontage, or interfere with a recorded easement, and such agreement shall not result in any nonconformity with local ordinances and health department regulations. The bill also provides that for any property affected by this definition, any division of land subject to a partition suit by virtue of order or decree by a court of competent jurisdiction shall take precedence over the requirements of certain existing subdivision provisions and the minimum lot area, width, or frontage requirements in the zoning ordinance so long as the lot or parcel resulting from such order or decree does not vary from minimum lot area, width, or frontage requirements by more than 20 percent.

**HB 1194 Industrial Development and Revenue Bond Act; affordable housing grants.** *(Chief patron: Carr)*

Amends § 15.2-4901 of the Code of Virginia to authorize an industrial development authority to make grants associated with the construction of affordable housing in order to promote safe and affordable housing in the Commonwealth and to benefit thereby the safety, health, welfare, and prosperity of the inhabitants of the Commonwealth.

**HB 1236 Summons for unlawful detainer; notice to tenant, adverse employment actions prohibited.** *(Chief patron: Jenkins)*

Amends § 8.01-126 of the Code of Virginia to require any summons for unlawful detainer to include a notice to the tenant that it is unlawful for his employer to discharge him from employment or take any adverse personnel action against him for appearing

at an initial or subsequent hearing on such summons, provided that he has given reasonable notice of such hearing to his employer.

**HB 1265/SB 716 Broadband affordability plan; Department of Housing and Community Development to develop, report.**

*(Chief patrons: Subramanyam and Petersen)*

Directs the Department of Housing and Community Development to develop a plan, to be known as the Commonwealth Digital Affordability and Cost Effectiveness Plan, to access federal funding under the federal Infrastructure Investment and Jobs Act. The bill requires that the Plan include (i) an overview of options for affordable broadband connectivity in the Commonwealth; (ii) recommendations on how best to leverage federal grants addressing broadband affordability; (iii) best practices for establishing a broadband affordability program, taking into account existing federal funds and programs; and (iv) recommendations for public outreach, with consideration of the report submitted by the Department of Social Services as required in Item 359 L of Chapter 552 of the Acts of Assembly of 2021, Special Session I. The bill requires the Department to report the Plan to the Governor and the General Assembly by December 1, 2022.

**HB 1271/SB 720 Virginia Regional Industrial Facilities Act; localities' revenue sharing agreements.** *(Chief patrons: Morefield and Hackworth)*

Amends § 15.2-6407 of the Code of Virginia, relating to Virginia Regional Industrial Facilities Act, to allow facilities owned by a non-authority that are utilized as part of a cooperative arrangement entered into by an authority promoting economic and workforce development to participate in localities' revenue sharing agreements.

**HB 1286 Housing Authorities Law; notice of intent to dispose of housing projects.** *(Chief patron: Hudson)*

Amends § 36-7.2 of the Code of Virginia to remove the requirement that any housing



authority required to submit an application to the U.S. Department of Housing and Urban Development to demolish, liquidate, or otherwise dispose of such housing project also serve a notice to any agency that would be responsible for administering tenant-based rental assistance to persons who would otherwise be displaced from the housing project. The bill shortens from 12 to six the number of months prior to such application submission date required before the housing authority serves notice of intent to the Virginia Department of Housing and Community Development and each tenant residing in the housing project. The bill prohibits the housing authority from requiring a tenant currently residing in such housing project to surrender possession of his unit until at least 12 months after serving the notice required by the bill except as otherwise provided by law.

**HB 1289 Uniform Statewide Building Code; exemption for certain use and occupancy classifications.** (*Chief patron: Head*)  
Directs the Board of Housing and Community Development to consider, during the next code development cycle, revising the Uniform Statewide Building Code (the Building Code) to provide an exemption from any requirements in the energy efficiency standards in the Building Code and the 2018 Virginia Energy Conservation Code (the Energy Conservation Code), and any subsequent amendments to the Building Code and the Energy Conservation Code, for the use and occupancy classifications of (i) Section 306, Factory Group F; (ii) Section 311, Storage Group S; and (iii) Section 312, Utility and Miscellaneous Group U.

**SB 28 Virginia Business Ready Sites Program Fund; created.** (*Chief patron: Marsden*)  
Amends § 10.1-1237 of the Code of Virginia, adds a section numbered 2.2-2240.2:1, and repeals § 2.2-2240.2 of the Code of Virginia, to establish the Virginia Business Ready Sites Program Fund (the Fund), to be administered by the Governor and the Virginia Economic Development Partnership Authority in order

to provide grants on a competitive basis to political subdivisions to prepare sites for industrial or commercial development. The bill repeals existing law that created the Major Employment and Investment Project Site Planning Grant Fund and provides that any remaining funds would be allocated to the Fund. The bill also authorizes grants from the Virginia Brownfields Restoration and Economic Redevelopment Assistance Fund for site remediation and requires the prioritization of sites with potential for redevelopment and economic benefits to the surrounding community.

**SB 52 Utilities, certain; pro rata reimbursements for installation.** (*Chief patron: Cosgrove*)  
Amends § 15.2-2243 of the Code of Virginia to require localities that adopt subdivision ordinances that permit subdividers or developers to install certain utilities to provide within that ordinance the subdivider's or developer's entitlement to pro rata reimbursement for costs of such installations. Under current law, localities are permitted to provide such entitlement but are not required to do so.

**SB 69 Virginia Residential Landlord and Tenant Act; rental agreements, child care.** (*Chief patron: Favola*)  
Adds § 55.1-1208.1 to the Code of Virginia to allow a rental agreement to contain provisions allowing for the tenant's operation of properly licensed and authorized child care services.

**SB 358 Seafood industry; Governor shall designate a liaison to address workforce needs, report.** (*Chief patron: Stuart*)  
Directs the Governor or the Secretary of Labor to designate a liaison to address seafood industry workforce needs by (i) promoting the interests of seafood industry employees and employers; (ii) assisting employees and employers in understanding the rights and processes available to them, including those related to temporary worker visas; (iii) answering inquiries; (iv) providing referrals to



public and private agencies upon request; and (v) reporting annually on the liaison's activities to the House Committees on Commerce and Energy and Agriculture, Chesapeake and Natural Resources and the Senate Committees on Commerce and Labor and Agriculture, Conservation and Natural Resources. The bill requires the liaison to carry out his duties with impartiality and provides that he is immune from civil liability in performance of his duties. The bill also provides that certain records and communications are exempt from the Virginia Freedom of Information Act. The bill directs the Governor or the Secretary of Labor to designate a current employee of the executive branch to serve in this capacity in lieu of hiring a new employee.

**[SB 537](#) Trees; replacement and conservation during development process, powers of local government. (*Chief patron: Marsden*)**

Amends §§ 15.2-961 and 15.2-961.1 of the Code of Virginia, and adds sections numbered 15.2-961.3 and 15.2-961.4, to create new sections of the Code related to the replacement of trees during the development process in localities, by which any locality may adopt an ordinance subject to the provisions of the new section. Further, the bill creates a new proposed section of the Code related to conservation of trees during the development process in localities, by which any locality may adopt an ordinance subject to the provisions of the proposed section; this proposed section does not become effective unless reenacted by the 2023 Session of the General Assembly. The bill directs specified stakeholders and parties to meet at least twice prior to the 2023 Session of the General Assembly to consider specified topics. The bill directs the participants to report their recommendations to the Chairmen of the House Committee on Counties, Cities and Towns and the Senate Committee on Agriculture, Conservation and Natural Resources by December 1, 2022.

**[SB 740](#) Common interest communities; standards for structural integrity and reserves for capital components. (*Chief patron: Surovell*)**

Directs the Department of Professional and Occupational Regulation (the Department) to establish a work group to study the adequacy of current laws addressing standards for structural integrity and for maintaining reserves to repair, replace, or restore capital components in common interest communities. The bill directs the Department to report the work group's findings and provide recommendations, including any legislative recommendations, to the Chairs of the House Committee on General Laws and the Senate Committee on General Laws and Technology no later than April 1, 2023.

## **FAILED LEGISLATION**

**[HB 249](#) Department of Housing and Community Development; Virginia Telecommunications Initiative; eligibility. (*Chief patron: Davis*)**

Would have directed the Department of Housing and Community Development to adjust criteria regarding eligibility for a Virginia Telecommunications Initiative grant to reflect the provisions established by the United States Treasury's Final Rule regarding the Coronavirus State and Local Fiscal Recovery Funds established under the American Rescue Plan Act of 2021.

**[HB 802](#) Virginia Residential Landlord and Tenant Act; enforcement by localities. (*Chief patron: Price*)**

Would have provided that if a condition exists in a rental dwelling unit that constitutes a material noncompliance by the landlord with the rental agreement or with any provision of law that, if not promptly corrected, constitutes a fire hazard or serious threat to the life, health, or safety of tenants or occupants of the premises, a locality may bring an action to enforce the landlord's duty to maintain the

rental dwelling in a fit and habitable condition, provided that (i) the property where the violations occurred is within the jurisdictional boundaries of the locality; (ii) the locality has notified the landlord who owns the property directly or through the managing agent of the nature of the violations and the landlord has not remedied the violations within a reasonable time after receiving such notice to the satisfaction of the locality; and (iii) such enforcement action may include seeking an injunction, damages, or both.

**HB 969 Comprehensive plan; environmental justice strategy.** (*Chief patron: Simonds*)

Would have required cities with populations greater than 20,000 and counties with populations greater than 100,000 to consider, at the next and all subsequent reviews of the comprehensive plan, adopting an environmental justice strategy. The bill would provide that the locality's strategy shall be to identify environmental justice and fenceline communities within the jurisdiction of the local planning commission and identify objectives and policies to reduce health risks, to promote civic engagement, and to prioritize improvements and programs that address the needs of the environmental justice and fenceline communities.

**HB 1362 Short-term rentals; localities' ability to restrict.** (*Chief Patron: Wiley*)

Would have clarified that short-term rentals may be operated in any locality in the absence of an ordinance pursuant to the locality's general land use and zoning authority restricting short-term rentals.

**SB 286 Historic districts; required disclosure for buyer to beware, due diligence.** (*Chief patron: Ebbin*) Would have added a survey of the property to the list of materials that a purchaser of the property can review as part of exercising whatever due diligence the particular purchaser deems necessary with respect to a historic district designated by the locality.

**SB 602 Short-term rental properties; definition; locality requirements and restrictions.** (*Chief patron: DeSteph*) Would have prohibited, except as provided, localities from (i) requiring or allowing the approval of neighbors or the neighborhood for the operation of short-term rental properties; (ii) imposing requirements or restrictions that exceed those of regular properties, including special parking and occupancy restrictions; or (iii) restricting short-term rentals by geographic location within the locality by means other than the normal general land use and zoning authority. The bill would expand the current definition of short-term rental to include any house provided for such purpose.

**SB 732 Comprehensive plan; climate resilience.** (*Chief patron: Lewis*) Would have required a locality's comprehensive plan to consider strategies to address climate resilience in order to anticipate, prepare for, respond to, and adapt to changing conditions and hazardous events.

# EDUCATION

## PASSED LEGISLATION

**HB 4/SB 36 School principals; incident reports.** (*Chief patrons: Wyatt and Norment*)  
Amends § 22.1-279.3:1 of the Code of Virginia to require that school principals report to law enforcement certain enumerated acts that may constitute a misdemeanor offense and report to the parents of any minor student who is the specific object of such act that the incident has been reported to law enforcement. The bill provides, as an exception to the requirement to report any threats against school personnel, that a principal is not required but may report to the local law-enforcement agency any such incident committed by a student who has a disability.

**HB 18 School boards; appointed members, salaries.** (*Chief patron: Fowler*)  
Amends § 22.1-32 of the Code of Virginia to permit any appointed school board to pay each of its members an annual salary that is consistent with the salary procedures and no more than the salary limits provided for local governments in relevant law or as provided by charter, with certain exceptions and conditions.

**HB 127 Governor's Schools, academic year; certain practices prohibited and required.** (*Chief patron: Davis*)  
Amends the Code of Virginia by adding a section numbered 22.1-26.2 to prohibit any academic year Governor's School or governing board member, director, administrator, or employee thereof from discriminating against any individual or group on the basis of race, sex, color, ethnicity, or national origin in the process of admitting students to such school. The bill also requires each local school board that jointly manages and controls a regional academic year Governor's school to collaborate to ensure that each public middle school that is eligible to send students to attend such Governor's school take steps to

ensure academic rigor in order to provide each student in each such middle school with the opportunity to gain admission to and excel academically at such Governor's school.

**HB 128 Virginia Diverse Educator Scholarship Fund and Program; created and established.** (*Chief patron: Davis*)  
Establishes the Virginia Diverse Educator Scholarship Fund and Program, to be administered by the State Council of Higher Education for Virginia, for the purpose of annually providing to each Historically Black College or University in the Commonwealth (defined in the bill as Norfolk State University and Virginia State University) such sums as are necessary for each such institution to annually provide renewable last-dollar scholarships on a competitive basis to two students who (i) attended a public elementary or secondary school in the Commonwealth in which at least 75 percent of the enrolled students qualify for free or reduced price lunch or are members of families whose income is below the federal poverty guidelines established by the U.S. Department of Health and Human Services; (ii) are accepted to or enrolled in such institution's education preparation program; and (iii) are eligible for a federal Pell Grant to attend such institution. The bill provides that each such scholarship would consist of the following sums: (a) the cost of tuition, mandatory fees, room and board, and textbooks at such institution; (b) the recipient's teacher licensure fees; (c) \$5,000 toward teacher professional development activities for the recipient, including coursework, seminars, and conferences; and (d) \$10,000 toward mentorship of the recipient by a master teacher, defined as an experienced public elementary or secondary school teacher who is deemed by the relevant school board to be highly effective and able to provide high quality mentorship. The bill requires each student who is awarded a scholarship pursuant to the Program to agree in writing to (1) teach in a public elementary or secondary school in the Commonwealth in which at least 75 percent of the enrolled students qualify for free or

reduced price lunch or are members of families whose income is below the federal poverty guidelines established by the U.S. Department of Health and Human Services upon graduation for a period that is at least as long as the period during which the recipient used scholarship funds to attend a Historically Black College or University and (2) be mentored by a master teacher during such period of employment. – **PENDING – CONTINUED TO SPECIAL SESSION**

**HB 197** Through-year growth assessment system; BOE to seek & incorporate input & suggestions into system. (*Chief patron: Webert*)

Requires the Board of Education, in implementing the through-year growth assessment system for the administration of reading and mathematics assessments in grades three through eight, to seek input and suggestions from each interested local school division in the Commonwealth regarding ways in which the administration of such assessments and the reporting of assessment results can be improved, and shall, to the extent possible, incorporate such input and suggestions into the through-year growth assessment system.

**HB 215/SB 62** School Health Services Committee; established, membership, report, sunset provision. (*Chief patrons: Robinson and Favola*)

Amends the Code of Virginia by adding in Title 30 a chapter numbered 64, to establish the School Health Services Committee in the legislative branch to review and provide advice to the General Assembly and other policy makers regarding proposals that require local school boards to offer certain health services in a school setting. The bill requires the Committee to submit its findings and recommendations to the General Assembly and the Governor by October 1 of each year. The bill has an expiration date of July 1, 2025.

**HB 230/SB 154** Teachers; licensure by reciprocity for military spouses, timeline for determination. (*Chief patrons: Coyner and Locke*)

Amends § 22.1-298.1 of the Code of Virginia to require the Board of Education's licensure regulations to provide for licensure by reciprocity for any spouse of an active duty or reserve member of the Armed Forces of the United States or a member of the Virginia National Guard who has obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education, among other requirements.

**HB 236** Teachers' licenses, certain; Board of Education permitted to temporarily extend. (*Chief patron: Orrock*)

Permits the Board of Education to grant a two-year extension of the license of any individual licensed by the Board of Education pursuant to its statutory authority whose license expires on June 30, 2022, in order to provide the individual with sufficient additional time to complete the requirements for licensure or license renewal. The bill contains an emergency clause.

**HB 319/SB 616** Virginia Literacy Act; early student literacy, evidence-based literacy instruction, etc. (*Chief patrons: Coyner and Lucas*)

Amends § 22.1-1 of the Code of Virginia to make several changes relating to early student literacy, including, among other provisions, requiring each local school board to establish a divisionwide literacy plan; each local school board to employ one reading specialist for each 550 students in kindergarten through grade three; and each local school board to provide a program of literacy instruction whereby, among other things, the program provides reading intervention services to



students in kindergarten through grade three who demonstrate deficiencies based on their individual performance on the Standards of Learning reading assessment or an early literacy screener provided or approved by the Department of Education and each student who receives such reading intervention services is assessed utilizing either the early literacy screener provided or approved by the Department or the grade-level reading Standards of Learning assessment again at the end of that school year. The provisions of the bill become effective beginning with the 2024–2025 school year.

**HB 346 College partnership laboratory schools; application and establishment.**

*(Chief patron: Davis)*

Permits any public institution of higher education or private institution of higher education to apply to the Board of Education (the Board) to establish a college partnership laboratory school as a new school or through the conversion of all or part of an existing school. Under current law, only public and private institutions of higher education that operate approved teacher education programs are permitted to apply to the Board to establish such a school and no explicit provision is made for the conversion of an existing school. The bill permits college partnership laboratory schools to enter into a memorandum of understanding with any individual or entity to provide apprenticeships, career training, and curriculum support to carry out the provisions of law relating to such schools. The bill requires the Board, in reviewing such applications, to give substantial preference to any application from a historically black college or university and any application to establish a college partnership laboratory school in an underserved community, which the bill defines as a geographical area that is served by public schools in which a high percentage of students are eligible to receive free or reduced-price lunch, as determined by the Board. **PENDING – CONTINUED TO SPECIAL SESSION**

**HB 389 Early childhood care and education; regional entities, Child Care Subsidy Program Overpayment Fund.** *(Chief patron: Bulova)*

Amends § 22.1-289.05 of the Code of Virginia to require the Board of Education to establish a system of regional entities that will be responsible for coordinating early childhood care and education services, guiding quality improvement of such services and coordinated access to such services for families, and implementing the uniform measurement and improvement system. The bill establishes the Child Care Subsidy Program Overpayment Fund to be used solely for the purpose of covering the cost of providing training and supports to early childhood care and education entities.

**HB 418 Elementary and secondary education, public; at-risk add-on funds.**

*(Chief patron: Delaney)*

Amends § 22.1-199.1 of the Code of Virginia to remove Reading Recovery from the list of programs and initiatives for which school boards may use at-risk add-on funds.

**HB 563 / SB 473 School Construction Fund and Program; created and established.**

*(Chief patrons: O'Quinn and McClellan)* Requires the Department of Education, in consultation with the Department of General Services, to develop or adopt and maintain a data collection tool to assist each school board to determine the relative age of each public-school building in the local school division and the amount of maintenance reserve funds that are necessary to restore each such building. The bill requires each school board to provide to the Department of Education in a timely fashion the local data that is necessary to ensure that such tool remains relevant and useful for the determination of maintenance reserve needs. The bill also establishes the School Construction Fund and Program for the purpose of awarding grants to local school boards to fund the construction of new public-school buildings or the renovation or expansion



of existing public school buildings in the local school division. The bill requires any revenues remaining in the Gaming Proceeds Fund after certain enumerated appropriations are made to be appropriated to the School Construction Fund.

**HB 583 Public elementary and secondary school students; ability to pay for meals and school meal debt.** (*Chief patron: Roem*)

Amends § 22.1-79.7 of the Code of Virginia to require each school board to adopt policies that prohibit the school board or any school board employee from denying a student the opportunity to participate in any extracurricular school activity because the student cannot pay for a meal at school or owes a school meal debt.

**HB 585 Middle and high school end-of-course assessments; number and type, report.** (*Chief patron: VanValkenburg*)

Directs the Secretary of Education and Virginia Superintendent of Public Instruction to convene a work group to revise the Virginia Standards of Learning summative assessments of proficiency and to develop a plan for implementation of such revised assessments, among other provisions. The Department of Education shall submit its initial plan for implementation of revised Virginia Standards of Learning summative assessments to the Chairmen of the House Committee on Education, the Senate Committee on Education and Health, the House Committee on Appropriations, and the Senate Committee on Finance and Appropriations no later than November 1, 2023, and shall provide updates on the implementation of such plan no later than November 1 of each year thereafter through 2027.

**HB 587 School Breakfast Program and National School Lunch Program; processing of applications.** (*Chief patron: Roem*)

Effective August 1, 2023, amends § 22.1-207.2:2 of the Code of Virginia to require each public elementary or secondary school to process each web-based or paper-based

application for student participation in the School Breakfast Program or the National School Lunch Program administered by the U.S. Department of Agriculture within six working days after the date of receipt of the completed application. The bill also requires school divisions that cannot currently comply with such requirement to develop a plan for ensuring compliance by August 1, 2023.

**HB 741 Annual public elementary and secondary school safety audits; creation or review of school building.** (*Chief patron: Bell*)

Amends § 22.1-279.8 of the Code of Virginia to require each local school board, as part of each annual school safety audit, to create a detailed and accurate floor plan for each public-school building in the local school division or certify that the existing floor plan for each such school is sufficiently detailed and accurate but provides that such floor plan may be withheld from public disclosure.

**HB 829 School counselors; staffing ratios, flexibility.** (*Chief patron: Wilt*)

Amends § 22.1-253.13:2 of the Code of Virginia to permit school boards to fulfill the staffing ratio requirements for school counselors by (i) employing, under a provisional license issued by the Department of Education for three school years with an allowance for an additional two-year extension with the approval of the division superintendent, any professional counselor licensed by the Board of Counseling, clinical social worker licensed by the Board of Social Work, psychologist licensed by the Board of Psychology, or other licensed counseling professional with appropriate experience and training, provided that any such individual makes progress toward completing the requirements for full licensure as a school counselor during such period of employment or (ii) in the event that the school board does not receive any application from a such employee categories, entering into an annual contract with another entity for the provision of school counseling services by a such employee categories.

**HB 873 Public elementary and secondary schools; threat assessment team membership, etc.** (*Chief patron: Greenhalgh*)

Amends §§ 9.1-184 and 22.1-280.2:3 of the Code of Virginia to require, in the case of any public elementary or secondary school in which a school resource officer is employed, the threat assessment team for such school to include at least one such school resource officer. The bill also requires the chief local law-enforcement officer for any local school division in which a public elementary or secondary school does not employ a school resource officer to designate a law-enforcement officer to receive, either in-person or online, the school safety training for public school personnel conducted by the Virginia Center for School and Campus Safety in accordance with relevant law and requires such officer to serve as the law-enforcement liaison for the school administrator in such a school who has also received such training as prescribed by relevant law.

**HB 879 Education, Board of; qualifications of members.** (*Chief patron: Rasoul*)

Amends § 22.1-9 of the Code of Virginia to require the Governor to consider, in appointing members to the nine-member Board of Education, at least one member with experience or expertise in local government leadership or policymaking, at least one member with experience or expertise in career and technical education, and at least one member with experience or expertise in early childhood education.

**HB 938 Public schools; evaluation & recommendations for certain current and proposed policies.** (*Chief patron: Robinson*)

Requires the Board of Education, in conjunction with the Secretary of Education and the Superintendent of Public Instruction, to convene a group of stakeholders to evaluate certain current and proposed policies and performance standards for public elementary and secondary schools and students and report recommendations for revising these policies and standards to promote excellence

and higher student achievement, among other provisions. The bill requires the Secretary of Education and the Superintendent of Public Instruction, no later than November 30, 2022, to report to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health the results of such evaluation and recommendations to achieve such goals.

**HB 979/SB 68 Provisional teacher licensure; teachers licensed or certified outside of the United States.** (*Chief patrons: Tran and Favola*)

Amends § 22.1-298.1 of the Code of Virginia to permit the Board of Education to provide for the issuance of a provisional license, valid for a period not to exceed three years, to any individual who has held within the last five years a valid and officially issued and recognized license or certification to teach issued by an entity outside of the United States but does not meet the requirements for a renewable license, if the individual's license or certification to teach has been evaluated and verified by an entity approved by the Department of Education.

**HB 994/SB 529 Child Care Subsidy Program; permitting Armed Forces active members to apply for Program.** (*Chief patrons: Brewer and Reeves*)

Directs the Board of Education to determine the feasibility of amending its regulations to permit all active-duty members of the Armed Forces of the United States who serve as caregivers to dependents to apply for the Child Care Subsidy Program and submit its findings to the House Committee on Education and the Senate Committee on Education and Health.

**HB 1129/SB 600 School safety audits; law-enforcement officers.** (*Chief patrons: Taylor and Pillion*)

Amends § 22.1-279.8 of the Code of Virginia to require each local school board to require its schools to collaborate with the chief law-enforcement officer of the locality or his designee when conducting required school safety audits. The bill also requires that the

completed walk-through checklist using the standardized checklist provided by the Virginia Center for School and Campus Safety be made available to the chief law-enforcement officer of the locality or his designee.

**HB 1215 Public middle schools; physical education to include personal safety training.** (*Chief patron: Ransone*)

Amends § 22.1-253.13:1 of the Code of Virginia to require any physical education class offered to students in grades seven and eight to include at least one hour of personal safety training per school year in each such grade level that is developed and delivered in partnership with the local law-enforcement agency and consists of situational safety awareness training and social media education.

**HB 1272/SB 739 Public elementary and secondary schools and public school-based early childhood care and education programs; student instruction; masks.** (*Chief patrons: Batten and Dunnavant*)

Amends the Code of Virginia by adding a section numbered 22.1-2.1 to require, except in the case of the 10 unscheduled remote learning days otherwise permitted by law or in certain cases of student discipline, each school board to offer in-person instruction, as defined in the bill, to each student enrolled in the local school division in a public elementary or secondary school for at least the minimum number of required annual instructional hours and to each student enrolled in the local school division in a public school-based early childhood care and education program for the entirety of the instructional time provided pursuant to such program. The bill permits, notwithstanding any other provision of law or any regulation, rule, or policy implemented by a school board, school division, school official, or other state or local authority, the parent of any child enrolled in a public elementary or secondary school, or in any school-based early childhood care and education program, to elect for such child to not wear a mask while on school property. The bill provides that no parent making such an election shall be required to provide a reason

or any certification of the child's health or education status and no student shall suffer any adverse disciplinary or academic consequences as a result of this parental election. The bill's provisions shall not be construed to affect the Governor's authority under Chapter 33.2 of the Emergency Services and Disaster Law.

**HB 1299/SB 738 High school students; instruction concerning post-graduate opportunities.** (*Chief patrons: Coyner and Morrissey*)

Amends § 23.1-203 of the Code of Virginia to require the Department of Education to collect and distribute to public schools and publicly post on its website information that assists high school students in making more informed decisions about their futures after graduating from high school and in doing so ensure that such students are aware of the costs and benefits of different educational and certificate programs, among other provisions.

**HB 1328/SB 737 Early childhood care and education entities; administration of epinephrine.** (*Chief patrons: Delaney and Boysko*)

Amends § 8.01-225 of the Code of Virginia to require the Board of Education to amend its regulations to require each early childhood care and education entity to implement policies for the possession and administration of epinephrine in every such entity to be administered by any nurse at the entity, employee at the entity, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine to any child believed to be having an anaphylactic reaction. The bill mandates that such policies shall require that at least one school nurse, employee at the entity, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine has the means to access at all times during regular facility hours any such appropriate weight-based dosage of epinephrine that is stored in a locked or otherwise generally inaccessible container or area.

**SB 78 Driver education programs; parent/student driver education component.** (*Chief patron: Norment*)

Amends § 22.1-205 to require the Board of Education to include an additional minimum 90-minute parent/student driver education component as part of the classroom portion of its driver education program for all public-school divisions and provides that participation in such component shall be required in Planning District 8 (Northern Virginia) and shall be encouraged but shall not be required outside of Planning District 8.

**SB 238 School division maintenance reserve tool; Department of Education to develop or adopt and maintain.** (*Chief patron: McPike*)

Amends the Code of Virginia by adding a section numbered 22.1-138.3 to require the Department of Education, in consultation with the Department of General Services, to develop or adopt and maintain a data collection tool to assist each school board to determine the relative age of each public-school building in the local school division and the amount of maintenance reserve funds that are necessary to restore each such building. The bill requires each school board to provide to the Department of Education in a timely fashion the local data that is necessary to ensure that such tool remains relevant and useful for the determination of maintenance reserve needs, among other provisions.

**SB 431 COVID-19; DOE to recommend options for isolation & quarantine for students & employees at schools.** (*Chief patron: Dunnivant*)

Requires the Department of Education, in collaboration with the Department of Health, to (i) recommend options for isolation and quarantine for students and employees at public schools who contract or are exposed to COVID-19 and (ii) develop guidelines for such schools and recommend such guidelines for use as an alternative to quarantine. The bill requires such guidelines to be immediately distributed to local school boards and reflect the most updated recommendations to limit the

amount of time out of the classroom, including options for no quarantine, as recommended for asymptomatic individuals.

**SB 471 Literary Fund; open application process for loans, maximum loan amounts, etc.** (*Chief patron: McClellan*) Requires the Board of Education (the Board) to establish an annual open application process for Literary Fund loans to finance the construction and renovation of public elementary and secondary school buildings in the Commonwealth to occur during the period that the Board deems most suitable and requires the Board to prioritize applications on the basis of the composite index of local ability-to-pay. The bill increases from \$7.5 million to \$25 million the maximum Literary Fund loan amount and requires the Board to offer a loan add-on not to exceed \$5 million per loan for projects that result in school consolidation and the net reduction of at least one existing school. The bill further requires the Board, in consultation with the Department of Treasury, to establish loan interest rates that are benchmarked to a market index on an annual basis, not to exceed two percent per year for the localities with a school division composite index of local ability-to pay between 0.0 and 0.299 and requires the Board to utilize a sliding scale based on the local school division's composite index of local ability-to-pay to determine the interest rate on each such loan. Under current law, such rates are required to be set between two and six percent per year.

**SB 490 Standards of Quality; specialized student support.** (*Chief patron: McClellan*) Requires each school board to provide at least four specialized student support positions per 1,000 students. Under current law, each school board is required to provide at least three such positions per 1,000 students. Requires each school board to employ one full-time principal in each elementary school, middle school, and high school. Requires each school board to employ assistant principals in elementary schools, one half-time at 600 students, one full-time at 900 students; assistant principals



in middle schools, one full-time for each 600 students; assistant principals in high schools one full-time for each 600 students.

**SB 598 College partnership laboratory schools; application and establishment.**

*(Chief patron: Pillion)*

Permits any public institution of higher education and any nonprofit private institution of higher education that is eligible for the Tuition Assistance Grant Program to establish a college partnership laboratory school as a new school or through the conversion of all or part of an existing school. Under current law, only public and private institutions of higher education that operate approved teacher education programs are permitted to apply to the Board to establish such a school, and no explicit provision is made for the conversion of an existing school. The bill requires applications for formation of a college partnership laboratory school to describe how the applicant will cooperate with local school boards, including allowing the local school board to elect to name a board member to the governing board of the college partnership laboratory school, and to include assurances that the applicant will work with the State Council of Higher Education for Virginia to develop programs that may award college credits. The bill requires the Board, among other criteria for reviewing and ruling on such applications, to give substantial preference to any application from a historically black college or university; any application to establish a college partnership laboratory school in an underserved community, which the bill defines as a geographical area that is served by public schools in which a high percentage of students are eligible to receive free or reduced-price lunch, as determined by the Board; and any joint application submitted by an institution of higher education in partnership with one or more local school boards. The provisions of the bill are contingent on funding in a general appropriation act. **PENDING – CONTINUED TO SPECIAL SESSION**

**SB 649 Juvenile law-enforcement records; disclosures to school principals.**

*(Chief patron: Hanger)*

Amends § 16.1-301 of the Code of Virginia to change from discretionary to mandatory that the chief of police of a city or chief of police or sheriff of a county disclose to a school principal all instances where a juvenile at the principal's school has been charged with a violent juvenile felony, an arson offense, or a concealed weapon offense and adds an offense that requires a juvenile intake officer to make a report with the school division superintendent to the list of such instances that must be disclosed to a school principal for the protection of the juvenile, his fellow students, and school personnel.

**SB 667 Innovative Internship Program; SCHEV, et. al, to collect and utilize certain data.**

*(Chief patron: Hashmi)*

Amends § 23.1-903.4 of the Code of Virginia to direct the State Council of Higher Education for Virginia to partner with the Office of Education and Labor Market Alignment to collect and utilize data that includes the gaps that are most significant in hindering the Commonwealth from achieving its goals that its funds are intended to accomplish under the Innovative Internship Program and provides other directives to the Council and the Office to collaborate on and accomplish for the Innovative Internship Program.

**SB 724 School board; broadband, annual report.**

*(Chief patron: Pillion)*

Requires, beginning in the 2022 school year and in each school year thereafter through the 2025 school year, each school board to submit an annual report to the Virginia Department of Education and the Virginia Department of Housing and Community Development listing each student's 9-1-1 address that does not have broadband access, as defined by the broadband guidelines set out by the Virginia Department of Housing and Community Development for its Virginia Telecommunication Initiative.



**[SB 774](#) School buses; commercial use.** (*Chief patron: Dunnavant*)

Amends § 22.1-182 of the Code of Virginia to permit the school board of any school division to enter into agreements with any third-party logistics company to allow for the use of the school buses of such school division by such third-party logistics company but provides that such third-party logistics company shall not use the school buses to provide transportation of passengers for compensation or for residential delivery of products for compensation.

## **FAILED LEGISLATION**

**[HB 12](#) Public school buildings; limits entry points, screening individuals.** (*Chief patron: Anderson*)

Would have required each local school board to (i) limit to the lowest feasible number the entry points in each public school building in the local school division, (ii) ensure that each individual who seeks to enter any school building in the local school division is screened with a handheld metal detector wand by a school security officer or another appropriate school board employee who is appropriately trained in such method of screening.

**[HB 37](#) School boards; employment of at least one school resource officer in public middle and high school.** (*Chief patron: Anderson*)

Would have required each school board to enter into a collaborative agreement with the local law-enforcement agency to employ at least one school resource officer in each public middle and high school in the local school division and at least one school resource officer per five public elementary schools in the local school division, who would be required to serve in each such elementary school on a rotating basis.

**[HB 63](#) Sales and use tax, local; additional tax in Prince Edward County to support construction of schools.** (*Chief patron: Edmunds*)

Would have added Prince Edward County to the list of localities that, under current law, are authorized 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.

**[HB 545/SB 298](#) Sales and use tax, local; additional tax in City of Charlottesville to support schools.** (*Chief patrons: Hudson and Deeds*)

Would have added the City of Charlottesville to the list of localities that, under current law, are authorized 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.

**[SB 37](#) Sales tax; authorizes additional local tax for constructing, etc., schools in Isle of Wight County.** (*Chief patron: Norment*)

Would have added Isle of Wight County to the list of localities that, under current law, are authorized to impose an extra one percent local sales tax. Revenue from the tax may be used only for constructing or renovating schools.

**[HB 531/HB 1099/SB 472](#) Sales and use tax, additional local; revenues to support construction or renovation of schools.** (*Chief patrons: Hudson, LaRock, McClellan*)

Would have allowed any county or city to levy a local general retail sales tax and a local use tax at a rate not to exceed 1 percent as determined by its governing body to provide revenues solely for capital projects for the construction or renovation of schools if such levy is approved in a voter referendum.

Under current law, the power to levy such local sales and use taxes for the construction or renovation of schools is limited to the qualifying localities of Charlotte, Gloucester, Halifax, Henry, Mecklenburg, Northampton, Patrick, and Pittsylvania Counties and the City of Danville.

**[HB 608/SB 276](#) School boards; unexpended local funds for capital projects.** (*Chief patrons: Bourne and Stanley*)

Would have permitted any school board to finance school capital projects with any funds appropriated to it by the local governing body that are unexpended by the school board in any year. Currently, local governing bodies have discretion as to whether to permit local school boards to retain these funds.

**[HB 251/ SB 481](#) School boards and local governing bodies; unexpended local funds, etc.** (*Chief patrons: Simonds and McClellan*)  
Would have encouraged, but not required local governing bodies to allow school boards to retain unexpended locally appropriated funds for school capital projects. However, the bills would have prevented any school board that fails to enter into such an agreement from participation in any state grant, loan, or bond program that supports school maintenance, renovation, or construction.

**[HB 313](#) Public school buses; new buses to be equipped with seat belts.** (*Chief patron: Krizek*)  
Would have required the Board of Education to make regulations to require each new public school bus purchased for the transportation of students to be equipped with a seat belt consisting of a lap belt and shoulder strap or harness in every seat. The bill would also have required each school board to ensure that no later than July 1, 2040, each school bus that it uses for the transportation of students is equipped with a seat belt in every seat.

**[HB 344/SB 635](#) Public charter schools; applications, review and approval.** (*Chief patrons: Davis and Chase*)  
Would have permitted the Board of Education (the Board) to receive, review, and rule upon applications for public charter schools and enter into agreements for the establishment of public charter schools. Under current law, the power to grant or deny a public charter school application and enter into an agreement for the

establishment of a public charter school rests solely with local school boards.

**[HB 356/SB 125](#) Public schools; Board of Education may establish regional charter school divisions.** (*Chief patrons: Tata and Obenshain*)  
Would have authorized the Board of Education to establish regional charter school divisions consisting of at least two but not more than three existing school divisions in any case in which (i) each such local school division is in close proximity and has an enrollment of more than 3,000 students and (ii) at least two such local school divisions have grades three through eight math and English reading Standards of Learning assessment performance in the bottom quartile of the Commonwealth.

**[HB 440](#) School boards; teachers; planning time and planning periods.** (*Chief patron: VanValkenburg*)  
Would have required each local school board to ensure that each elementary school teacher is provided an average of one 45-minute period per school day of planning time and that each middle and high school teacher is provided an average of one planning period per school day, which shall be at least 45 minutes or one class period, whichever is longer.

**[HB 511](#) Students who receive home instruction; participation in interscholastic programs.** (*Chief patron: March*)  
Would have prohibited public schools from joining an organization governing interscholastic programs that does not deem eligible for participation a student who receives home instruction, among other provisions.

**[HB 535](#) Teachers; required to be compensated at or above national average.** (*Chief patron: Clark*)  
Would have required that public school teachers be compensated at a rate that is at or above the national average. Under current law, compensation at such rate is aspirational.

**HB 988 Transgender students; model policies.** (*Chief patron: Wyatt*)

Would have eliminated the requirement that each school board adopt policies that are consistent with the model policies developed by the Department of Education concerning the treatment of transgender students in public elementary and secondary schools.

**HB 1024 Parental Choice Education Savings Accounts established.** (*Chief patron: LaRock*)

Would have permitted the parents of qualified students, defined in the bill, to apply to the school division in which the qualified student resides for a one-year, renewable Parental Choice Education Savings Account that consists of an amount that is equivalent to a certain percentage of all applicable annual Standards of Quality per pupil state funds appropriated for public school purposes and apportioned to the resident school division in which the qualified student resides, including the per pupil share of state sales tax funding in basic aid and any state per pupil share of special education funding for which the qualified student is eligible.

**HB 1135 Standards of Quality; DoE to oversee work-based learning, teacher leaders and mentors.** (*Chief patron: Bourne*)

Would have implemented in Code prescriptions from the Board of Education including altering school personnel Standard 2 staffing ratios, among other provisions.

**HB 1164 Composite index of local ability-to-pay; use value of real estate in certain localities.** (*Chief patron: Runion*)

Would have required, for the purpose of determining the state and local shares of basic aid funding, that the composite index of local ability-to-pay utilize the use value of all applicable real estate (i) devoted to agricultural use, horticultural use, forest use, and open-space use in each locality that has adopted an ordinance by which it provides for the use valuation and taxation of such real estate and (ii) used in agricultural and forestal production

within an agricultural district, forestal district, agricultural and forestal district, or agricultural and forestal district of local significance in each locality that provides for the use valuation and taxation of such real estate, regardless of whether it has adopted a local land-use plan or local ordinance for such valuation and taxation.

**HB 1184 Public schools; English language learners.** (*Chief patron: Guzman*)

would have required state funding to be provided to support new division-wide ratios of English learner students in average daily membership to full-time equivalent teaching positions, as follows: (i) for each English language learner identified as proficiency level one, one position per 25 students; (ii) for each English language learner identified as proficiency level two, one position per 30 students; (iii) for each English language learner identified as proficiency level three, one position per 40 students; and (iv) for all other English language learners, one position per 50 students.

# Energy

## PASSED LEGISLATION

### **HB 206 Small renewable energy projects; impact on natural resources, report.** (*Chief patron: Webert*)

Amends § 10.1-1197.6 of the Code of Virginia to require, as a condition for a permit by rule for a small energy project, that if the Department of Environmental Quality determines that there will be a significant adverse impact on wildlife, historic resources, prime agricultural soils, or forest lands, the applicant must also submit a mitigation plan with a 45-day public comment period. The bill specifies that a disturbance of (i) more than 10 acres of prime agricultural soils, (ii) more than 50 acres of contiguous forest lands, or (iii) forest lands enrolled in a forestry preservation program is deemed to be a significant adverse impact on natural resources. The bill directs the Department to convene an advisory panel to assist in developing regulations to implement these requirements, and the main provisions of the bill do not become effective until such regulations are adopted. Any application for a small renewable energy project received for which an interconnection request is applied for and received by December 31, 2024, is not subject to the provisions of the bill.

### **HB 396 Electric utilities; municipal net energy metering.** (*Chief patron: Sullivan*)

Amends § 56-585.1:8 of the Code of Virginia to update provisions related to American Electric Power's participation in a municipal net energy metering pilot program and creates similar requirements for a municipal net energy metering pilot program for Dominion Energy Virginia, with a duration of the pilot program for Dominion Energy Virginia until July 1, 2028. The bill directs the State Corporation Commission to review the municipal net energy metering pilot program for Dominion

Energy Virginia in 2024 and every two years thereafter. The bill clarifies that the aggregated capacity of generation facilities subject to a net metering pilot program conducted by any utility shall not be considered part of the aggregate net metering cap established pursuant to the Virginia Clean Economy Act. However, the aggregated capacity of generation facilities under each utility's pilot program that is part of a third-party power purchase agreement shall constitute a portion of the existing limit on pilot programs with third-party power purchase agreements.

### **HB 414 Electric utilities, certain; local reliability data provided to a locality upon request.** (*Chief patron: Herring*)

Directs Dominion Energy to provide local reliability data within 30 days upon request by a locality located within the service territory of the utility. The State Corporation Commission shall include industry standard reliability metrics for Dominion Energy and a description of any infrastructure investments made by Dominion Energy to improve electric service reliability as part of its report on electric generation, transmission, and distribution submitted annually to the General Assembly.

### **HB 443 Park authorities; authority to operate, etc., electric vehicle charging stations.** (*Chief patron: Bulova*)

Amends §§ 15.2-5704, 15.2-5705, 56-1.2:1, and 56-232.2:1 of the Code of Virginia to give park authorities created by a locality the authority to locate, operate, regulate the use of, and install signage relating to electric vehicle (EV) charging stations on property under its jurisdiction. The bill adds park authorities to the list of entities for which provision of electricity for EV charging is exempt from the definition of retail sale of electricity. The bill adds park authorities to the list of entities that the State Corporation Commission cannot regulate or prescribe the rates, charges, and fees for retail EV charging service.



**HB 558/SB 565 Natural gas, biogas, and other gas sources of energy; definitions, energy conservation.** (*Chief patrons: O'Quinn and Surovell*)

Amends §§ 56-248.1, 56-265.1, and 56-600 through 56-604 of the Code of Virginia and adds in Title 56 a chapter numbered 30, consisting of a section numbered 56-625, to permit natural gas utilities to include in their fuel portfolios, submitted to the State Corporation Commission to monitor fuel prices and purchases, supplemental or substitute forms of gas sources, defined in the bill, that meet certain standards and that reduce emissions intensity. The bill amends provisions of the Code related to conservation and energy efficiency programs, removes certain cost-effectiveness requirements for conservation and energy efficiency programs, and adds appliance rebates to the types of programs the Commission may consider. The bill expands conservation and ratemaking efficiency provisions of the Code that currently apply to natural gas consumption specifically to instead apply generally to energy consumption. The bill introduces enhanced leak detection and repair programs, defined in the bill, as a type of eligible infrastructure replacement for a natural gas utility facility. The bill provides that the costs of detecting and repairing leaks may be added to a natural gas utility's plan to identify proposed eligible infrastructure replacement projects and related cost recovery mechanisms, known as the utility's Steps to Advance Virginia's Energy (SAVE) Plan. The bill adds provisions to the Code related to biogas supply infrastructure projects, defined in the bill, and specifies that eligible infrastructure costs for such projects include (i) the investment in such projects, (ii) the return on the investment in such projects, (iii) a revenue conversion factor, (iv) operating and maintenance expenses, (v) depreciation, (vi) property tax and other taxes or government fees, and (vii) carrying costs on the over-recovery or under-recovery of the eligible biogas supply infrastructure costs. Under the bill, natural gas utilities can recover these eligible infrastructure costs on an ongoing

basis through the gas component of the utility's rate structure or other recovery mechanism approved by the Commission. The bill provides that the biogas supply investment plan submitted by a natural gas utility may include an option to receive the biogas or sell the biogas at market prices and establishes a timeline for the Commission to approve such plan. The bill requires a natural gas utility with an approved biogas supply investment plan to annually file a report of the investments made, the eligible infrastructure costs incurred, and the amount of such costs recovered, the volume of biogas delivered to customers or sold to third parties during the 12-month reporting period, and an analysis of the price of biogas delivered to customers and the market cost of biogas during the reporting period. Additionally, the bill directs the Department of Environmental Quality to convene a stakeholder work group to determine the feasibility of setting a statewide methane reduction goal and plan. The recommendations of the work group shall be reported to the General Assembly by July 1, 2023.

**HB 774/SB 499 Renewable energy facilities; SCC shall create a task force.** (*Chief patrons: Hodges and Lewis*)

Directs the State Corporation Commission, in consultation with the Department of Energy and the Department of Environmental Quality, to create a task force to analyze the life cycle of renewable energy facilities in the Commonwealth. The State Corporation Commission shall report the findings of the task force to the Governor and the Chairmen of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources no later than May 1, 2023.

**HB 894 Advanced small modular reactors; Department of Energy to study development in the Commonwealth.** (*Chief patron: Kilgore*)  
Requires the Department of Energy, in cooperation with the Virginia Nuclear Energy Consortium Authority, to convene a



stakeholder work group to identify strategies and any needed public policies, including statutory or regulatory changes, for promoting the development of advanced small modular reactors in localities in the Commonwealth. The bill requires the Department of Energy to consider the economic development of rural Virginia while minimizing the impact on prime farmland a key priority in updating its Virginia Energy Plan. The bill requires the Virginia Cooperative extension to develop and maintain a map or repository of prime farmland in the Commonwealth, in consultation with the Department of Agriculture and Consumer Services, the Department of Forestry, the Department of Conservation and Recreation, and the Department of Energy. An initial report of such map or repository shall be submitted the Governor and the General Assembly by December 1, 2022. Finally, the bill requires the State Corporation Commission to develop a program to encourage and expedite infrastructure investments by Dominion Energy Virginia or American Electric Power, in industrial sites determined to be relevant and in high demand by the Virginia Economic Development Partnership. The bill requires such program to be implemented by December 1, 2022, and the Commission is required to submit a report including recommendations for such program by December 15, 2022, to the Governor and General Assembly.

**HB 1087/SB 502 Solar photovoltaic projects; local taxation for projects less than five megawatts.** (*Chief patrons: Leftwich and Lewis*)

Amends the Code of Virginia, by adding a section numbered 58.1-2606.1, to provide that generating equipment of solar photovoltaic projects five megawatts or less shall be taxable by a locality, at a rate determined by such locality, but shall not exceed the real estate rate applicable in that locality, and that the exemption shall be as follows: 80 percent of the assessed value in the first five years in service after commencement of commercial operation, 70 percent of the assessed value in the second five years in service, and 60 percent

of the assessed value for all remaining years in service. The bill also provides that (i) solar photovoltaic projects five megawatts or less shall not be exempt from the assessment of a revenue share by ordinance of that locality and (ii) nothing in the bill shall be construed to authorize local taxation of generating or storage equipment of solar photovoltaic projects that serve the electricity needs of that property upon which such solar facilities are located. The bill does not apply to projects five megawatts or less that were approved by a locality prior to July 1, 2022.

**HB 1257 Natural gas utilities; retail supply choice.** (*Chief patron: Kilgore*)

Provides that no municipal natural gas service (currently only two in Virginia operated by the cities of Danville and Richmond) shall discontinue such service to any residential, commercial, or industrial customer prior to satisfying the following requirements: (1) Provide at least three years' notice, both by bill insert and by publication in a newspaper of general circulation in the area in which the municipal corporation provides service, of the municipal corporation's intention to discontinue service; (2) For two years following the publication of notice, attempt to negotiate the sale of its system facilities and associated rights such that service to its customers remains uninterrupted; and (3) If such sale is not accomplished within two years following the publication of notice, the municipal corporation may offer its system facilities and associated rights by auction to the highest bidder.

**HB 1325 Local governments; additional powers, Commercial Property Assessed Clean Energy financing programs.** (*Chief patron: Reid*)

Amends § 15.2-958.3 of the Code of Virginia to change the existing authorization for local governments to finance, by ordinance, clean energy, resiliency, and stormwater management programs to authorize the financing of eligible improvements to eligible properties, as defined in the bill, under C-PACE

loan programs. The bill allows localities to delegate billing, collection, and remittance of C-PACE loan payments to a third party.

**SB 660 Shared solar programs; evaluation for Phase I Utilities & electric cooperatives.**

*(Chief patrons: Hanger, Edwards)*

Directs the State Corporation Commission to convene a stakeholder workgroup to evaluate shared solar programs for American Electric Power and requires the Commission to report on its findings to the Chairmen of the Senate Commerce and Labor and the House Commerce and Energy Committees by November 30, 2022. Additionally, the bill directs the Virginia, Maryland, and Delaware Association of Electric Cooperatives and the Coalition for Community Solar Access to jointly convene a stakeholder process to evaluate shared solar programs for electric cooperatives, and requires a report on its findings to the Chairmen of the Senate Commerce and Labor and the House Commerce and Energy Committees by November 30, 2022.

**SB 686 Tax, local; solar facility exemption.**

*(Chief patron: Mason)*

Amends § 58.1-3661 of the Code of Virginia to provide that any solar facility installed (i) on the roof of a residential dwelling or a structure on an agricultural zoned property in order to serve the electricity needs of the property upon which the facility is located and (ii) pursuant to existing local regulation of solar facilities laws is declared a separate class of property and shall be classified for local taxation separately from other classifications of real or personal property. Such facilities shall be wholly exempt from state and local taxation under the Constitution of Virginia. The exemption applies only to solar facilities with a nameplate generating capacity of not more than 25 kilowatts. The bill has a delayed effective date of January 1, 2023.

## **FAILED LEGISLATION**

**HB 172 Solar projects and energy storage projects; siting agreements with host localities.** *(Chief patron: Marshall)*

Would have permitted a host locality in which an applicant is seeking to install a solar project or energy storage project to establish certain requirements in the siting agreement to restrict the visibility of the solar project or energy storage project from public secondary roads in order to maintain the view of the surrounding community.

**HB 202 Solar facilities; permit by rule.** *(Chief patron: Webert)*

Would have lowered from 150 to 20 megawatts the maximum generation capacity of an electrical generation facility that generates electricity only from sunlight to qualify for issuance of a permit by rule.

# Environment and Agriculture

## **PASSED LEGISLATION**

**[HB 32/SB 294](#) Bath County; fee for solid waste disposal.** (*Chief patrons: Campbell, R.R. and Deeds*)

Amends § 15.2-2159 of the Code of Virginia to add Bath County to the list of counties that may by ordinance, and after a public hearing, levy a fee for the management of solid waste not to exceed the actual cost incurred by the county in removing and disposing of solid waste. The bill also grants Bath County various powers with regard to collection of the fee, including to levy penalties and interest for late payment and unpaid fees, to require payment of the fee prior to approval of certain land use applications, and to provide discounts to the standard fee rates for certain older and disabled persons.

**[HB 148/SB 684](#) Certified pollution control equipment; certification by subdivisions.** (*Chief patrons: Runion and Mason*)

Amends §§ 58.1-609.3 and 58.1-3660 of the Code of Virginia to provide that for pollution control equipment to be used as part of a political subdivision's water, wastewater, stormwater, or solid waste management facilities or systems, such equipment may be certified by the political subdivision itself instead of by the state certifying authority.

**[HB 180/SB 184](#) Forest Sustainability Fund; created.** (*Chief patrons: Bloxom and Ruff*)

Amends the Code of Virginia, by adding a section numbered 58.1-3242.1, to create the Forest Sustainability Fund, to be administered by the State Forester. Localities that have adopted a use value assessment and taxation

program for real estate devoted to forest use are eligible to apply for an allocation from the Fund. Awards are proportionally based upon the amount of revenue forgone in the previous fiscal year by localities due to the use value program.

**[HB 184](#) Virginia Stormwater Management Programs; regional industrial facility authorities.** (*Chief patron: Marshall*)

Amends § 62.1-44.15:27 to authorize a locality that administers a Virginia Stormwater Management Program (VSMP) or a Virginia Erosion and Stormwater Management Program (VESMP) to administer such program of a regional industrial facility authority of which the locality is a member. The bill requires that such administration be conducted in accordance with an agreement entered into with all relevant localities and the existing VSMP or VESMP for the property.

**[HB 189/SB 509](#) Aquaculture; right to use and occupy the ground for the terms of a lease in Chesapeake Bay waters.** (*Chief patrons: Webert and Stuart*)

Amends § 28.2-618 to provide that the right to use and occupy the ground for the terms of a lease in Chesapeake Bay waters includes the right to propagate shellfish by whatever legal means necessary.

**[HB 323](#) Local Food and Farming Infrastructure Grant Program; increases grant for certain projects.** (*Chief patron: Rasoul*)

Amends § 3.2-311 of the Code of Virginia to increase from \$25,000 to \$50,000 the amount of a grant that may be made to a political subdivision for projects that support local food production and sustainable agriculture.

**[HB 516/SB 551](#) Flood resiliency & protection; implements recom. from first Va. Coastal Resilience Master Plan.** (*Chief patrons: Bulova and Marsden*)

Amends §§ 2.2-222.4, 10.1-602, 10.1-658, and 10.1-659 of the Code of Virginia to implement recommendations from the first

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

**[HB 771](#) Chesapeake Bay Preservation Area information; local gov't in Tidewater Va. shall publish on website. (*Chief patron: Hodges*)**

Amends § 62.1-44.15:67 of the Code of Virginia to require each locality in Tidewater Virginia to publish on its website the criteria and elements adopted by the locality to implement its local plan as required by the Chesapeake Bay Preservation Act.

**[HB 830/SB 726](#) Slaughter and meat-processing facilities; expanding facilities through strategic planning, etc. (*Chief patrons: Wilt and Pillion*)**

Amends the Code of Virginia by adding § 3.2-108.2 to establish that it is the policy of the General Assembly to encourage, expand, and develop slaughter and meat-processing facilities through strategic planning and financial incentive programs. The bill directs the Department of Agriculture and Consumer Services to develop a five-year strategic plan to increase total combined throughput capacity of slaughter and meat-processing facilities.

**[HB 837](#) Food and drink law; permitting requirements. (*Chief patron: Wilt*)**

Amends §§ 3.2-5100, 3.2-5101, 3.2-5130, and 15.2-2288.6 of the Code of Virginia to require any food manufacturer, food storage warehouse, and retail food establishment to

obtain a permit from the Commissioner of Agriculture and Consumer Services prior to operating. Any such entity issued a permit is exempt from any other license, permit, or inspection required for the sale, preparation, or handling of food. The bill requires the Commissioner to notify such entities of the reason for denial of a permit and requires that any denial, suspension, or revocation of a permit be carried out in accordance with the Administrative Process Act. The provisions of the bill do not become effective until January 1, 2023, for those localities that currently have a local food inspection or permitting ordinance in place.

**[HB 1224](#) Stormwater management; proprietary best management practices. (*Chief patron: Bulova*)**

Amends § 62.1-44.15:28 of the Code of Virginia to direct the State Water Control Board to update its regulations providing for the certification and use of a proprietary best management practice (BMP) if another state, regional, or national program has verified its nutrient or sediment removal effectiveness and its having met or exceeded all of such program's established test protocol requirements. Currently, the BMP may only be used if another state, regional, or national certification program has verified and certified its nutrient or sediment removal effectiveness. The bill also directs the Department of Environmental Quality to prioritize review of any proprietary BMP that was on the Virginia Stormwater BMP Clearinghouse prior to December 31, 2021, and that submits documentation of verification of effectiveness by another state, regional, or national program. The bill contains an emergency clause.

**[HB 1261](#) State environmental boards; appointment of members to various Boards. (*Chief patron: Bloxom*)**

Provides for appointment of members to the State Air Pollution Control Board, the Virginia Waste Management Board, and the State Water Control Board by the Governor, the Senate Committee on Rules, and the Speaker of the



House of Delegates. Currently, all members of such boards are appointed by the Governor. The bill provides that the authority of such boards does not include the authority to issue any environmental permit, or abridge or deny any environmental permit issued by the Department of Environmental Quality.

**PENDING – CONTINUED TO SPECIAL SESSION**

**HB 1297 Comprehensive water supply; planning process.** (*Chief patron: Webert*)

Amends § 62.1-44.38:1 of the Code of Virginia to direct the State Water Control Board to consider existing interjurisdictional arrangements in designating comprehensive water supply regional planning areas and to provide a mechanism for a locality to request, subject to approval by the Department of Environmental Quality, a change of its designated regional planning area to an adjoining planning area.

**HB 1309/SB 756 Resilient Virginia Revolving Loan Fund; created.** (*Chief patron: Bulova*)

Amends §§ 62.1-199 and 62.1-203 of the Code of Virginia to create the Resilient Virginia Revolving Fund. The bill provides guidelines for deposits, expenditures, and investments and requires an annual audit of the Virginia Resources Authority. The bill provides that the Fund be used for loans or to refinance projects for local governments or to give grants to them, provides that the Fund may be used by local governments for loans or grants to persons of the Commonwealth eligible for projects for resilience purposes, and establishes guidelines for the priority of such loans and grants.

**HB 1322 Living shorelines; modifies definition to include “other structural and organic materials.”** (*Chief patron: Hodges*)

Amends § 28.2-104.1 of the Code of Virginia, relating to living shorelines, to define “other structural and organic materials” authorized to be used in a living shoreline to include a variety of natural or man-made materials.

**SB 145 Subaqueous beds; unlawful use, replacement of piers.** (*Chief patron: Cosgrove*)

Amends § 28.2-1203 of the Code of Virginia, relating to replacement of piers, to exclude the maintenance or replacement of previously authorized piers from Virginia Marine Resources Commission permitting requirements, so long as the reconstructed pier is in the existing footprint of the original pier.

**SB 187 Nutrient credits; DEQ to accelerate release of credits generated by stream restoration project.** (*Chief patron: Hanger*)

Amends § 62.1-44.19:20 of the Code of Virginia to allow the Department of Environmental Quality to accelerate the release of nutrient credits generated by a stream restoration project based on (i) a determination that the level of risk is low, (ii) the provision of additional financial assurance, and (iii) the experience of the applicant. The provisions of the bill become effective 30 days after the Department of Environmental Quality issues guidance regarding its implementation.

**SB 188 Nutrient credit stream restoration projects; use of third-party long-term stewards.** (*Chief patron: Hanger*)

Amends § 62.1-44.19:20 of the Code of Virginia to authorize the Department of Environmental Quality to allow the use of third-party long-term stewards to hold and manage the long-term management fund to maintain stream restoration projects.

**SB 305 Food manufacturers; operating in historic buildings.** (*Chief patron: Deeds*)

Amends § 3.2-5100 of the Code of Virginia to authorize the Commissioner of the Department of Agriculture and Consumer Services to exempt food manufacturers operating in historic buildings from certain laws and regulations related to the structure of a building if the food manufacturer is deemed to be producing food products that are low risk of being adulterated.



**[SB 400](#) Agritourism event buildings; authorizes the BHCD to promulgate regulations related to buildings. (Chief patron: Hanger)**

Amends the Code of Virginia by adding a section numbered 36-98.4, relating to Uniform Statewide Building Code, and authorizes the Board of Housing and Community Development to promulgate regulations related to agritourism event buildings, defined in the bill as a building or structure located on property where farming operations or agritourism takes place and which is primarily used for holding events and entertainment gatherings, open to the public, of 300 people or less. The bill directs the Board to appoint a nine-member Agritourism Event Structure Technical Advisory Committee to assist the Board in administering its powers and duties pertaining to the construction and rehabilitation of agritourism event buildings.

**NOTE: The provisions of subsections A and C of § 36-98.4 shall not become effective unless reenacted by the 2023 Session of the General Assembly.**

**[SB 567](#) State Water Control Board; amending certain regulations relating to sewage treatment plants. (Chief patron: Stuart)**

Directs the State Water Control Board to amend certain regulations to provide that Virginia Pollutant Discharge Elimination System permits may also be issued to an existing sewage treatment plant constructed and placed into service prior to January 1, 2001, that serves at least 10 houses but no more than 25 houses if such sewage treatment plant has a documented history of substantial noncompliance and cannot feasibly be connected to a publicly owned sewage treatment plant.

**[SB 657](#) Air Pollution Control Board and State Water Control Board; transfer of authority. (Chief patron: Stuart)**

Amends §§ 3.2-401, 10.1-1186.3, 10.1-1306 through 10.1-1307.02, 10.1-1307.04, 10.1-1308.1 through 10.1-1314, 10.1-1315, 10.1-1316, 10.1-1318, 10.1-1320, 10.1-1320.1, 10.1-

1322, 10.1-1322.4, 10.1-1333, 15.2-2403.3, 15.2-5101, 28.2-1205.1, 46.2-1601, 62.1-44.3, 62.1-44.14, 62.1-44.15:81, 62.1-44.15:83, 62.1-104, 62.1-242, and 62.1-255 of the Code of Virginia to limit the authority of the Air Pollution Control Board and the State Water Control Board to issuance of regulations and transfers the Boards' existing authority to issue permits and orders to the Department of Environmental Quality. The bill provides procedures for public comment on pending controversial permits, defined in the bill, and on regulatory changes necessary to implement the provisions of the bill.

## **FAILED LEGISLATION**

**[HB 393](#) Water quality; consideration of economic or social development. (Chief patron: Willett)**

Would have required the State Water Control Board to analyze the economic or social impact on residents who and communities that have historically been economically or socially disadvantaged when considering any project or development that would constitute a new or increased discharge of effluent into high quality water.

**[SB 508](#) Virginia Community Preparedness Fund; shifts administration to Water and Soil Conservation Board. (Chief patron: Lewis)**

Amends §§ 10.1-502, 10.1-504, 10.1-505, 10.1-603.24, and 10.1-603.25 of the Code of Virginia to shift the administration of the Virginia Community Preparedness Fund from the Department of Conservation and Recreation to the Virginia Soil and Water Conservation Board (the Board). The bill expands from nine to 11 the membership of the Board with the addition of two non-legislative members, one of whom shall be appointed by the Speaker of the House of Delegates from a flood-prone community outside the Chesapeake Bay watershed and one of whom shall be appointed by the Senate Committee on Rules from a flood-prone community in the Chesapeake Bay watershed. The bill raises from five to six the number of

Board members needed to constitute a quorum, at least four of whom shall be farmer or district director representatives. **VETOED BY GOVERNOR**

**HB 899 Aboveground storage tanks; Hazardous Substance Aboveground Storage Tank Fund; civil penalties.** (*Chief patron: Lopez*)

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

**HB1200 Landfill siting; proximity to private wells.** (*Chief patron: Ware*)

Would have prohibited the siting of a new municipal solid waste landfill within one mile upgradient of any existing private well.

**SB 250 Nonhazardous solid waste management facilities; increases the annual fees.** (*Chief patron: Surovell*)

Would have increased the annual fees for nonhazardous solid waste management facilities and indexed the fees annually based on the change in the Consumer Price Index.

# Finance

## **PASSED LEGISLATION**

**HB 3 Gold, silver, and platinum bullion, etc.; extends sunset date for the sales tax exemption.** (*Chief patron: Ware*)

Amends § 58.1-609.1 of the Code of Virginia to extend the sunset date for the sales tax exemption for gold, silver, and platinum bullion and legal tender coins whose sales price exceeds \$1,000 to June 30, 2025. Under current law, the exemption will expire on June 30, 2022. **SB 26** (*Chief patron: Ruff*) similarly extends the sunset date. **HB 936** (*Chief patron: Batten*) extends the sunset and also eliminates the limitation that only purchases in excess of \$1,000 are eligible for the exemption.

**HB 90/SB 451 Sales tax; exemption for food purchased for human consumption and essential personal hygiene products.** (*Chief patrons: McNamara and Boysko*)

Amends § 58.1-611.1 of the Code of Virginia to exempt food purchased for human consumption and essential personal hygiene products from state sales and use taxes, beginning January 1, 2023. The bill would also provide, beginning February 1, 2023, an allocation of state revenues to fund the distribution to localities for educational funding that would have been distributed to them absent the exemption created by the bill.

**HB 199 Land preservation program; special assessment.** (*Chief patron: Webert*)

Amends § 58.1-3235 of the Code of Virginia to allow a locality, by ordinance, to provide that a parcel of real property shall not be removed from the land use program for delinquent taxes if such taxes are paid no later than December 31 of the year in which the taxes became delinquent. The bill further provides that no parcel of real property shall be removed from the land use program for delinquent taxes if (i) such taxes become delinquent during a state of

emergency declared by the Governor, (ii) the treasurer determines that the emergency has caused hardship for the taxpayer, and (iii) the taxes are paid no later than 90 days after the original deadline.

**HB 200 Real property; tax exemption shall include property of certain single member ltd. liability company.** (*Chief patron: Webert*)  
Amends § 58.1-3609 of the Code of Virginia to provide that the property of an organization that is tax exempt by classification shall include the property of a single member limited liability company whose sole member is such an organization.

**HB 226 Taxes, appeal of local assessments.** (*Chief patron: Coyner*)

Amends § 58.1-3984 of the Code of Virginia to clarify the procedure by which a taxpayer aggrieved by any local tax assessment may seek relief by providing that (i) the necessary parties in such a proceeding shall be the taxpayer and the locality; (ii) the taxpayer may show that the property was assessed at more or less than its fair market value; and (iii) the county or city attorney or, if none, the attorney for the Commonwealth shall defend the locality in any such proceeding.

**HB 238 Land use assessment; forms used for revalidation of applications shall be prepared by TAX.** (*Chief patron: Orrock*)

Amends § 58.1-3234 of the Code of Virginia to provide that the forms used for revalidation of applications for land use assessment shall be prepared by the Department of Taxation. Under current law, such forms are prepared by the locality. The bill directs the Department to seek input from localities across the Commonwealth in developing such forms.

**HB 263 Banks; virtual currency custody services.** (*Chief patron: Head*)

Adds § 6.2-818.1 to the Code of Virginia to permit banks in the Commonwealth to provide virtual currency custody services so long as the bank has adequate protocols in

place to effectively manage the associated risks. The bill defines “virtual currency” and provides that a bank may choose to offer such custody services in a nonfiduciary capacity or a fiduciary capacity. If it chooses to provide such custody services in a fiduciary capacity, it must possess trust powers and have a trust department approved by the State Corporation Commission.

**HB 267/SB 12 Taxes, local; surplus revenues.** *(Chief patrons: McNamara and Suetterlein)*

Amends § 15.2-2511.1 of the Code of Virginia to grant localities permissive authority to return surplus personal property tax revenues to taxpayers. Under current law, localities may return only surplus real property tax revenues.

**HB 368 Refunds of local taxes; authority of treasurer.** *(Chief patron: Williams Graves)*  
Amends § 58.1-3981 of the Code of Virginia to increase from \$5,000 to \$10,000 the maximum amount that the governing body of a locality may authorize its treasurer to approve and issue for a refund of taxes paid as a result of an erroneous tax assessment.

**HB 400 Real property; affordable housing.** *(Chief patron: Willett)*  
Amends § 58.1-3295 of the Code of Virginia to include the Rental Assistance Demonstration program in the list of federal laws whose restrictions shall be considered in determining the fair market value of real property that is operated as affordable rental housing.

**HB 402 Landlords, participation; tax credit.** *(Chief patron: Willett)*  
Amends § 58.1-439.12:04 of the Code of Virginia to expand the tax credit for participating landlords to all census tracts in Virginia in which less than 10 percent of the residents live below the poverty level. Under current law, the credit is limited to census tracts in the Richmond Metropolitan Statistical Area, the Washington-Arlington-Alexandria Metropolitan Statistical Area, or the Virginia

Beach-Norfolk-Newport News Metropolitan Statistical Area in which less than 10 percent of the residents live below the poverty level.

**HB 462/SB 701 Retail Sales and Use Tax; extends sunset date for exemption of aircraft components.** *(Chief patrons: Austin and Kiggans)*

Amends § 58.1-609.10 of the Code of Virginia to extend the sunset date for the sales and use tax exemption for parts, engines, and supplies used for maintaining, repairing, or reconditioning aircraft or any aircraft’s avionics system, engine, or component parts from July 1, 2022, to July 1, 2025. The bill also restricts the exemption for manned systems to aircraft with a maximum takeoff weight of at least 2,400 pounds.

**HB 518 Sales and transient occupancy taxes; accommodations intermediaries.** *(Chief patron: Head)*

Amends §§ 58.1-602, 58.1-612.2, and 58.1-3826 of the Code of Virginia to change the process by which sales and transient occupancy taxes are collected from accommodations sales involving accommodations intermediaries. Under current law, accommodations intermediaries remit these taxes to the Department of Taxation or a locality, or a hotel, depending on the circumstances. The bill requires accommodations intermediaries to collect such taxes and remit them to the Department of Taxation or a locality, as applicable. The bill also provides that in a transaction involving multiple parties that may be considered accommodations intermediaries, such parties may agree that one party shall be responsible for collecting and remitting the taxes. In such event, the party agreeing to collect and remit such taxes shall be the sole party liable for the tax. Accommodations intermediaries shall submit to localities certain information on accommodations facilitated by the intermediary on a monthly basis. The bill also broadens the definition of accommodations intermediary. The bill directs the Department of Taxation to publish



guidelines on implementation of the bill by August 1, 2022, and to convene a work group to examine the processes used to collect local transient occupancy taxes and make recommendations for improvements. The substantive provisions of the bill have a delayed effective date of October 1, 2022. [SB 651 \(Vogel\) is similar.](#)

**[HB 551/SB 517](#) Retail Sales and Use Tax; exemption for medicine and drugs purchased by veterinarians. (Chief**

*patrons: Scott, D.L. and Lucas)*

Amends § 58.1-609.10 of the Code of Virginia to exempt veterinarians from sales and use tax on the purchase of prescription medicines and drugs that are administered or dispensed to patients within a veterinarian-client-patient relationship. The bill repeals provisions of current law that provide that a veterinarian dispensing or selling medicines or drugs on prescription shall be deemed to be the user or consumer of all such medicines and drugs. The bill provides that the exemption shall be in effect from July 1, 2022, until July 1, 2025.

**[HB 693](#) Vehicle registration; personal property tax relief. (Chief patron: Keam)**

Amends § 46.2-623 of the Code of Virginia to require the application for vehicle registration to include any additional information necessary to determine if a vehicle is a qualifying vehicle for the purpose of personal property tax relief. The bill requires vehicles held in a trust to be evaluated in the same manner as vehicles owned by a natural person.

**[HB 695](#) Worker training tax credit; extends sunset date. (Chief patron: Keam)**

Amends § 58.1-439.6:1 of the Code of Virginia to extend from 2022 to 2025 the sunset date for the worker training tax credit, and expands credits with respect to courses at an Eligible Training Provider List-recognized institution to include courses at any Virginia public institution of higher education.

**[HB 791/SB 513](#) Data centers; center fixtures are taxed as part of the real property where they are located, etc. (Chief patrons: McNamara and McPike)**

Amends § 58.1-3500 of the Code of Virginia and adds § 58.1-3295.3 to provide that if data center fixtures are taxed as part of the real property where they are located, they shall be valued based on depreciated reproduction or replacement cost, rather than based on the amount of income they generate.

**[HB 911](#) Approved local volunteer activities; enables localities to provide credit against taxes & fees. (Chief patron: Orrock)**

Adds § 58.1-3019 to the Code of Virginia to enable localities, by ordinance, to provide a credit against taxes and fees imposed by the locality to an individual who provides approved volunteer services in the locality. The bill specifies that the credit shall not be applied against any property taxes or payments in lieu of property taxes. The bill gives localities discretion to determine which taxes or fees are permissible uses of the credit and which services qualify for the credit.

**[HB 951/SB 77](#) Real property tax; assessment cycles by counties. (Chief patrons: Hodges and Norment)**

Amends § 58.1-3252 of the Code of Virginia to authorize counties to conduct a general reassessment of real estate every three years if determined by majority vote of a county's board of supervisors. Current law requires counties to conduct a general reassessment every four years, with exceptions authorized for specified counties.

**[HB 957](#) Real property; classification, property owned by certain surviving spouses for tax purposes. (Chief patron: Tran)**

Adds § 58.1-3228.2 to the Code of Virginia to provide that beginning with taxable year 2022, any locality may declare real property owned by a surviving spouse of a member of



the Armed Forces of the United States who died in the line of duty with a line of duty determination from the U.S. Department of Defense, where such death was not the result of criminal conduct, and where the spouse occupies the real property as his principal place of residence and does not remarry, a separate class of property for local taxation of real property that may be taxed at a different rate than that imposed on the general class of real property, provided that the rate of tax is greater than zero and does not exceed the rate of tax on the general class of real property.

**[HB 996](#) Land use assessment; parcels with multiple owners.** *(Chief patron: Weibert)*

Amends § 58.1-3234 of the Code of Virginia to allow the owner of a majority interest in an undivided parcel of real estate that is eligible for land use assessment to file the application on behalf of himself and for owners of any minority interest.

**[HB 1010](#) Real property taxes; notice of proposed increase, notice of public hearing.** *(Chief patron: Durant)*

Amends § 58.1-3321 of the Code of Virginia to adjust the notice requirements for public hearings held to increase property taxes in localities that conduct their reassessment of real estate more than once every four years. The bill requires such localities to provide notice of any such hearing on a different day and in a different notice from any notice published for the annual budget hearing. Under current law, such hearings are required when a locality seeks to raise its property tax rate above a rate that would collect more than 101 percent of the amount of taxes collected for the previous year.

**[HB 1053/SB 581](#) Correctional facilities, local and regional; fees charged to inmates.** *(Chief patrons: Shin and Morrissey)*

Directs the State Board of Local and Regional Jails to convene a work group to review and make recommendations regarding the reduction or elimination of costs and fees charged to inmates in local or regional

correctional facilities, including fees related to the costs of an inmate's keep, work release, or participation in educational or rehabilitative programs; telephone services; commissaries; and electronic visitation systems. The bill requires the Board to report its findings and recommendations to the Chairmen of the House Committee on Public Safety and the Senate Committee on Rehabilitation and Social Services by December 1, 2022.

**[HB 1076/SB 25](#) Cigarette tax, local; identifying unsold inventory, localities that increase taxes.** *(Chief patrons: McNamara and Ruff)*

Amends §§ 58.1-3830 and 58.1-3832.1 of the Code of Virginia to require any locality that increases its cigarette tax rate to allow, for one calendar year after the increase, a person with unsold inventory to pay the tax increase on the unsold inventory by filing a return, rather than requiring the use of a stamp or meter impression. The bill imposes a duty on regional cigarette tax boards to effectuate the policy.

**[HB 1083](#) Tax assessments; notices.** *(Chief patron: Leftwich)*

Amends § 58.1-1812 of the Code of Virginia to require the Department of Taxation to identify on bills for omitted tax assessments the date the initial tax return or payment was received by the Department, any payment amounts received from the taxpayer, and an explanation of the taxes, penalties, and interest related to such assessment.

**[HB 1084/SB 385](#) License taxes, local; limitation of authority.** *(Chief patrons: Leftwich and McDougle)*

Amends § 58.1-3703 of the Code of Virginia to prohibit a locality from imposing a license tax on a director of a bank or trust company that is subject to the bank franchise tax.

**[HB 1155/SB 683](#) Sales and use tax; media-related exemptions.** *(Chief patrons: Byron and Marsden)*

Amends §§ 58.1-602 and 58.1-609.6 of the Code of Virginia to make changes to the sales

and use tax exemption for amplification, transmission, and distribution equipment used to provide Internet services. Under the bill, the exemption would apply to network equipment used to provide Internet service, regardless of whether the provider of such service is also a telephone common carrier or whether such network is also used to provide services other than Internet services.

**HB 1231 Tangible personal property taxes; valuation of property.** (*Chief patron: Robinson*)

Amends § 58.1-3503 of the Code of Virginia to provide that in any locality in which the commissioner of revenue or other assessing official adjusts the valuation of automobiles to account for the amount of mileage on a vehicle, such adjustment shall also be provided for motorcycles.

**HB 1239/SB 771 Personal property; other classifications of tangible property for taxation.** (*Chief patrons: Scott, P.A. and Stuart*)  
Amends § 58.1-3506 of the Code of Virginia to authorize localities to classify for rate purposes certain vehicles that, under current law, may be classified only for valuation purposes, including certain automobiles, trucks, motor vehicles for use by the handicapped, motorcycles, mopeds, all-terrain vehicles, off-road motorcycles, campers, and other recreational vehicles. The bill specifies that its provisions shall apply only to taxable years beginning on or after January 1, 2022, but before January 1, 2025.

**HB 1308 Sales and use tax; entitlement to revenues from tourism projects.** (*Chief patron: Fowler*)

Amends §§ 58.1-3851.1 and 58.1-3851.2 of the Code of Virginia and adds § 58.1-3851.3 to entitle a major tourism project, defined in the bill, to the revenues generated by a two percent state sales and use tax on transactions taking place on its premises, to be used for debt service on gap financing for the project. The entitlement is subject to review and approval by the MEI Project Approval Commission. As

defined in the bill, gap financing includes a developer's primary debt financing, as well as any refinancing thereof, if the entitlements to tax revenues are pledged as collateral for such primary debt financing. The bill provides that, to qualify for the revenues, the project must meet a deficiency identified in a local tourism plan approved by the Virginia Tourism Authority and the private developer and the locality in which the project is located must each contribute funds equal to the two percent sales and use tax contribution, which are also to be used for the gap financing payment. Current law allows certain tourism projects to qualify for revenues generated by a one percent state sales and use tax or a 1.5 percent state sales and use tax. The bill provides that a major tourism project is eligible for the increased revenues if it involves a new private capital investment of at least \$500 million; will result in the creation of at least 500 net new jobs; and supports increased hotel occupancy, an increase in out-of-state visitors, and other factors of significant fiscal and economic impact.

**SB 101 Retail Sales and Use Tax; extends media-related exemptions.** (*Chief patron: Hanger*)

Amends § 58.1-609.6 of the Code of Virginia to extend from 2022 to 2025 the expiration of the retail sales and use tax exemption for printing purchased by an advertising business from a printer in the Commonwealth, so long as such material is distributed outside of the Commonwealth.

**SB 432 Sales tax; clarifies definition of "accommodations," effective dates.** (*Chief patron: Dunnavant*)

Amends § 58.1-602 of the Code of Virginia to provide that, for purposes of the retail sales and use tax on accommodations, the term "accommodations" does not include rooms or space offered by a person in the business of providing conference rooms, meeting space, or event space if the person does not also offer rooms available for overnight sleeping. The

substantive provisions of the bill are given retroactive effect to September 1, 2021, but no taxpayer shall be entitled to a refund for any taxes remitted prior to July 1, 2022.

**SB 438 Sales tax; Historic Triangle regional tax, dedication of funds.** *(Chief patron: Norment)*

Amends §§ 58.1-603.2, 58.1-638, and 58.1-3823 of the Code of Virginia to require the City of Williamsburg, James City County, and York County to appropriate annual amounts to entities promoting tourism and recreation in the Historic Triangle. Under current law, such localities receive state funds from the imposition of an extra one percent sales tax in the Historic Triangle. The bill establishes the Williamsburg Tourism Council (the Council) as an advisory board in the legislative branch of state government and replaces the Chief Executive Officer of the Virginia Tourism Alliance on the Council with the Chair of the Greater Williamsburg Chamber of Commerce.

**SB 648 Real property tax; exemption for the elderly and handicapped.** *(Chief patron: McPike)*

Amends § 58.1-3213 of the Code of Virginia to provide that any locality may by ordinance accept documentation establishing eligibility for the real property tax exemption for the elderly and handicapped on a rolling basis throughout the year. Current law states that localities shall accept such documentation after January 1 but before April 1 or a later date fixed by ordinance.

his date of eligibility, of taxes paid during the period of exemption, excluding interest or penalties. *(Continued to 2023)*

**SB 620 Real property taxes; rate of increase.** *(Chief patron: Cosgrove)*

Would have required the governing body of a locality to hold a referendum before making most increases in their real property tax rate. Under current law, the governing body of a locality is required to limit their 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 meeting. The bill would have replaced the public meeting requirement with a requirement that any such increase be approved in a referendum.

## **CONTINUED AND FAILED LEGISLATION**

**HB 1168 Real property tax; exemption for disabled veterans and surviving spouses.** *(Chief patron: Watts)*

Would have provided 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

# General Government

## PASSED LEGISLATION

### Administration of Government

**[HB 223/SB 437](#) Insurance; locality may provide for employees of certain public school foundations.** *(Chief patrons: Coyner and Dunnivant)*

Amends § 15.2-1517 of the Code of Virginia, relating to insurance for employees of certain public school foundations. Provides that any locality may provide group life, accident, and health insurance programs for employees of certain public school foundations.

**[HB 377](#) Charitable institutions and associations; local appropriations to faith-based organizations.** *(Chief patron: Subramanyam)*

Amends § 15.2-953 of the Code of Virginia, relating to charitable institutions and associations; local appropriations to faith-based organizations. Provides that no organization shall be prohibited from applying for or receiving public funds as part of a neutral grant or funding program from a locality on the basis of the organization's religious status, provided that all government funds received from the locality are used to provide community services for secular purposes, and further provided that nothing in the bill shall be construed to absolve or change any existing right or obligation created by certain provisions of the Virginia Human Rights Act or related to the exercise of religion.

**[HB 474](#) Automatic fire sprinkler inspectors; certification, exempts building officials and fire officials.** *(Chief patron: Brewer)*

Amends § 54.1-1147 of the Code of Virginia, relating to Board for Contractors; certification of automatic fire sprinkler inspectors; exemptions. Exempts building officials enforcing the Uniform Statewide Building Code and fire officials enforcing the Virginia Statewide Fire Prevention Code Act from the certification requirements applicable to automatic fire sprinkler inspectors.

**[HB 746](#) Volunteer Fire Department Training Fund; created.** *(Chief patron: Bell)*

Amends the Code of Virginia by adding in Chapter 2 of Title 9.1 a section numbered 9.1-208.1, relating to the Volunteer Fire Department Training Fund. Creates a special nonreverting fund to be known as the Volunteer Fire Department Training Fund that shall be used solely for the purposes of assisting or reimbursing volunteer fire departments or volunteer fire companies with the costs of training and certifying volunteer firefighters. The bill also requires the Secretary of Public Safety and Homeland Security to establish a workgroup to study the accessibility and availability of training programs with a specific focus on providing training programs to volunteer fire departments, volunteer fire companies, and volunteer firefighters in a cost-efficient and effective manner.

**[HB 907/SB 526](#) Alarm systems; regulation, battery-charged fence security systems.** *(Chief patrons: Brewer and Lucas)*

Amends § 15.2-911 of the Code of Virginia, relating to regulation of alarm systems; battery-charged fence security systems. Allows a locality to require those persons providing or operating a battery-charged fence security system to obtain an alarm company permit and the corresponding fee and to require certain other requirements as defined in the bill. The bill provides that the locality can also require the installer of such security system to submit



an affidavit disclosing information about the installation that includes an affirmation of compliance. The bill also provides that a locality can inspect such newly installed security system and issue a citation warning of noncompliance and can impose a penalty not exceeding \$500 if the noncompliance is not remedied within the time period specified by the locality.

**HB 970 Public agencies; exclusion from mandatory disclosure, privacy of personal information, penalty.** (*Chief patron: O'Quinn*) Amends §§ 2.2-3705.1 and 2.2-3808 of the Code of Virginia, relating to public agencies; privacy of personal donor information; penalty. Provides that public agencies shall not request personal donor information, defined in the bill, from (i) any individual or any entity organized under § 501(c) of the Internal Revenue Code or (ii) any bidder, offeror, or contractor of an agency. The bill prohibits such public agencies from disclosing personal information without the express, written permission of every individual who is identifiable from the potential release of such personal information, including individuals identifiable as members, supporters, or volunteers of, or donors to, the agency. The bill exempts the Campaign Finance Disclosure Act of 2006 from the requirements that public agencies protect personal information and refrain from requesting personal information.

**HB 1268 Political subdivisions; group self-insurance pools.** (*Chief patron: Head*) Amends § 15.2-2703 of the Code of Virginia, relating to political subdivisions; group self-insurance pools. Expands provisions related to local government self-insurance pools by providing that a local government group self-insurance pool may provide all authorized insurance coverages to (i) any separate corporation established by one or more counties, cities, towns, or school boards, as permitted by law, that is supported wholly or principally by local public funds or utilize federal funds for local community housing projects and (ii) other corporations recognized

under § 501(c)(3) or 501(c)(4) of the Internal Revenue Code that are supported wholly or principally by local public funds or utilize federal funds for local community housing projects and that are recognized by a political subdivision and authorized by law to perform a government function.

**HB 1290/SB 764 Public bodies; security of government databases and data communications, report.** (*Chief patrons: Hayes and Barker*)

Amends §§ 2.2-603, 2.2-2009, and 2.2-5514 of the Code of Virginia, relating to public bodies; security of government databases and data communications. Requires every public body to report to the Virginia Fusion Intelligence Center within 24 hours of discovery, all known incidents that threaten the security of the Commonwealth's data or communications or result in exposure of data protected by federal or state laws and all other incidents compromising the security of the public body's information technology systems with the potential to cause major disruption to normal activities of the public body or other public bodies. The bill requires that the Virginia Fusion Intelligence Center share such reports with the Chief Information Officer promptly upon receipt. The bill requires the Chief Information Officer to convene a work group to review current cybersecurity reporting and information sharing practices and report any legislative recommendations to the Governor and the Chairmen of the Senate Committee on General Laws and Technology and the House Committee on Communications, Technology, and Innovation by November 15, 2022.

**SB 9 Eminent domain; payment of judgment, attorney fees.** (*Chief patron: Petersen*) Amends § 25.1-247.1 of the Code of Virginia, relating to eminent domain; payment of judgment; attorney fees. Provides for attorney fees to be awarded in eminent domain cases in which there is a judgment for a property owner if such judgment is not paid within the time required by law.

**SB 172 County boards of supervisors; salaries.** (*Chief patron: Peake*)

Amends § 15.2-1414.2 of the Code of Virginia, relating to county boards of supervisors; salaries. Requires county boards of supervisors, prior to July 1 of each year, to set a maximum annual compensation, which will become effective as of January 1 of the year following the next regularly scheduled elections.

**SB 498 Conveyances of property; acceptance by clerk's office for recordation.** (*Chief patron: Lewis*)

Provides that there is a presumption for state and local governmental agency and office purposes that title to property transfers to the grantee upon acceptance of a deed conveying such property by the clerk of court in the county or city in which the property is located. Such presumption does not apply to matters litigated in the federal or state courts.

**PENDING – CONTINUED TO SPECIAL SESSION**

**SB 666 Eminent domain; redefines lost access and lost profits.** (*Chief patron: Petersen*)

Amends §§ 25.1-100 and 25.1-230.1 of the Code of Virginia, relating to eminent domain; lost profits. Redefines “lost profits” for the purposes of determining just compensation in eminent domain cases.

**SB 694 Eminent domain; various changes to the laws pertaining to condemnation procedures.** (*Chief patron: Obenshain*)

Makes various changes to the laws pertaining to condemnation procedures, including (i) providing that localities shall not condition or delay the timely advancement or approval of any application for or grant of any permit or other approval for real property for the purpose of allowing the condemnation or acquisition of the property; (ii) redefining “lost access” for the purposes of determining just compensation (iii) requiring a condemnor to provide the property owner with a copy of its title report and all recorded instruments found in the title examination; (iv) requiring

the clerk of the court, when funds are paid into the court during a condemnation proceeding, to deposit such funds into an interest-bearing account; (v) requiring the court to order the condemnor to reimburse the property owner for the reasonable costs and fees, not to exceed \$7,500, for a survey (under current law, this amount is capped at \$1,000); (vi) requiring temporary construction easements to have an expiration date included in the recorded certificate and requiring condemnors to record a certificate of completion within 90 days upon completion of construction of any public use project for which a portion of private property was taken; (vii) requiring that a condemnor that has been sued for just compensation pursuant to a “quick-take” condemnation procedure to reimburse the property owner for his fees and costs incurred in filing the petition; and (viii) permitting the owner of property that the Commissioner of Highways has taken to petition the circuit court for the appointment of commissioners or the empanelment of a jury to determine just compensation under certain circumstances and requiring the Commissioner of Highways to reimburse the owner for his fees and costs incurred in filing the petition.

**Conflict of Interests**

**HB 216/SB 57 Conflict of Interests Act, State and Local Government; definition of gift, certain tickets, etc.** (*Chief patrons: Simonds and Locke*)

Amends § 2.2-3101 of the Code of Virginia, relating to State and Local Government Conflict of Interests Act; definition of gift; certain tickets and registration or admission fees. Exempts from the definition of gift tickets and registration or admission fees to an event that are provided by an agency to its own officers or employees for the purposes of performing official duties related to the officer's or employee's public service.

## **Elections**

### **HB 55/SB 211 Voter registration; list of decedent transmitted by St. Reg. of Vital Records to Dept. of Elections.** *(Chief patrons: Greenhalgh and Kiggans)*

Amends §§ 24.2-408 and 24.2-427 of the Code of Virginia to require the State Registrar of Vital Records to transmit to the Department of Elections a weekly list of decedents from the previous week. Currently, this list is transmitted monthly. The bill requires the general registrars to use this information to conduct list maintenance and to promptly cancel the registration of a person on the list.

### **HB 125 Elections; political campaign advertisements, illegal negative ads, civil penalties.** *(Chief patron: Davis)*

Amends § 24.2-955.3 of the Code of Virginia to provide that sponsors violating political campaign advertisement disclosure laws with advertisements or campaign telephone calls are subject to a civil penalty not to exceed \$25,000.

### **HB 177 Absentee voting; witness requirement for absentee ballots.** *(Chief patron: Bloxom)*

Amends §§ 24.2-702.1, 24.2-704, 24.2-706, and 24.2-707 of the Code of Virginia to make an absentee voter's failure to have a witness sign the absentee ballot envelope a material omission that renders the ballot void. Additionally, the bill requires an absentee voter to include the last four number of his social security number and his date of birth with the voter affirmation statement on such ballot envelope. **(PENDING – CONTINUED TO SPECIAL SESSION)**

**HB 195 Polling places; location requirements, waiver in certain circumstances.** *(Chief patron: Ransone)*  
Amends § 24.2-310 of the Code of Virginia to provide that in the event that there is no suitable building that could be used for a polling place within a precinct or within one mile of the precinct boundary, the general

registrar or the governing body of the locality may request from the Department of Elections a waiver to establish a polling place that does not meet the location requirements. The bill provides that the Department shall grant such a waiver and may impose any conditions on the waiver that it deems necessary or appropriate to ensure accessibility and security of the polling place and compliance with any other requirements of state or federal law.

### **HB 205/SB 80 Election officials, state and local; acceptance of certain gifts and funding prohibited, etc.** *(Chief patrons: Wachsmann and Stanley)*

Adds § 24.2-124.1 to the Code of Virginia to prohibit state and local election officials from soliciting, accepting, using, or disposing of any moneys, grants, property, or services given by a private individual or nongovernmental entity for the purpose of funding voter education and outreach programs, voter registration programs, or any other expense incurred in the conduct of elections. The bill specifically provides that it is not a violation of this prohibition to (i) operate a polling place or voter satellite office in a facility furnished by a private individual or nongovernmental entity or (ii) accept a federal government grant funded in whole or part by donations from private individuals or nongovernmental entities.

**HB 305 Elections; appointment of Commissioner of Elections, membership of Board, effective date.** *(Chief patron: Ransone)*  
Amends §§ 2.2-106, 2.2-2905, and 24.2-102 of the Code of Virginia to make the State Board of Elections responsible for appointing the Commissioner of Elections and remove the Governor's ability to appoint to the Department of Elections a deputy commissioner or a confidential policy advisor. The bill also increases the State Board of Elections from five members to seven and staggers those initial terms so that three members are appointed in 2023 and every four years thereafter, two members are appointed in 2024 and every

four years thereafter, and two members are appointed in 2025 and every four years thereafter. **(PENDING – CONTINUED TO SPECIAL SESSION)**

**HB 439 Absentee ballots; information on proposed constitutional amendments.** *(Chief patron: VanValkenburg)*

Amends § 24.2-706 of the Code of Virginia to provide that whenever there is a proposed constitutional amendment or statewide referendum on the ballot, the printed instructions with the absentee ballot materials are required to include the website address where the explanation for such amendment or referendum is posted on the Department of Elections' website.

**HB 492 Campaign finance; record retention requirements and reviews of campaign finance disclosure reports.** *(Chief patron: Bulova)*

Amends §§ 24.2-946 and 24.2-947.3 of the Code of Virginia and adds § 24.2-948.5 to require campaign committee treasurers to retain certain records that may be used in reviews of campaign committee accounts. The bill gives the Department of Elections the authority and duty to conduct reviews of a percentage of campaign committees and to report the results of such reviews annually to the State Board of Elections, the Governor, and the General Assembly and make such report available on the Department's website. The bill has a delayed effective date of January 1, 2024, and provides that campaign finance reports filed prior to January 1, 2024, are not subject to the provisions of the bill.

**HB 542 Elections administration; reclassification of assistant registrars.** *(Chief patron: Batten)*

Amends §§ 2.2-1837, 24.2-110, and 24.2-111, among other sections of the Code of Virginia to reclassify assistant registrars as deputy registrars.

**HB 895/SB 370 Elections; local electoral boards & general registrars to perform certain risk-limiting audits, etc.** *(Chief patrons: Kilgore and Bell)*

Amends §§ 24.2-669, 24.2-671, and 24.2-679 of the Code of Virginia; adds § 24.2-671.2, and repeals § 24.2-671.1 to require local electoral boards and general registrars to perform certain risk-limiting audits under the supervision of the Department of Elections and in accordance with the procedures prescribed by the State Board of Elections. The bills provide that localities are required to participate in such audits at least once every five years. The provisions of the bills requiring that such audits be conducted (i) for at least one randomly selected contested race for the General Assembly in the year of a general election for members of the General Assembly and (ii) for any other contested race that is necessary to ensure that each locality participates in a risk-limiting audit of an office within its jurisdiction at least once every five years or that the State Board finds appropriate have a delayed effective date of July 1, 2023. The provision of the bills requiring that such audits be conducted for at least one randomly selected contested race for an office that requires certification by the State Board in the year of general election for any local office has a delayed effective date of July 1, 2024. The bills also require the Department to convene a work group to consider and propose a process and timeline for implementing risk-limiting audits of statewide contests.

**HB 927/SB 3 Voting systems; reporting absentee results by precinct, definitions.** *(Chief patrons: Robinson and Suetterlein)*

Amends §§ 24.2-101 and 24.2-667.1 of the Code of Virginia to include in the definition of "voting system" on-demand ballot printing systems and ballot marking devices used to manufacture or mark ballots to be cast by voters on electronic voting and counting machines. The bills also require general registrars to report to the Department of



Elections the number and results of absentee ballots cast by voters assigned to each precinct in the registrar's locality. The Department is directed by the bills to establish standards for ascertaining and reporting such information.

**HB 1140 Voter registration; cancellation of registration, notice requirement.** *(Chief patron: Walker)*

Amends § 24.2-427 of the Code of Virginia to require general registrars to provide notice of the cancellation of a voter's registration to the voter by mail to the address listed in the voter's registration record and by email to the email address provided on the voter's registration application, if one was provided.

**SB 273 Absentee voting; verification by social security number or unique identifier.** *(Chief patron: Ebbin)*

Amends §§ 24.2-404, 24.2-404.4, 24.2-427, 24.2-702.1, 24.2-704, 24.2-706, 24.2-707, and 24.2-709.1 of the Code of Virginia to require the State Board of Elections to promulgate regulations for providing a unique identifier to any qualified voter who lacks a social security number and provide that such unique identifier can be accepted in place of a social security number for the purposes of voting absentee. The bill makes optional the current absentee ballot witness signature requirement by giving the voter the option to provide the last four digits of the voter's social security number and the voter's date of birth in lieu of a witness signature. The bill clarifies that verification of the required voter affirmation on absentee ballots by the general registrar includes matching any date of birth and last four digits of the social security number or assigned unique identifier provided as part of the voter affirmation against the information in the voter's registration record. **(PENDING – CONTINUED TO SPECIAL SESSION)**

**SB 371 Elections, State Board of; expands membership, appointment of Commissioner of Elections.** *(Chief patron: Vogel)*

Amends §§ 2.2-106, 2.2-2905, and 24.2-102 of the Code of Virginia to exempt the Department of Elections from provisions

allowing the Governor to appoint a chief deputy and a confidential assistant for policy or administration. The bill expands the membership of the State Board of Elections (the State Board) from five members to eight members with equal representation given to both parties. The bill requires the Chief Justice of the Supreme Court of Virginia to designate a retired circuit court judge to serve as the tie breaker for the State Board. The bill also gives the State Board the authority and duty to appoint the Commissioner of Elections of the Department of Elections and requires an affirmative vote of five of the State Board's eight members for the appointment and removal of the Commissioner of Elections. In the event that a vacancy occurs in the office of the Commissioner of Elections, the bill provides that the Director of Operations of the Department of Elections will serve as the head of the agency until such vacancy is filled by the State Board. The bill has a delayed effective date of January 1, 2023. **(PENDING – CONTINUED TO SPECIAL SESSION)**

**SB 652 Absentee voting; application requirements, last four digits of social security number.** *(Chief patron: Vogel)*

Amends § 24.2-706 of the Code of Virginia to require an applicant for an absentee ballot to provide on the application the last four digits of his social security number, except when completing the application in person, and further provides that the failure to include such information shall be a material omission, grounds for rejection of the application. **(PENDING – CONTINUED TO SPECIAL SESSION)**

**SB 698 Lists of persons voting at elections; creation of searchable public lists prohibited.** *(Chief patron: Deeds)*

Amends § 24.2-405 of the Code of Virginia to prohibit the recipient of a list of registered voters from publishing on the internet any of the information contained in such list as a list, database, or other similar searchable format or providing information contained in a list of registered voters to a third party for such purpose.

## **Freedom of Information**

### **HB 150 Virginia Freedom of Information Act; local public bodies to post meeting minutes on its website.** *(Chief patron: March)*

Amends the Code of Virginia by adding a section numbered 2.2-3707.2. Requires, with certain exceptions outlined in the bill, any local public body subject to the provisions of the Virginia Freedom of Information Act to post meeting minutes on its official public government website, if any, within seven working days of final approval of the minutes. The bill provides that if a local public body does not own or maintain an official public government website, it shall make copies of all meeting minutes available no later than seven working days after approval of the minutes at a prominent public location in which meeting notices are regularly posted, at the office of the clerk of the public body, or, in the case of a public body that has no clerk, at the office of the chief administrator.

### **HB 167 Localities; publication of notice in newspaper.** *(Chief patron: Ransone)*

Amends § 15.2-2204, relating to publication of notice by localities. Provides that in any instance in which a locality has submitted a correct and timely notice request to a newspaper published or having general circulation in the locality and such newspaper fails to publish the notice, or publishes the notice incorrectly, such locality shall be deemed to have met the appropriate notice requirements so long as the notice was published in the next available edition of a newspaper having general circulation in the locality.

### **HB 307 Virginia Freedom of Information Act; estimated charges for records.** *(Chief patron: Freitas)*

Amends §§ 2.2-3704 and 2.2-3704.1 of the Code of Virginia, relating to the Virginia Freedom of Information Act. Provides that a public body subject to the Virginia Freedom of Information Act shall make all reasonable efforts to supply records requested by a

citizen at the lowest possible cost. The bill also requires a public body, prior to conducting a search for records, to notify the requester in writing of the public body's right to make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for requested records and inquire of the requester whether he would like to request a cost estimate in advance of the supplying of the requested records. The bill exempts certain scholastic information from the provisions allowing charges.

### **HB 444 Virginia Freedom of Information Act; meetings conducted through electronic meetings.** *(Chief patron: Bennett-Parker)*

Amends §§ 2.2-2455, 2.2-3701, 2.2-3707, 2.2-3707.01, 2.2-3708.2, 2.2-3714, 10.1-1322.01, 15.2-1627.4, 23.1-1301, 23.1-2425, 30-179, and 62.1-44.15:02 of the Code of Virginia and adds § 2.2-3708.3, relating to the Virginia Freedom of Information Act dealing with meetings conducted by electronic communication means in situations other than declared states of emergency. Amends existing provisions concerning electronic meetings by keeping the provisions for electronic meetings held in response to declared states of emergency, repealing the provisions that are specific to regional and state public bodies, and allowing certain public bodies to conduct all-virtual public meetings where all of the members who participate do so remotely and that the public may access through electronic communications means. The bill excepts local governing bodies, local school boards, planning commissions, architectural review boards, zoning appeals boards, and any board with the authority to deny, revoke, or suspend a professional or occupational license from the provisions that allow public bodies to conduct all-virtual public meetings. The bill has a delayed effective date of September 1, 2022.

### **HB 677 Posting of notices; electronic posting on public government website of the locality, etc.** *(Chief patron: Hope)*

Amends § 1-211.1 of the Code of Virginia, relating to posting of notices; electronic

posting. Requires any notice, summons, order, or other official document of any type that is required to be posted on or at the front door of a courthouse or on a public bulletin board at the courthouse to also be posted on the public government website of the locality served by the court or on the website of the circuit court clerk. Under current law, the website posting is sufficient when such official document is required to be posted at the courthouse. The bill has a delayed effective date of July 1, 2024.

**[HB 734](#) Virginia Freedom of Information Act; disclosure of certain criminal records. (Chief patron: Bell)**

Amends § 2.2-3706.1 of the Code of Virginia and adds a section numbered 8.01-622.2, relating to the Virginia Freedom of Information Act, disclosure of certain criminal records. Provides that (i) criminal investigative files relating to a criminal investigation or proceeding that is not ongoing are excluded from the mandatory disclosure provisions of the Virginia Freedom of Information Act, though they may be disclosed by the custodian of such records to certain individuals except as otherwise provided in the bill, and (ii) with the exception of disclosure to an attorney representing a petitioner or inspection by an attorney or a person proceeding pro se in a petition for a writ of habeas corpus or writ of actual innocence or any other federal or state post-conviction proceeding or pardon, no criminal investigative file or portion thereof shall be disclosed to any requester except (a) the victim; (b) the victim's immediate family members, if the victim is deceased and the immediate family member to which the records are to be disclosed is not a person of interest or a suspect in the criminal investigation; or (c) the victim's parent or guardian, if the victim is a minor and the parent or guardian is not a person of interest or a suspect in the criminal investigation or proceeding, unless the public body has made reasonable efforts to notify any such individual of the request for such information. Upon receipt of notice that a public body has received a request for criminal

investigative files, such persons shall have 14 days to file in an appropriate court for an injunction to prevent disclosure of the records and the time period within which the public body has to respond to the underlying request shall be tolled pending the notification process and any subsequent disposition by the court. The bill requires the court to consider certain information in making its determination and provides that a public body shall be prohibited from responding to the request until at least 14 days have passed from the time notice was received by any such individual listed in clauses (a), (b), or (c) and shall not disclose any criminal investigative files if the court awards an injunction.

**[HB 1131/SB 417](#) Virginia Code Commission; work group to review public notices required to be published. (Chief patrons: Williams and Stanley)**

Directs the Virginia Code Commission to convene a work group to review requirements throughout the Code of Virginia for localities to provide public notice for intended actions and events, including (i) the varying frequency for publishing notices in newspapers and other print media, (ii) the number of days required to elapse between the publications of notices, and (iii) the amount of information required to be contained in each notice, and make recommendations for uniformity and efficiency. The bill requires the Commission to submit a report to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology summarizing the work and any recommendations of the work group by November 1, 2022.

**[SB 152](#) FOIA and FOIA Advisory Council; definition of official public government website. (Chief patron: Locke)**

Amends §§ 2.2-3701 and 30-179 of the Code of Virginia. Defines "official public government website" as it applies to the Virginia Freedom of Information Act and the Virginia Freedom of Information Advisory Council as any Internet site controlled by a public body and used,

among any other purposes, to post required notices and other content pursuant to the Virginia Freedom of Information Act on behalf of the public body.

## **Labor and Employment**

**HB 231 Military personnel; increases days for leaves of absence.** (*Chief patron: Orrock*) Amends §§ 44-93 and 44-204 of the Code of Virginia, relating to military personnel; leaves of absence. Increases, from 15 to 21 days, the number of days a member of the armed services, reserves, National Guard, Virginia Defense Force, or National Defense Executive Reserve shall be entitled to paid leave for military duties. The bill applies only to individuals who are employed by the Commonwealth or a political subdivision of the Commonwealth.

**HB 808 Support orders; income withholding order, employer fees.** (*Chief patron: Price*) Amends § 20-79.3 of the Code of Virginia, relating to support order; income withholding order; employer fees. Clarifies that a fee of up to a maximum of \$5 for each reply or remittance on account of a support obligor may be charged by an employer and withheld from the obligor's income in addition to the support amount to be withheld pursuant to an income withholding order.

**HB 1173/SB 631 Fair Labor Standards Act; employer liability, overtime required for certain employees, report.** (*Chief patrons: Ware and Barker*) Amends §§ 40.1-29, 40.1-29.1, and 40.1-29.2 of the Code of Virginia and adds § 40.1-29.3. Replaces the current provisions of the Virginia Overtime Wage Act with the provision that any employer that violates the overtime wage requirements of the federal Fair Labor Standards Act, and any related laws and regulations, shall be liable to its employee for remedies or other relief available under the Fair Labor Standards Act. The bill requires an employer to compensate employees of a derivative carrier, defined in the bill, at a

rate not less than one and one-half times the employee's regular rate of pay for any hours worked in excess of 40 hours in any one workweek. The bill requires the Secretary of Labor to convene a work group that includes certain industry representatives and legislators to review overtime issues and the Virginia Overtime Wage Act and requires the work group to submit a report on its findings and recommendations to the Governor and the Chairmen of the House Committees on Appropriations and Commerce and Energy and the Senate Committees on Finance and Appropriations and Commerce and Labor by November 1, 2022.

## **Procurement**

**HB 429/SB 225 Virginia Public Procurement Act; architectural and professional engineering term contracting.** (*Chief patrons: Bulova and McPike*) Amends § 2.2-4303.1 of the Code of Virginia, relating to the Virginia Public Procurement Act; architectural and professional engineering term contracting; limitations. Provides that the sum of all projects performed in an architectural and professional engineering contract term shall not exceed \$10 million, and the fee for any single project shall not exceed \$2.5 million. The bill allows a contract for multiple architectural or professional engineering projects to be renewable for up to three additional terms at the option of the public body. Current law limits the sum of all projects performed in a one-year contract term to \$750,000, with up to four additional one-year terms at the option of the public body and limits the fee for any single project to \$150,000, with specific exceptions to those limits, including a limit for total projects for rail projects of \$5 million and for highway projects, \$8 million.

**HB 964 Virginia Public Procurement Act; methods of procurement, submitting bids electronically.** (*Chief patron: Subramanyam*) Amends § 2.2-4303 of the Code of Virginia, relating to the Virginia Public Procurement Act; methods of procurement; submitting bids



electronically. Provides that all state public bodies accepting bids or proposals for contracts pursuant to the Virginia Public Procurement Act shall provide an option to submit bids or proposals through the Commonwealth's electronic procurement system, known as eVA. The Director of the Department of General Services, or his designee, is authorized under the bill to grant an exemption from such requirement at the request of a state public body and upon a showing of good cause. In the bill, local public bodies are encouraged to use eVA to offer an electronic submission option. The bill has a delayed effective date of July 1, 2023.

**[HB 1225/SB 13](#) Energy performance-based contracts; roof replacement.** (*Chief patrons: Bulova and Favola*)

Amends § 45.2-1703 of the Code of Virginia, relating to energy performance-based contracts; roof replacement. Allows procurement of a roof replacement as part of a larger energy conservation or operational efficiency measure if such replacement is either necessary for the installation of such measure or if the contracting entity determines that the replacement of more than 20 percent of the roof is necessary to install such measure. The bill requires such procurement to be publicly noticed on the Department of General Services' central electronic procurement website. Such procurement shall be designed by a licensed architect or professional engineer. Current law prohibits the inclusion of a roof replacement project as part of an energy performance-based contract.

**[SB 258](#) Virginia Public Procurement Act; bid bonds, construction contracts.** (*Chief patron: Bell*)

Amends § 2.2-4336 of the Code of Virginia, relating to Virginia Public Procurement Act; bid bonds; construction contracts. Provides that, except in cases of emergency, all bids, and proposals for certain transportation-related contracts in excess of \$350,000 and partially or

wholly funded by the Commonwealth shall be accompanied by a bid bond. Current law sets the bid or proposal amount for such contracts at \$250,000.

**[SB 259](#) Virginia Public Procurement Act; performance and payment bonds.** (*Chief patron: Bell*)

Amends § 2.2-4337 of the Code of Virginia, relating to the Virginia Public Procurement Act; performance and payment bonds. Requires a performance bond and payment bond to be furnished by the contractor for all non-transportation-related public construction contracts that exceed \$500,000 and all transportation-related projects that exceed \$350,000 and are partially or wholly funded by the Commonwealth. Current law only requires these bonds for certain types of contracts.

**[SB 550](#) Contracts; payment clauses to be included, right to payment of subcontractors.** (*Chief patron: Bell*)

Amends §§ 2.2-4354 and 11-4.6 of the Code of Virginia, relating to contracts; payment clauses to be included; right to payment of subcontractors. Requires construction contracts awarded by state or local government agencies as well as certain private construction contracts in which there is at least one general contractor and one subcontractor to a payment clause that obligates a contractor on a construction contract to be liable for the entire amount owed to any subcontractor with which it contracts. Such contractor shall not be liable for amounts otherwise reducible due to the subcontractor's noncompliance with the terms of the contract. However, in the event that the contractor withholds all or a part of the amount promised to the subcontractor under the contract, the contractor shall notify the subcontractor, in writing, of his intention to withhold all or a part of the subcontractor's payment with the reason for nonpayment. Payment by the party contracting with the contractor shall not be a condition precedent to payment to any lower-tier subcontractor,

regardless of that contractor receiving payment for amounts owed to that contractor. The bill provides that the Department of General Services shall convene the Public Body Procurement Workgroup to review whether the issue of nonpayment between general contractors and subcontractors necessitates legislative corrective action and report its findings and legislative recommendations to the General Assembly on or before December 1, 2022.

### **Public Safety/Courts**

**[HB 496/SB 687](#) Abuse and neglect; financial exploitation, changes term incapacitated adults, definitions, penalties.** (*Chief patrons: Mullin and Mason*)

Amends §§ 18.2-60.5, 18.2-178.1, 18.2-369, 46.2-341.20:7, 54.1-3408.3, 54.1-3442.5, 54.1-3442.6, and 54.1-3442.7 of the Code of Virginia, relating to abuse and neglect; financial exploitation; incapacitated adults; penalties. Changes the term “incapacitated adult” to “vulnerable adult” for the purposes of the crime of abuse and neglect of such adults and defines “vulnerable adult” as any person 18 years of age or older who is impaired by reason of mental illness, intellectual or developmental disability, physical illness or disability, or other causes, including age, to the extent the adult lacks sufficient understanding or capacity to make, communicate, or carry out reasonable decisions concerning his well-being or has one or more limitations that substantially impair the adult’s ability to independently provide for his daily needs or safeguard his person, property, or legal interests. The bill also changes the term “person with mental incapacity” to the same meaning of “vulnerable adult” for the purposes of the crime of financial exploitation.

**[HB 671](#) Permanent protective orders; Hope Card Program created.** (*Chief patron: Hope*) Amends the Code of Virginia by adding a section numbered 19.2-152.10:1, relating to permanent protective orders; Hope Card Program. Requires the Office of the Executive

Secretary of the Supreme Court of Virginia to develop and all district courts and circuit courts to implement the Hope Card Program (the Program) for the issuance of a Hope Card to any person who has been issued a permanent protective order by any district court or circuit court. The bill provides that a Hope Card issued pursuant to the Program shall be a durable, plastic, wallet-sized card containing, to the extent possible, essential information about the protective order, such as the identifying information and characteristics of the person subject to the protective order, the issuance and expiration date of the protective order, the terms of the protective order, and the names of any other persons protected by the protective order.

**[HB 682/SB 291](#) Service of process; investigator employed by an attorney for the Commonwealth, etc.** (*Chief patrons: Hope and Deeds*)

Amends § 8.01-293 of the Code of Virginia, relating to service of process; investigator employed by an attorney for the Commonwealth or Indigent Defense Commission. Provides that all investigators employed by an attorney for the Commonwealth or by the Indigent Defense Commission while engaged in the performance of their official duties when serving witness subpoenas shall not be considered a party or otherwise interested in the subject matter in controversy and, thus, are authorized to serve process to such witnesses.

**[HB 719/SB 658](#) Physical evidence recovery kits; victim’s right to notification, storage.** (*Chief patrons: Filler-Corn and McClellan*) Amends §§ 19.2-11.8 and 19.2-11.11 of the Code of Virginia, relating to physical evidence recovery kits; victim’s right to notification; storage. Provides that for a physical evidence recovery kit that (i) was collected by the Office of the Chief Medical Examiner as part of a routine death investigation, and the medical examiner and the law-enforcement agency agree that analysis is not warranted, (ii) was

determined by the law-enforcement agency not to be connected to a criminal offense, or (iii) is connected to an offense that occurred outside of the Commonwealth or another law-enforcement agency has taken over responsibility of the investigation and such kit is not transferred to another law-enforcement agency, the law-enforcement agency that received the physical evidence recovery kit shall store such kit for a period of 10 years or until 10 years after the victim reaches the age of majority if the victim was a minor at the time of collection, whichever is longer. The bill provides that after the mandatory retention period, the law-enforcement agency may destroy the physical evidence recovery kit, or in its discretion, may elect to retain the physical evidence recovery kit for a longer period of time. The bill also provides that when a state or local law-enforcement agency located within the Commonwealth has taken over responsibility for the investigation related to the physical evidence recovery kit, unless one of the other exceptions for submitting such kit to the Department of Forensic Science applies, the physical evidence recovery kit shall be transferred to such law-enforcement agency and such law-enforcement agency shall submit the physical evidence recovery kit to the Department of Forensic Science within 60 days of receipt from the original receiving law-enforcement agency. The bill also requires the law-enforcement agency to inform the victim, parent, guardian, or next of kin of the unique identification number assigned to the physical evidence recovery kit utilized by the health care provider and the personal identification number required to view the status of the physical evidence recovery kit and provide information regarding the Physical Evidence Recovery Kit Tracking System, unless disclosing this information would interfere with the investigation or prosecution of the offense, in which case the victim, parent, guardian, or next of kin shall be informed of the estimated date on which the information may be disclosed, if known.

**HB 736 Search warrants; execution.** (*Chief patron: Bell*)

Changes the hours of execution of a search warrant for the search of any place of abode from the daytime hours between 8:00 a.m. and 5:00 p.m. to between 6:00 a.m. and 10:00 p.m.

**PENDING – CONTINUED TO SPECIAL SESSION**

**HB 750/SB 327 Arrest and summons quotas; prohibition.** (*Chief patrons: Bell and Reeves*)

Amends the Code of Virginia by adding in 2.2-5516, 15.2-1609.11 and 15.2-1710.1, and 52-11.6, relating to arrest and summons quotas, prohibition. Prohibits (i) any agency of the Commonwealth or director or chief executive of any agency or department employing law-enforcement officers; (ii) any sheriff; (iii) any police force; or (iv) the Department of State Police from establishing a formal or informal quota that requires a law-enforcement officer to make a specific number of arrests or issue a specific number of summonses within a designated period of time. The bill also provides that the number of arrests made, or summonses issued by a law-enforcement officer shall not be used as the sole criterion for evaluating the law-enforcement officer's job performance.

**HB 751 Suspected abuse; mandated reporters.** (*Chief patron: Bell*)

Amends §§ 63.2-1509 and 63.2-1606 of the Code of Virginia, relating to mandated reports of suspected abuse. Adds a person who engages in the practice of behavior analysis to the list of individuals required to report suspected adult or child abuse or neglect.

**HB 756/SB 614 Bail for a person accused of a crime that is an act of violence; notice to attorney.** (*Chief patrons: Adams, L.R. and Stanley*)

Amends § 19.2-121 of the Code of Virginia, relating to bail for a person accused of a crime that is an act of violence; notice to attorney for the Commonwealth. Requires a magistrate to transmit within 24 hours a copy of the checklist

for bail determination form to the attorney for the Commonwealth when a magistrate conducts a bail hearing for a person arrested on a warrant or capias for an act of violence. The bill also provides that transmission of such copy to the attorney for the Commonwealth may be by facsimile or other electronic means.

**HB 761 Judicial Inquiry and Review Commission; availability of complaint forms.** *(Chief patron: Krizek)*

Amends § 17.1-917 of the Code of Virginia, relating to the Judicial Inquiry and Review Commission; availability of complaint forms. Requires that a sign be posted in all state courts of the Commonwealth, in a location accessible to the public, that notes the availability of and provides instructions to obtain a downloadable electronic version of any standardized form developed and utilized by the Judicial Inquiry and Review Commission for the filing of a complaint from the official website of the judicial system of the Commonwealth.

**HB 766/SB 401 Illegal gaming laws; Gaming Enforcement Coordinator created.** *(Chief patrons: Krizek and Bell)*

Amends the Code of Virginia by adding §§ 52-53 and 52-54 relating to enforcement of gaming laws. Establishes the Office of the Gaming Enforcement Coordinator and charges such Coordinator with coordinating local, state, and federal enforcement of gaming laws including laws regulating gambling, charitable gaming, lottery games, sports betting, casino gaming, fantasy contests, and horse racing and pari-mutuel wagering, and with establishing a tip line for members of the public to report concerns about gaming.

**HB 813/SB 328 Law-enforcement agencies; acquisition of military property.** *(Chief patrons: Williams and Reeves)*

Amends §§ 2.2-5515, 15.2-1721.1, and 52-11.3 of the Code of Virginia, relating to acquisition of military property by law-enforcement agencies. Changes the limitation on the acquisition or purchase of military property by a law-enforcement agency from firearms

of .50 caliber or higher to rifles of .50 caliber or higher and from ammunition of .50 caliber or higher to rifle ammunition of .50 caliber or higher.

**HB 833 Group violence intervention; definition, Operation Ceasefire Grant Fund created.** *(Chief patron: Wilt)*

Creates the Operation Ceasefire Grant Fund (the Fund) to be managed by the Office of the Attorney General. The bill provides that moneys in the Fund shall be used to implement violent crime reduction strategies, to provide training for law-enforcement officers and prosecutors, to provide equipment for law-enforcement agencies, and to award grants to organizations that are involved in group violence intervention efforts. The bill defines “group violence intervention” as comprehensive law-enforcement, prosecutorial, and community-based initiatives, substantially similar to Operation Ceasefire as implemented in Boston, Massachusetts, and the Gang Reduction Programs implemented in Los Angeles, California, and Richmond. **PENDING - CONTINUED TO SPECIAL SESSION**

**HB 1060/SB 49 Critically missing adult; expands definition, receipt of reports.** *(Chief patrons: Cordoza and Favola)*

Amends §§ 15.2-1718.2 and 52-34.10 of the Code of Virginia, relating to receipt of critically missing adult reports. Expands the definition of “critically missing adult” to include any missing adult, including an adult who has a developmental disability, intellectual disability, or mental illness, 18 years of age or older for the purpose of receipt of critically missing adult reports by a police or sheriff’s department and the Virginia Critically Missing Adult Alert Program administered by the Department of State Police and removes from the Program the eligibility requirement that the adult is believed to have been abducted.

**HB 1080 Sex offenders in emergency shelters; notification, registration, penalty.** *(Chief patron: Leftwich)*

Amends the Code of Virginia by adding § 9.1-



906.1, relating to sex offenders in emergency shelters; notification; registration. Provides that a registered sex offender who enters an emergency shelter designated by the Commonwealth or any political subdivision thereof and operated in response to a declared state or local emergency shall, as soon as practicable after entry, notify a member of the shelter's staff who is responsible for providing security of such person's status as a registered sex offender. This bill provides that no person shall be denied entry solely on the basis of his status as a sex offender unless such entry is otherwise prohibited by law. The bill requires that the Department of State Police provide to any registered sex offender at the time of his initial registration a summary of his obligation to inform the staff of an emergency shelter of his status as a registered sex offender.

**HB 1130/SB 207 Law-enforcement officers, retired sworn; purchase of service handguns or other weapons.** *(Chief patrons: Helmer and Petersen)*

Amends § 59.1-148.3 of the Code of Virginia, relating to purchase of service handguns or other weapons by retired sworn law-enforcement officers. Removes the requirement that a sworn law-enforcement officer be employed in a full-time capacity at the time of his retirement to purchase his service handgun.

**HB 1234 Judgments; limitations on enforcement, extensions, and renewals.** *(Chief patron: Head)*

Amends § 8.01-251 of the Code of Virginia, relating to limitations on judgments; extensions and renewals. Provides that no execution shall be issued, and no action brought on a judgment dated, extended, or renewed, prior to July 1, 2021, including a judgment in favor of the Commonwealth and a judgment rendered in another state or country, after 20 years from the date of such judgment or domestication of such judgment or 20 years from the date of such extension or renewal of such judgment, whichever is later. Under current law, no such execution or judgment may be issued or brought 20 years from the date of

such judgment only. The bill further allows a judgment creditor's assignee or such assignee's attorney or authorized agent to go through the process to extend the limitations period.

**HB 1282 Sharing of forfeited assets; promoting law enforcement.** *(Chief patron: Glass)*

Amends § 19.2-386.14 of the Code of Virginia, relating to sharing of forfeited assets; promoting law enforcement. Specifies that the forfeited property and assets paid to the state treasury into a special fund of the Department of Criminal Justice Services that shall be made available to federal, state, and local agencies to promote law enforcement may include expenditures to strengthen the relationships between the community and law enforcement, encourage goodwill between the community and law enforcement, or promote cooperation with law enforcement.

**HB 1332/SB 700 Correctional facility; intentionally covering, removing, etc., a security camera, penalty.** *(Chief patrons: Greenhalgh and DeSteph)*

Amends the Code of Virginia by adding a section numbered 18.2-473.2. Provides that any person who intentionally covers, removes, damages, renders inoperable, or otherwise obscures a security camera, as defined in the bill, without the permission of the sheriff, jail superintendent, warden, or Director of the Department of Corrections or Department of Juvenile Justice is guilty of a Class 1 misdemeanor. The bill also provides that any person who intentionally covers, removes, damages, renders inoperable, or otherwise obscures a security camera with the intent of inhibiting or preventing a security camera from recording or transmitting a photograph, motion picture, or other digital image of the commission of a felony is guilty of a Class 6 felony.

**HB 1334 Child abuse and neglect; amends definition, valid complaint.** *(Chief patron: Murphy)*

Amends §§ 16.1-228, 63.2-100, and 63.2-

1508 of the Code of Virginia, relating to child abuse and neglect; valid complaint. Amends the definition of “abused or neglected child” to include a child who is sexually exploited or abused by an intimate partner of the child’s parent or caretaker and allows a complaint of child abuse or neglect to be deemed valid by a local department of social services (local department) in such instances. The bill allows a complaint of child abuse or neglect that alleges child trafficking to be deemed valid regardless of who the alleged abuser is or whether the alleged abuser has been identified. The bill requires a local department that receives a complaint or report of child abuse or neglect over which it does not have jurisdiction to forward such complaint or report to the appropriate local department, if the local department that does have jurisdiction is located in the Commonwealth.

**HB 1339 Facial recognition technology; redefines, local law enforcement and campus police to utilize.** (*Chief patron: Leftwich*)

Facial recognition technology; local law enforcement; campus police. Redefines facial recognition technology, for the purposes of providing criteria for the lawful use of facial recognition technology by law enforcement, as conducting an algorithmic comparison of images of an individual’s facial features for the purposes of identification. The bill authorizes local law enforcement and campus police departments to utilize facial recognition technology for certain authorized uses as defined in the bill. The bill requires that local law-enforcement agencies and campus police departments publicly post and annually update policies regarding the use of facial recognition technology and maintain records regarding the use of facial recognition technology and report the data annually to their communities. The bill also makes it a Class 3 misdemeanor for any facial recognition technology operator employed by a local law-enforcement agency to violate the agency or department’s policy regarding the use of facial recognition technology or to conduct a search for any other

reason than an authorized use. Additionally, the bill requires the Department of State Police to develop a model policy regarding the use of facial recognition technology by January 1, 2023. The bill directs the Virginia State Crime Commission to submit a report with an analysis and recommendations about the use of facial recognition technology to the Chairmen of the Senate Committee on the Judiciary and the House Committee on Public Safety by November 1, 2025. The provisions of the bill expire on July 1, 2026. **PENDING – CONTINUED TO SPECIAL SESSION**

**SB 17 Law-enforcement officers; exemption from certain training requirements.** (*Chief patron: Hackworth*)

Amends § 9.1-116 of the Code of Virginia, relating to law-enforcement officers; exemption from certain training requirements. Provides that the Director of the Department of Criminal Justice Services shall exempt a law-enforcement officer who has demonstrated sensitivity to cultural diversity issues, had previous experience and training as a law-enforcement officer, is currently receiving or is eligible to receive a service retirement allowance, and has a break in service of no longer than 60 calendar months between retirement and new employment as a law-enforcement officer from the mandatory attendance of all courses that are required for the successful completion of the compulsory minimum training standards established by the Criminal Justice Services Board.

**SB 60 Political subdivisions; powers and duties, emergency management assessment.** (*Chief patron: Hackworth*)

Amends § 44-146.19 of the Code of Virginia, relating to powers and duties of political subdivisions; emergency management assessment. Provides that all political subdivisions shall provide an annually updated emergency management assessment and data related to emergency sheltering capabilities to the State Coordinator of Emergency Management on or before August 1 of each year. Under current law, such assessment

and data is due to the State Coordinator of Emergency Management on or before May 1 of each year.

**SB 143 Court of Appeals of Virginia; makes various changes to procedures and jurisdiction of the Court.** (*Chief patron: Edwards*)

Amends §§ 8.01-626, 8.01-671, 8.01-675.3, 8.01-675.6, 8.01-676.1, 17.1-403, 17.1-405, 17.1-408, 19.2-321.1, and 19.2-321.2 of the Code of Virginia, relating to the Court of Appeals of Virginia. Makes various changes to the procedures and jurisdiction of the Court of Appeals of Virginia, including (i) clarifying that an aggrieved party of certain pretrial orders may petition the Court of Appeals for review of such order and that such petitions shall be reviewed by a three-judge panel; (ii) providing that a party to an appeal that requests an extension for a filing deadline in the Court of Appeals must show good cause for the extension to be granted; (iii) clarifying that appeal bonds and security bonds are not required in criminal appeals; (iv) permitting the Court of Appeals to dispense with oral argument if the parties agree that it is not necessary; and (v) making consistent the grounds for seeking a delayed appeal in a criminal case in the Court of Appeals and the Supreme Court of Virginia. The bill additionally corrects the unintentional elimination of reviews of interlocutory decrees or orders involving certain equitable claims from the jurisdiction of the Court of Appeals. The bill contains an emergency clause.

**SB 279 Vicious dogs; law-enforcement officer, etc., to apply to a magistrate for a summons, etc.** (*Chief patron: DeSteph*)  
Amends §§ 3.2-6540.1 and 3.2-6569 of the Code of Virginia, relating to vicious dogs. Requires a law-enforcement officer or animal control officer to apply to a magistrate for a summons for a vicious dog if such officer is located in either the jurisdiction where the vicious dog resides or in the jurisdiction where the vicious dog committed one of the acts set forth in the definition of a vicious dog.

Current law requires such action only if the law-enforcement officer or animal control officer is located in the jurisdiction where the vicious dog resides. The bill also requires any evidentiary hearing or appeal to be held not less than 30 days from the date of the summons or appeal, unless good cause is found by the court.

**SB 353 Emergency Shelters Upgrade Assistance Grant Fund; funds to be paid to certain entities.** (*Chief patron: Vogel*)

Amends § 44-146.29:3 of the Code of Virginia, relating to Emergency Shelters Upgrade Assistance Grant Fund. Allows funds in the Emergency Shelters Upgrade Assistance Grant Fund to be paid to entities outlined in local shelter plans to install, maintain, or repair infrastructure for backup energy generation for emergency shelters, including solar energy generators, and improve the hazard-specific structural integrity of shelter facilities owned by the locality or identified in the shelter plan of the locality.

**SB 487 Firearm Violence Intervention and Prevention, Virginia Center; established.** (*Chief patron: McClellan*)

Establishes the Virginia Center for Firearm Violence Intervention and Prevention (the Center) within the Department of Criminal Justice Services and transfers to the Center the administration of the existing Virginia Gun Violence Intervention and Prevention Fund.  
**PENDING – CONTINUED TO SPECIAL SESSION**

**SB 530 Illegal gaming devices; manufacturing, etc., device, civil penalty.** (*Chief patron: Reeves*)  
Amends §§ 8.01-216.3, 8.01-534, 18.2-331.1, 18.2-340.15, 18.2-340.20, 18.2-340.30, 18.2-340.33, 18.2-340.34, and 18.2-340.35 of the Code of Virginia, relating to illegal gaming devices; Virginia Fraud Against Taxpayers Act; civil penalty. Adds the manufacturing for sale, selling, or distributing of an illegal gaming device while knowing that it is or is intended to be operated in the Commonwealth in violation of the law to the list of violations for which a

civil penalty may be assessed against a person who is found to have committed such violation. The bill also adds a knowledge requirement to the existing violation of possessing or controlling an illegal gambling device. The bill also provides for a civil penalty of up to \$25,000 per gambling device for any person who sells a gambling device that is located in an unregulated location.

**SB 673 Correctional facilities, local; entry privileges.** (*Chief patron: Morrissey*)

Amends § 53.1-127 of the Code of Virginia, relating to local correctional facilities; entry privileges. Authorizes the Governor and members of the General Assembly to enter the interior of any local correctional facility.

**SB 675 Firearms; criminal history record information check required to sell, exception.** (*Chief patron: Reeves*)

Amends § 18.2-308.2:5 of the Code of Virginia, relating to criminal history record information check required to sell firearm; exception for purchase of service weapon. Provides that the purchase of a service weapon by a retired law-enforcement officer is not subject to a criminal history record information check.

**SB 715 Injunctions; review by the Supreme Court of Virginia.** (*Chief patron: Petersen*)

Amends §§ 8.01-626, 8.01-675.5, 17.1-404, and 17.1-405 of the Code of Virginia, relating to injunctions; review by Supreme Court. Restores the Supreme Court of Virginia's jurisdiction over appeals of injunctions and orders granting or denying pleas of immunity. Under current law, injunctions must first be appealed to the Court of Appeals.

**SB 741 Facial recognition technology; authorized uses.** (*Chief patron: Surovell*)

Amends §§ 15.2-1723.2 and 23.1-815.1 of the Code of Virginia and adds a section numbered 52-4.5, relating to facial recognition technology. Authorizes local law-enforcement agencies, campus police departments, and the Department of State Police (the Department)

to use facial recognition technology for certain authorized uses as defined in the bill. The bill requires that the appropriate facial recognition technology be determined by the Division of Purchases and Supply and that such facial recognition technology be evaluated by the National Institute of Standards and Technology and have an accuracy score of at least 98 percent true positives across all demographic groups. The bill directs the Department to develop a model policy regarding the investigative uses of facial recognition technology, including training requirements and protocols for handling requests for assistance in the use of facial recognition technology made to the Department by local law-enforcement agencies and campus police departments, to be posted publicly no later than January 1, 2023, and requires local law-enforcement agencies or campus police departments that use facial recognition technology to either adopt the Department's model policy or develop an individual policy that meets or exceeds the standards set by the Department's model policy. The bill directs local law-enforcement agencies, campus police departments, and the Department to collect and maintain certain data related to the use of facial recognition technology and to publish an annual report to provide information to the public regarding the agency's use of facial recognition technology. The bill clarifies that any match made through facial recognition technology shall not be used in an affidavit to establish probable cause for the purposes of a search or arrest warrant. Additionally, any facial recognition technology operator employed by a local law-enforcement agency, campus police department, or the Department who violates the agency's or department's policy for the use of facial recognition technology or conducts a search for any reason other than those authorized by the bill is guilty of a Class 3 misdemeanor for a first offense and is guilty of a Class 1 misdemeanor for a second or subsequent offense.



**[SB 743](#) Law-enforcement officers, former; retention of identification and badge.** (*Chief patron: Vogel*)

Amends §§ 9.1-1000 and 52-9.1:1 of the Code of Virginia, relating to former law-enforcement officers; retention of identification and badge. Provides that a former law-enforcement officer with at least 10 years of service who has been diagnosed with post-traumatic stress disorder or is disabled shall, upon request, be issued a photo identification and badge indicating that he honorably served, both of which will be mounted by the employing department or agency in such a manner that it will be impossible for anyone to carry it on his person.

## **Workers Compensation/ Retirement**

**[HB 473](#)/[SB 70](#) Virginia Retirement System; employer contributions.** (*Chief patrons: Bulova and Newman*)

Amends § 51.1-145 of the Code of Virginia to separate the employer contribution for Virginia Retirement System (VRS) employers participating in the Hybrid Retirement Plan into defined benefit and defined contribution components. The bill requires the Board of Trustees of VRS to certify to each employer their defined benefit contribution rate and to provide to each employer their estimated defined contribution amounts. The substantive provisions of the bill have a delayed effective date of July 1, 2024.

**[HB 689](#) Workers' compensation; employer duty to furnish medical attention, cost limit.** (*Chief patron: Wampler*)

Amends § 65.2-603 of the Code of Virginia, relating to workers' compensation; employer duty to furnish medical attention; cost limit. Adds scooters to the list of medical equipment an employer is required to furnish to an employee under certain circumstances under the Virginia Workers' Compensation Act. The bill raises the limit on the aggregate cost of items and modifications required to be furnished by an employer to an injured employee from \$42,000 to \$55,000, to be increased on an annual basis.

**[HB 710](#) Local government; hiring people with disabilities.** (*Chief patron: Keam*)

Amends § 15.2-1509 of the Code of Virginia, relating to local government hiring; people with disabilities. Requires any locality to take into consideration or give preference to an individual's status as a person with a disability in its employment hiring policies and practices, provided that such person with a disability meets all of the knowledge, skills, and eligibility requirements for the available position.

**[HB 932](#) Workers' compensation; COVID-19, health care providers.** (*Chief patron: Robinson*)

Amends § 65.2-402.1 of the Code of Virginia, relating to workers' compensation; COVID-19; health care providers. Extends from December 31, 2021, to December 31, 2022, the date by which COVID-19 causing the death or disability of a health care provider is presumed to be an occupational disease compensable under the Virginia Workers' Compensation Act.

**[HB 1042](#)/[SB 562](#) Workers' compensation; time period for filing claim, certain cancers.** (*Chief patrons: Brewer and Saslaw*)

Amends § 65.2-406 of the Code of Virginia, relating to workers' compensation; limitation upon filing a claim. Provides that the time period for filing a workers' compensation claim for certain cancers is two years after a diagnosis of the disease is first communicated to the employee or within 10 years from the date of the last injurious exposure in employment, whichever first occurs. The bill provides, however, that such claim for benefits shall be barred if an employee is 65 years of age or older, regardless of the date of diagnosis, communication, or last injurious exposure in employment.

**[SB 351](#) Workers' compensation; permanent and total incapacity, subsequent accident.** (*Chief patron: Surovell*)

Amends § 65.2-503 of the Code of Virginia, relating to workers' compensation; compensation for permanent and total incapacity; compensation for compensable

consequence of an injury sustained in original accident. Requires compensation for permanent and total incapacity to be awarded for the loss of both hands, both arms, both feet, both legs, both eyes, or any two thereof either from the same accident or a compensable consequence of an injury sustained in the original accident. Under current law, compensation for permanent and total incapacity is required only when such loss occurs in the same accident.

**[SB 468](#) Line of Duty Act; Virginia licensed health practitioners required to conduct medical reviews.** (*Chief patron: DeSteph*) Amends §§ 9.1-404 and 9.1-405 of the Code of Virginia, relating to Virginia Retirement System; Line of Duty Act; medical reviews to be conducted by Virginia practitioners. Provides that, for any medical review of a claim made pursuant to the provisions of the Line of Duty Act, the Virginia Retirement System shall require that such review be conducted by a doctor, nurse, or psychologist who is licensed in Virginia or a contiguous state. The bill has a delayed effective date of July 1, 2023.

**[SB 677](#) Workers' compensation; cost of living supplements.** (*Chief patron: Lewis*) Amends § 65.2-709 of the Code of Virginia, relating to workers' compensation; cost of living supplements. Provides that cost-of-living supplements shall be payable to claimants who are receiving disability benefits under the Virginia Workers' Compensation Act but are not receiving federal disability benefits.

## **FAILED LEGISLATION**

### **Administration of Government**

**[SB 282](#) Supplementing compensation of public defender.** (*Chief patron: Ebbin*) Would have required the governing body of any county or city that elects to supplement the compensation of the attorney for the Commonwealth, or any of his deputies or his employees, above the salary of any such officer, deputy, or employee to supplement

the compensation of the public defender, or any of his deputies or employees. The bill provides that such supplemental compensation is proportional if the public defender, his deputies, and his other employees are each paid in amounts commensurate to the closest equivalent position in the local Office of the Commonwealth's Attorney, as adjusted for seniority and experience level. (*Note: this bill was incorporated into [SB 475](#) (McClellan), dealing with other related justice issues, and continued to 2023.*)

**[HB 384](#) State and local employees; rights of employees, freedoms of conscience and expression.** (*Chief patron: Davis*) Amends the Code of Virginia by adding sections numbered 2.2-2902.2 and 15.2-1512.4:1, relating to administration of government; rights of state and local employees; freedoms of conscience and expression. Protects state and local government employees of the Commonwealth, defined in the bill, from being penalized by their employer for expressing their opinion regarding a current or proposed regulation, rule, policy, position, or other action or purpose of a unit of state or local government at a hearing of a public body during the time designated for public comment when such employees are speaking on their own behalf as members of the public. **VETOED BY THE GOVERNOR**

### **Conflict of Interests**

**[HB 626](#) Disclosure in land use proceedings; statewide application.** (*Chief patron: Roem*) Would have altered certain land use disclosure requirements applicable to officials in Loudoun County and Fairfax County to apply to all localities statewide.

**[SB 224](#) Lobbying; local government actions; notice and fee to clerk of governing body.** (*Chief patron: McPike*) Would have required any individual who is compensated to influence or attempt to influence a local government action through oral or written communication with a local

government officer or employee to provide written notice of his status and a \$25 fee to the clerk of the governing body of the officer's or employee's locality. The bill exempts from this requirement (i) certain executive and legislative officials and employees, (ii) local government employees or officers acting in their official capacity, (iii) contractors or employees of a contractor performing services for the local government, and (iv) an attorney clearly identified on a land use application. Failure to provide notice is a Class 1 misdemeanor.

## **Courts**

### **HB 1210/SB 206 Historic preservation.**

*(Chief patrons: Hope and Petersen)*

Would have provided that the filing of a historic designation application shall stay a locality from issuing any permit to raze or demolish a proposed historic landmark, building, or structure until 30 days after the rendering of the final decision of the governing body of the locality. The bill also would specify that the affected property owner, the applicant, or any resident of the locality who provided public input on the locality's historic district plan may appeal to the circuit court for review of any final decision of the governing body pursuant to such application.

### **SB 208 Civil actions; standing.** *(Chief patron: Petersen)*

Would have provided that a person in a civil action shall be deemed to have standing if that person has a cognizable interest in the outcome of the matter, which maybe represented by the ownership of an affected property interest or the suffering of an injury unique to that individual.

## **Elections**

### **HB 129 Elections; conduct of election; ranked choice voting; primaries for elected offices.** *(Chief patron: Davis)*

Would have permitted parties to decide to hold a primary for any office by ranked choice voting and changed from discretionary to

mandatory the provision that the State Board of Elections promulgate regulations for their proper and efficient administration.

### **HB 603 Local or constitutional office; elections allowed to be conducted by ranked choice voting.** *(Chief patron: Hudson)*

Would have allowed elections for any local or constitutional office to be conducted by ranked choice voting. Under current law, only elections of members of a county board of supervisors or a city council are allowed to be conducted by ranked choice voting.

### **SB 495 Elections; removal of officers; recall elections; petition.** *(Chief patron: McClellan)*

Would have provided for the removal of certain elected officers and officers appointed to elected offices by recall referendum. *(Continued to 2023)*

### **HB 48 Elections; referenda; local advisory referenda.** *(Chief patron: Fariss)*

Would have provided for an exception to the rule that prohibits a referendum from being placed on the ballot unless specifically authorized by statute or by charter, allowing each locality to provide by ordinance a process for holding an advisory referendum provided such advisory referendum is placed on the ballot not more than once per calendar year.

### **HB 1031 Elections; local offices; reapportionment and redistricting; effect of certain changes.** *(Chief patron: Davis)*

Would have required in certain localities that the passage of an ordinance providing for the election of an additional member of the governing body on an at-large basis must coincide with an equal increase in the membership of the local elected school board on an at-large basis. The bill also would have clarified clarifies that local elected officials in office on the effective date of a court-ordered redistricting plan must be allowed to complete their terms of office, regardless of loss of residency in a particular district due to reapportionment or redistricting.

## **Freedom of Information Act**

### **HB 599 Virginia Freedom of Information Act; charges for production of public records. (Chief patron: Roem)**

Would have prohibited a public body from charging a requester for any costs incurred during the first two hours spent accessing or searching for requested records when such requester has made four or fewer individual record requests to such public body within 31 consecutive days. The bill would have provided that for any additional time spent accessing or searching for such records, or when such requester makes five or more individual record requests to such public body within any 31-consecutive-day period, the public body shall not charge an hourly rate for accessing or searching for the records exceeding the lesser of the hourly rate of pay of the lowest-paid individual capable of fulfilling the request or \$33 per hour. The bill would allow a public body to petition the appropriate court for relief from the \$33 per hour fee cap upon showing by a preponderance of the evidence that there is no qualified individual capable of fulfilling the request for \$33 per hour or less and required such petition to be heard within seven days of when the petition is made, provided that the public body had sent and the requester had received a copy of the petition at least three working days prior to filing.

### **HB 631 Virginia Freedom of Information Act; closed meetings; privacy of witnesses in law-enforcement administrative investigations. (Chief patron: Hudson)**

Would have provided that a public body may hold a closed meeting to protect the privacy of an individual in administrative or disciplinary hearings related to allegations of wrongdoing by employees of a law-enforcement agency where such individual is a complainant, witness, or the subject of the hearing.

**HB 980 Virginia Freedom of Information Act; exclusions to application of chapter; local administrative investigations; disclosure. (Chief patron: Williams Graves)**  
Would have added email addresses as information that, when made in confidence to the local governing body, with respect to complainants in local investigations are exempt from disclosure under the Virginia Freedom of Information Act. The bill would have expanded the applicability of the exemption to zoning enforcement complaints for all such complaints, not just individual enforcement complaints. The bill also would have added local public health and safety, nuisance, and waste and recycling complaints to the list of complainants whose personal information is exempt from disclosure.

### **SB 200 Virginia Freedom of Information Act; record exclusions; administrative investigations; onsite sewage complaints. (Chief patron: Hashmi)**

Would have created an exemption with respect to the Virginia Freedom of Information Act for records of active investigations and the names, addresses, and telephone numbers of complainants furnished in confidence with respect to an active investigation of onsite sewage complaints made to the Department of Health or the Department of Environmental Quality.

### **SB 214 Virginia Freedom of Information Act; meetings conducted through electronic meetings. (Chief patron: McPike)**

Would have amended existing provisions concerning electronic meetings by keeping the provisions for electronic meetings held in response to declared states of emergency, repealing the provisions that are specific to regional and state public bodies, and allowing public bodies to conduct all-virtual public meetings where all of the members who participate do so remotely and that the public



may access through electronic communications means. Definitions, procedural requirements, and limitations for all-virtual public meetings were set forth in the bill, along with technical amendments. ([HB 444](#) (Bennett-Parker) passed and was a more limited version of this bill.)

## **Labor and Employment**

**[HB 61/SB 331](#) Overtime pay requirements; volunteers.** (*Chief patrons: McGuire and Reeves*)

Would have permitted individuals who work as both employees and on a volunteer basis for a public body, church, or nonprofit organization to earn overtime wages for hours worked as an employee only and continued to exclude hours worked on a volunteer basis from overtime wage requirements.

**[HB 296](#) Minimum wage; clarifies definition of wages.** (*Chief patron: McNamara*)  
Would have amended the definition of “wages” for the purposes of the Virginia Minimum Wage Act such that “wages” included the reasonable cost to an employer of providing payments for health care benefits to an employee, provided that the employee was paid a cash wage at a rate not less than the greater of \$11.00 per hour or the federal minimum wage.

**[HB 320/SB 173](#) Minimum wage; removes certain provisions relating to increasing state wage** (*Chief patrons: Freitas and Peake*)  
Would have repealed certain provisions of the Code of Virginia related to increasing the state minimum wage to more than \$11.00 per hour. The bill also would have repealed provisions related to increasing the state minimum wage based on an annual adjusted minimum wage determined by the Department of Labor and Industry.

**[HB 336](#) Public employees; bargaining representative certification.** (*Chief patron: Freitas*)  
Would have provided that, in a locality that has

authorized collective bargaining by ordinance or resolution, a bargaining representative must be selected for each collective bargaining unit determined to be appropriate by the governing body of the locality. The bill would have provided that for a bargaining representative to be certified as an exclusive representative, at least 51 percent of the public employees in a collective bargaining unit must vote for certification of the bargaining representative through a secret ballot election conducted by the governing body of the locality, and a secret ballot election shall be conducted every two years to confirm majority support for the bargaining representative. Preexisting bargaining representatives must also be certified by a vote of 51 percent of the affected collective bargaining unit.

**[HB 337](#) Public employees; compensation for union activities.** (*Chief patron: Freitas*)  
Would have prohibited any employer of public employees authorized to engage in collective bargaining from entering into a collective bargaining agreement to compensate any public employee or third party for an employee organization’s or union’s activities. Further, if a union’s activities infringed on an employer’s time and resources, the union must compensate the employer at a fair market value rate, among other provisions.

**[HB 341](#) Public employees; labor union dues deduction authorization.** (*Chief patron: Freitas*)  
Would have required consent by public employees authorized to engage in collective bargaining before union or employee association dues are deducted from the employees’ pay directly by their employers. The bill would allow public employees to stop paying union or employee association dues at any time and give public employees an annual opportunity to reconfirm that they want to continue union or employee association membership and pay such dues.

**HB 790 Collective bargaining; law enforcement; transparency and accountability.** (*Chief patron: LaRock*)

Would have prohibited a county, city, or town from entering into a collective bargaining contract with a labor union or other employee association representing law-enforcement officers or employees of a law-enforcement agency that (i) prevents the Attorney General from seeking equitable relief against a law-enforcement agency engaging in a pattern or practice of unconstitutional misconduct; (ii) includes any stipulation that delays officer interviews or interrogations after alleged wrongdoing for a set length of time; (iii) provides officers with access to evidence before interviews or interrogations about alleged wrongdoing; (iv) mandates the destruction or purging of disciplinary records from personnel files after a set length of time, or limits the consideration of disciplinary records in future employment actions; (v) prohibits the interrogation, investigation, or punishment of officers on the basis of alleged wrongdoing if a set length of time has elapsed since its alleged occurrence, or since the initiation of the investigation; (vi) prohibits supervisors from interrogating, investigating, or disciplining officers on the basis of anonymous civilian complaints; or (vii) requires arbitration of disputes related to disciplinary penalties or termination.

**HB 883 Project labor agreements; prevailing wage; collective bargaining for employees of local governments.** (*Chief patron: Byron*)

Would have provided that state agencies, when engaged in procuring products or services or letting contracts for construction, manufacture, maintenance, or operation of public works, paid for in whole or in part by state funds, shall neither require nor prohibit bidders to enter into or adhere to agreements with one or more labor organizations on the public works projects. The bill would remove requirements for the payment of prevailing wage for work performed on public works contracts for state agencies. In addition, the bill would remove

the authority for a locality, by a local ordinance or resolution, to recognize any labor union or other employee association as a bargaining agent of any public officers or employees or to collectively bargain or enter into any collective bargaining contract with any such union or association or its agents.

**HB 1017 Overtime; definition, compensable hours worked, compensatory time.** (*Chief patron: Guzman*)

Would have defined compensable hours worked, for the purposes of the Virginia Overtime Wage Act, as the amount of time an employee is on duty or at a prescribed place of work and any time an employee is suffered or permitted to work. The bill states that such time shall include work performed at home, travel time, waiting time, and training and probationary periods. Under the bill, an employee may elect, during any probationary period of employment, to receive compensatory time in lieu of overtime pay, among other provisions.

**SB 1 Paid family and medical leave program.** (*Chief patron: Boysko*)

Would have required the Virginia Employment Commission to establish and administer a paid family and medical leave program with benefits beginning January 1, 2025, among other provisions.

**SB 447 Wage or salary history inquiries prohibited; civil penalty.** (*Chief patron: Boysko*)

Would have prohibited a prospective employer from (i) seeking the wage or salary history of a prospective employee; (ii) relying on the wage or salary history of a prospective employee in determining the wages or salary the prospective employee is to be paid upon hire; (iii) relying on the wage or salary history of a prospective employee in considering the prospective employee for employment; (iv) refusing to interview, hire, employ, or promote a prospective employee or otherwise retaliating against a prospective employee for not providing wage or salary history; and (v)

failing or refusing to provide a prospective employee the wage or salary range for the position for which the prospective employee is applying prior to discussing compensation and at any time upon the prospective employee's request, among other provisions.

**SB 264 Collective bargaining for public employees.** *(Chief patron: Hashmi)*

Would have provided for collective bargaining by public employees. The bill would have created the Public Employee Relations Board, which would determine appropriate bargaining units and provide for certification and decertification elections for exclusive bargaining representatives of state employees and local government employees. The measure would require public employers and employee organizations that are exclusive bargaining representatives to meet at reasonable times to negotiate in good faith with respect to wages, hours, and other terms and conditions of employment. The measure would repeal a provision enacted in 2013 that declares that, in any procedure providing for the designation, selection, or authorization of a labor organization to represent employees, the right of an individual employee to vote by secret ballot is a fundamental right that shall be guaranteed from infringement.

## **Marijuana**

**HB 43 Retail marijuana stores; requirement for local referendum.** *(Chief patron: Ware)*

Would have provided that if an act of assembly is passed by the 2022 Session of the General Assembly that authorized the operation of retail marijuana stores in the Commonwealth, such retail marijuana stores may be located only in localities that have approved the operation of retail marijuana stores through a referendum held in accordance with the provisions of the bill.

**SB 313 Retail sale of cannabis products by certain pharmaceutical processors and industrial hemp processors; sunset.** *(Chief patron: Ebbin)*

Would have allowed certain pharmaceutical

processors and industrial hemp processors to sell, under the oversight of the Board of Directors of the Virginia Cannabis Control Authority (the Board), cannabis products at retail to unregistered persons who are 21 years of age or older without the need for a written certification. The bill would direct the Board to adopt and enforce regulations governing such sales that shall model certain Board of Pharmacy regulations and comply with other requirements set forth in the bill. The bill would require pharmaceutical processors and industrial hemp processors engaging in such sales to pay a \$1 million fee and collect a 21 percent excise tax, both of which shall ultimately be allocated to the Virginia Cannabis Control Authority to be used to assist independent cannabis retailers located in designated rural and urban opportunity zones. The bill also would require such pharmaceutical processors and industrial hemp processors to submit and comply with a plan describing how the processor will educate consumers about responsible consumption of cannabis products and incubate independent cannabis retailers or support and educate persons that wish to participate in the cannabis market. Certain provisions of the bill had a delayed effective date of January 1, 2023, and would expire when pharmaceutical processors and industrial hemp processors engaging in the sale of cannabis products pursuant to the provisions of the bill are authorized by the Virginia Cannabis Control Authority to apply for and be granted licenses to cultivate, manufacture, wholesale, and sell at retail to consumers 21 years of age or older retail marijuana and retail marijuana products.

**SB 391 Cannabis control; retail market; transitional sales by pharmaceutical and industrial hemp processors; penalties.**

*(Chief patron: Ebbin)*

Would have allowed certain pharmaceutical processors and industrial hemp processors to sell, under the oversight of the Board of Directors of the Virginia Cannabis Control Authority (the Board), cannabis products at retail to unregistered persons who are 21 years of age or older without the need for a

written certification. The bill would direct the Board to adopt and enforce regulations governing such sales that shall model certain Board of Pharmacy regulations and comply with other requirements set forth in the bill. The bill would require pharmaceutical processors and industrial hemp processors engaging in such sales to pay a \$1 million fee and collect a 21 percent excise tax, both of which shall ultimately be allocated to the Virginia Cannabis Control Authority to be used to assist independent cannabis retailers located in designated rural and urban opportunity zones. The bill also would require such pharmaceutical processors and industrial hemp processors to submit and comply with a plan describing how the processor will educate consumers about responsible consumption of cannabis products and incubate independent cannabis retailers or support and educate persons that wish to participate in the cannabis market. The bill had a delayed effective date of January 1, 2023, and shall expire when pharmaceutical processors and industrial hemp processors engaging in the sale of cannabis products pursuant to the provisions of the bill are authorized by the Virginia Cannabis Control Authority.

**SB 591 Marijuana; shape productions, definitions.** *(Chief patron: Hanger)*

Would have modified the definition of “marijuana” in several Code sections to (i) include any substance containing a total tetrahydrocannabinol concentration that exceeds 0.3 percent or more than 0.25 milligram of tetrahydrocannabinol per serving or more than one milligram per package and (ii) exclude industrial hemp that is possessed by a person who holds a hemp producer license issued by the U.S. Department of Agriculture or his agent; an industrial hemp extract that contains a tetrahydrocannabinol concentration of no greater than 0.3 percent and no more than 0.25 milligram of tetrahydrocannabinol per serving or more than one milligram per package at the time such industrial hemp extract is offered for retail sale and is derived from industrial hemp grown, dealt,

or processed in compliance with state or federal law; and any drug product containing tetrahydrocannabinol that is approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act by the Board of Pharmacy. The bill would have defined “tetrahydrocannabinol” to include any naturally occurring or synthetic tetrahydrocannabinol, including its salts, isomers, or salts of isomers. The bill would remove references in the Code to delta-9 tetrahydrocannabinol and would amend numerous sections to accommodate for the definitional changes described above. The bill would have required the Board of Directors of the Virginia Cannabis Control Authority to promulgate regulations that prohibit the production and sale of retail marijuana and retail marijuana products that depict or are in the shape of a human, animal, vehicle, or fruit. The bill had staggered effective dates. *(This bill was sent to Senate Rehabilitation and Social Services in the reconvened session.)*

**SB 702 Marijuana criminal history information; disclosure to state and local governments by job applicants.** *(Chief patron: Kiggans)*

Would have allowed the Commonwealth or a locality to require a job applicant or other applicant who is seeking a license, permit, registration, or other government service to disclose his prior criminal history for marijuana offenses. Under current law, the Commonwealth and its localities are prohibited from requiring the disclosure of such information for such purposes.

## **Procurement**

**HB 705 Virginia Public Procurement Act; authority for localities to use cooperative procurement.** *(Chief patron: Keam)*

Would have allowed a public body to participate in cooperative procurement for construction contracts purchased by localities if the contract is valued at no greater than \$200,000.



## **Public Safety/Courts**

### **HB 483 and HB 827 Control of firearms by localities.** *(Chief patrons: Freitas/Wilt)*

Would have removed 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 would provide 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.

### **HB 609 Civil action for the deprivation of rights; duties and liabilities of certain employers.** *(Chief patron: Bourne)*

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

### **HB 614/SB 474 Appeals bond; removes requirement for indigent parties to post, appeal of unlawful detainer.** *(Chief patrons: Bourne and McClellan)*

Amends §§ 8.01-129 and 16.1-107 of the Code of Virginia, relating to requirement for appeals bond; indigent parties; appeal of unlawful detainer. Removes the requirement for an indigent defendant, as defined in the bill, to post an appeal bond in an unlawful detainer action appealed from the general district court. **VETOED BY THE GOVERNOR**

### **HB 810 Powers and duties of political subdivisions; emergency management assessment.** *(Chief patron: Price)*

Would have provided that all political subdivisions shall provide an annually updated emergency management assessment and data related to emergency sheltering capabilities to the State Coordinator of Emergency Management on or before August 1 of each year. Under current law, such assessment, and data are due to the State Coordinator of Emergency Management on or before May 1 of each year.

## **Workers Compensation/Retirement**

### **HB 56 Virginia Retirement System; enhanced retirement benefits for juvenile detention specialists.** *(Chief patron: Wiley)*

Would have required each political subdivision and each county or city participating in the Virginia Retirement System to provide retirement benefits comparable to the benefits provided to state police officers to juvenile detention specialists.

### **HB 162 Virginia Retirement System; enhanced retirement benefits for animal control officers.** *(Chief patron: Runion)*

Would have added animal control officers to the list of local employees eligible to receive enhanced retirement benefits for hazardous duty service. Under current law, localities may provide such benefits to first responders, including firefighters and emergency medical technicians, and certain other hazardous duty positions.

**HB 131 and HB 854 Virginia Retirement System; enhanced retirement benefits for 911 dispatchers.** *(Chief patrons: Cherry and Reid)*

Would have added 911 dispatchers to the list of local employees eligible to receive enhanced retirement benefits for hazardous duty service.

**HB 593 Pensions; law-enforcement officers; death before retirement.** *(Chief patron: VanValkenburg)*

Would have provided that when a member of the State Police Officers' Retirement System or the Virginia Law Officers' Retirement System or a local law-enforcement officer who is eligible for similar benefits dies before retirement by suicide or in the line of duty, the retirement allowance payable to his beneficiary shall include any hazardous duty supplement for which the member or local law-enforcement officer was eligible.

**SB 18 Virginia Retirement System; retired law-enforcement officers employed as school security officers.** *(Chief patron: Cosgrove)*

Would have provided that if a retired law-enforcement officer was employed by a local school division as a school security officer on January 1, 2020, and had a bona fide break in service of at least one month between retirement and employment as a school security officer, such person would not be required to establish a 12-month break in service that would otherwise be required by law.

**HB 742 Workers' compensation; anxiety disorder or depressive disorder incurred by law-enforcement officers and firefighters.** *(Chief patron: Bell)*

Would have provided that an anxiety disorder or depressive disorder, as both are defined in the bill, incurred by a law-enforcement officer or firefighter is compensable under the Virginia Workers' Compensation Act on the

same basis as post-traumatic stress disorder. The bill would have provided that a mental health professional must diagnose the law-enforcement officer or firefighter as suffering from anxiety disorder or depressive disorder as a result of a qualifying event, as defined in the Code, and includes other conditions for compensability.

**HB 1056 Workers' compensation; cancer presumption; service requirement.** *(Chief patron: Cordoza)*

Would have reduced from five to three the years of service required for firefighters and certain other employees to qualify for the cancer presumption of an occupational disease for the purposes of workers' compensation.

**SB 507 Virginia Retirement System; benefits for certain local law-enforcement employees.** *(Chief patron: Lewis)*

Would have required localities to use the 1.85 percent multiplier for determining the annual retirement allowance for local law-enforcement officers receiving benefits similar to those provided to State Police officers. Currently, localities may elect to provide a 1.7 percent multiplier in lieu of the 1.85 percent multiplier.

# Health and Human Resources

## PASSED LEGISLATION

### Behavioral Health

#### **HB 388 State facilities; video visitation.**

*(Chief patron: Willett)*

Adds § 37.2-714.1 to the Code of Virginia to require the director of every state facility to establish a process to facilitate virtual visitation through the use of audio and video equipment for individuals receiving services at the state facility.

#### **HB 557 Southwestern Va. Mental Health Inst.; Gov. to convey property to Smyth County.** *(Chief patron: O'Quinn)*

Authorizes the Commonwealth to convey to Smyth County a portion of property previously used by the Department of Behavioral Health and Developmental Services as the Southwestern Virginia Mental Health Institute.

#### **HB 659 Investigation of death; studying cases when person dies while receiving services from licensed prog.** *(Chief patron: Hope)*

*(Chief patron: Hope)*

Directs the Department of Behavioral Health and Developmental Services to establish a work group to study and make recommendations regarding appropriate investigations of the deaths of individuals with intellectual or developmental disabilities who are residents of the Commonwealth and who die while receiving services from a program licensed by the Department. The bill requires the work group to report its findings and recommendations to the Governor and the

Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by November 1, 2022.

#### **HB 663 Mandatory outpatient treatment; reorganizes and clarifies provisions governing.** *(Chief patron: Hope)*

Amends §§ 19.2-169.3, 19.2-169.6, 37.2-805, and various other sections of the Code of Virginia, adds § 37.2-817.01, and repeals § 37.2-817.2, to reorganize and clarify provisions governing mandatory outpatient treatment. The bill also eliminates provisions allowing for a single order for a period of involuntary inpatient treatment followed by a period of mandatory outpatient treatment and instead requires entry of separate orders for involuntary inpatient and mandatory outpatient treatment in all cases. The provisions of the bill become effective on October 1, 2022.

#### **HB 684/SB 119 Involuntary temporary detention; disclosure of health records.** *(Chief patrons: Hope and Hanger)*

*(Chief patrons: Hope and Hanger)*

Amends § 37.2-809 of the Code of Virginia to provide that in any case in which a person subject to an evaluation to determine whether such person meets the criteria for an involuntary temporary detention order is receiving services in a hospital emergency department, the treating physician or his designee and the employee or designee of the local community services board shall disclose to each other relevant information pertaining to the individual's treatment in the emergency department.

#### **HB 738/SB 691 Competency to stand trial; order for evaluation or treatment.** *(Chief patrons: Bell and Mason)*

Amends § 19.2-169.8 of the Code of Virginia to provide that whenever a court orders an evaluation of a defendant's competency to stand trial, the clerk of the court shall provide a copy of the order to the Department of Behavioral Health and Developmental Services.

**HB 1191/SB 361 Marcus alert system; participation in the system is optional for localities, etc.** (*Chief patrons: Ransone and Stuart*)

Amends §§ 9.1-193 and 37.2-311.1 of the Code of Virginia to extend the date by which localities shall establish voluntary databases to be made available to the 9-1-1 alert system and the Marcus alert system to provide relevant mental health and emergency contact information for appropriate response to an emergency from July 1, 2021, to July 1, 2023. The bills provide an exemption for localities with a population that is less than or equal to 40,000 to the requirement that localities establish protocols for local law-enforcement agencies to enter into memorandums of agreement with mobile crisis response providers regarding requests for law-enforcement back-up during mobile crisis or community care team response and minimum standards, best practices, and a system for the review and approval of protocols for law-enforcement participation in the Marcus alert system, so that these localities may but are not required to establish such protocols. The legislation includes a reporting requirement regarding barriers to establishment of local Marcus alert programs and community care or mobile crisis teams to provide mobile crisis response and a plan for addressing such barriers.

**HB 1193 Medical Assistance Services, Department of; coordinated specialty care, work group established.** (*Chief patron: Hope*)

Adds § 32.1-331.05 to the Code of Virginia to direct the Department of Medical Assistance Services to establish a work group, in coordination with the Department of Behavioral Health and Developmental Services, to evaluate and make recommendations to improve approaches to early psychosis and mood disorder detection approaches. The work group is required by the bill to submit a five-year strategic plan annually to the General Assembly beginning November 1, 2022.

**HB 1203 Suicide Prevention Coordinator; position created in the DVS, report.** (*Chief patron: Tata*)

Adds § 2.2-2004.2 to the Code of Virginia to establish the position of Suicide Prevention Coordinator in the Department of Veterans Services to support and closely coordinate effective mental health care services for military service members and veterans and their families.

**SB 202 Alternative custody arrangements; options to increase use for certain individuals.** (*Chief patron: Newman*)

Directs the Secretary of Health and Human Resources, together with the Secretary of Public Safety and Homeland Security, to study options to increase the use of alternative custody arrangements for individuals who are subject to an emergency custody or temporary detention order and to report his findings and recommendations to the Governor and the Chairmen of the House Committees on Appropriations and Health, Welfare and Institutions and the Senate Committees on Education and Health and Finance and Appropriations by October 1, 2022.

**SB 268 Emergency custody and temporary detention; transportation, transfer of custody, alternative custody.** (*Chief patron: Favola*)

Amends §§ 37.2-809, 37.2-809.1, and 37.2-810 of the Code of Virginia to provide that when a magistrate orders alternative transportation for an individual under a temporary detention order, the primary law-enforcement agency that executes the order may transfer custody of the person to the alternative transportation provider immediately upon execution of the order. Such alternative transportation provider shall maintain custody of the person from the time custody is transferred to the alternative transportation provider by the primary law-enforcement agency until such time as custody of the person is transferred to the temporary detention facility, as is appropriate. The bill adds employees of and



persons providing services pursuant to a contract with the Department of Behavioral Health and Developmental Services to the list of individuals who may serve as alternative transportation providers. The bill clarifies that if no alternative transportation provider is available, the magistrate shall order a person to be kept in law enforcement custody. The bill also requires the Department of Behavioral Health and Developmental Services to amend an existing contract or enter into a new contract for alternative custody of persons who are subject to temporary detention orders, to the extent funding for such alternative custody is available.

**SB 295 Behavioral health dockets; responsibilities of local pretrial services officers.** *(Chief patron: Deeds)*

Amends § 19.2-152.4:3 of the Code of Virginia to provide that a local pretrial services officer may facilitate the referral to screening for a defendant to be placed in a behavioral health docket as a treatment service.

**SB 577 Children's residential facilities; criminal history background checks.** *(Chief patron: Mason)*

Amends § 37.2-408.1 of the Code of Virginia to allow a person who is required to undergo a background check as a condition of employment at a children's residential facility to be employed by the children's residential facility pending the results of the check of the central registry of child abuse and neglect records maintained by the Department of Social Services, provided that (i) the person has received qualifying results on the fingerprint-based criminal history background check, (ii) the person does not work in the children's residential facility or any other location where children placed in such facility are present, and (iii) such employment is permitted under federal law and regulations.

**SB 593 Emergency custody or temporary detention order; custody and transportation of persons, etc.** *(Chief patron: Newman)*

Amends §§ 15.2-1731, 15.2-1734, 15.2-1735, 15.2-1736, 37.2-808, and 37.2-810 of the Code of Virginia to allow auxiliary police officers to provide transportation for a person subject to an emergency custody or temporary detention order. The bill also directs the Department of Criminal Justice Services to establish compulsory minimum training standards for auxiliary police officers who are called into service solely for the purpose of providing transportation for such person subject to an emergency custody order or providing transportation for a person in the temporary detention process.

**Children's Services Act**

**HB 427/SB 435 Children's Services Act; community policy and management teams and family assessment, etc.** *(Chief patrons: Herring and Barker)*

Amends §§ 2.2-5205 and 2.2-5207 of the Code of Virginia to remove provisions that prohibit a parent representative from serving as a member of a community policy and management team (CPMT) or a family assessment and planning team (FAPT) if such parent representative is employed by a public or private program that receives funds pursuant to the law or agencies represented on a FAPT or CPMT and interacts directly on a regular and daily basis with children or supervises employees who interact directly on a regular basis with children; however, the bill directs prioritization of participation by parent representatives who are not employed by a public or private program that receives funds pursuant to the law or agencies represented on a FAPT or CPMT. The bill directs the State Executive Council for Children's Services to inventory current efforts to recruit and retain parent representatives on CPMTs and FAPTs

and compile a list of best practices for including and elevating parent voices within CPMTs and FAPTs for distribution to local Children's Services Act programs.

## **Health**

**HB 81/SB 436 Statewide Telehealth Plan; Board of Health shall contract with the Virginia Telehealth Network.** *(Chief patrons: Kilgore and Barker)*

Amends § 32.1-122.03:1 of the Code of Virginia to require the Board of Health to consult with the Virginia Telehealth Network in amending and maintaining the Statewide Telehealth Plan.

**HB 84 Out-of-state audiologists; providing free health care to an underserved area in the Commonwealth.** *(Chief patron: Kilgore)*

Amends § 54.1-2601 of the Code of Virginia to permit out-of-state audiologists to volunteer to provide free health care to an underserved area of the Commonwealth under the auspices of a publicly supported nonprofit organization that sponsors the provision of health care to populations of underserved people if they do so for a period not exceeding three consecutive days and if the nonprofit organization verifies that the practitioner has a valid, unrestricted license in another state.

**HB 191 Health Workforce Development; creates position of Special Advisor to the Governor.** *(Chief patron: Hodges)*

Directs the Secretaries of Commerce and Trade, Education, Health and Human Resources, and Labor to catalogue existing health workforce development resources in order to support coordination of efforts to expand the health workforce and make recommendations to remove barriers to educating and training health workforce professionals, including addressing regulatory barriers and aligning education and training initiatives with health workforce needs. **(PENDING – CONTINUED TO SPECIAL SESSION)**

**HB 229 Social determinants of health; VDH shall collect & analyze information including demographic data.** *(Chief patron: Coyner)*

Adds § 32.1-23.5 to the Code of Virginia to direct the Department of Health to collect and analyze information, including demographic data, regarding social determinants of health, defined in the bill, and their impact on health risks and health outcomes of residents of the Commonwealth, and to make such information available to the public on its website.

**HB 264/SB 369 Public health emergency; out-of-state licenses, deemed licensure.** *(Chief patrons: Head and Stuart)*

Amends §§ 54.1-2901, 54.1-2904, and 54.1-3011 of the Code of Virginia to allow a practitioner of a profession regulated by the Board of Medicine who is licensed in another state or the District of Columbia and who is in good standing with the applicable regulatory agency to engage in the practice of that profession in the Commonwealth with a patient located in the Commonwealth when (i) such practice is for the purpose of providing continuity of care through the use of telemedicine services and (ii) the patient is a current patient of the practitioner with whom the practitioner has previously established a practitioner-patient relationship and the practitioner has performed an in-person examination of the patient within the previous 12 months. The bill also provides that when the Board of Health has issued an emergency order, the Boards of Medicine and Nursing may waive (a) the requirement for submission of a fee for renewal or reinstatement of a license to practice medicine or osteopathic medicine or as a physician assistant or nurse practitioner and (b) the requirement for submission of evidence that a practitioner whose license was allowed to lapse for failure to meet professional activity requirements has satisfied such requirements and is prepared to resume practice in a competent manner for any person who held a valid, unrestricted, active license

within the four-year period immediately prior to the application for renewal or reinstatement of such license.

**HB 537 Telemedicine; out-of-state providers, behavioral health services provided by practitioner.** (*Chief*

*patron: Batten*)

Amends §§ 54.1-2901, 54.1-3501, 54.1-3601, and 54.1-3701 of the Code of Virginia to allow certain practitioners of professions regulated by the Boards of Medicine, Counseling, Psychology, and Social Work who provide behavioral health services and who are licensed in another state, the District of Columbia, or a United States territory or possession and in good standing with the applicable regulatory agency to engage in the practice of that profession in the Commonwealth with a patient located in the Commonwealth when (i) such practice is for the purpose of providing continuity of care through the use of telemedicine services and (ii) the practitioner has previously established a practitioner-patient relationship with the patient. The bill provides that a practitioner who provides behavioral health services to a patient located in the Commonwealth through use of telemedicine services may provide such services for a period of no more than one year from the date on which the practitioner began providing such services to such patient.

**HB 769 Onsite sewage system pump-out oversight; certain localities.** (*Chief*

*patron: Hodges*)

Amends §§ 32.1-164 and 62.1-44.15:72 of the Code of Virginia to require the Department of Health, effective July 1, 2023, to manage and enforce onsite sewage system pump-out compliance for Accomack, Essex, Gloucester, King and Queen, King William, Lancaster, Mathews, Middlesex, Northampton, Northumberland, Richmond, and Westmoreland Counties and the incorporated towns within those counties. The bill requires licensed operators conducting onsite sewage

system pump-outs that are managed by the Department in these localities to provide a report on the results of the site visit using a web-based reporting system developed by the Department. The bill also requires the Board of Health to establish a uniform schedule of civil penalties for violations of onsite treatment system pump-out requirements in localities in which compliance with such requirements is managed and enforced by the Department and provides that any person who violates such requirements in a locality in which compliance is managed and enforced by the Department is guilty of a Class 3 misdemeanor.

**HB 900/SB 130 Public health emergency; hospital or nursing home, addition of beds.**

(*Chief patrons: Avoli and Favola*)

Amends §§ 32.1-102.2 and 32.1-127 of the Code of Virginia to create an exemption from the requirement for a certificate of public need or a license for the temporary addition of beds located in a temporary structure or satellite location by a hospital or nursing home in cases in which the Board of Health or the Commissioner of Health has entered an emergency order for the purpose of suppressing a nuisance dangerous to public health or a communicable, contagious, or infectious disease or other danger to the public life and health and provides that such exemption shall apply for the duration of the emergency order plus 30 days, provided that the ability to safely staff services across the existing hospital or nursing home remains. The bill also expands the duration of the existing exemption from the requirement for a certificate of public need or a license for the addition of temporary beds when the Commissioner has determined that a natural or man-made disaster has caused the evacuation of a hospital or nursing home and that a public health emergency exists due to a shortage of hospital or nursing home beds to the duration of such determination plus 30 days, provided that the ability to safely staff services across the existing hospital or nursing home remains.

**HB 916 Health care providers; health records of minors, available via secure website.** *(Chief patron: Robinson)*

Amends § 32.1-127 of the Code of Virginia and adds § 54.1-2404.1 to provide that every hospital and health care provider that makes patients' health records available to such patients through a secure website shall make all health records of a patient who is a minor available to such patient's parent through such secure website unless the hospital or health care provider cannot make such health record available in a manner that prevents disclosure of information, the disclosure of which has been denied by a health care provider or for which required consent has not been provided.

**HB 919 Maximum contaminant levels (MCLs) in water supplies and waterworks; Board of Health regulations.** *(Chief patron: Orrock)*

Amends § 32.1-169 of the Code of Virginia to provide that the Board of Health shall review the recommendations of any work group convened by the Commissioner of Health after July 1, 2022, to study the occurrence of certain contaminants in public drinking water prior to adopting regulations establishing maximum contaminant levels (MCLs) in all water supplies and waterworks in the Commonwealth for (i) perfluorooctanoic acid, perfluorooctane sulfonate, and such other perfluoroalkyl and polyfluoroalkyl substances as the Board deems necessary, (ii) chromium-6, and (iii) 1,4-dioxane. The bill also provides the Commissioner the option of establishing a work group to study the occurrence of such contaminants and to report to the Governor and the Chairmen of the House Committees on Agriculture, Chesapeake and Natural Resources and Health, Welfare and Institutions and the Senate Committees on Agriculture, Conservation and Natural Resources and Education and Health by December 1, 2022.

**HB 939/SB 647 Necessary drugs, devices, and vaccines; Comm. of Health to authorize administration and dispensing.** *(Chief patrons: Robinson and Dunnivant)*

Amends §§ 32.1-42.1 and 54.1-3408 of the Code of Virginia to allow the Commissioner of Health to authorize persons who are not authorized by law to administer or dispense drugs or devices to do so in accordance with protocols established by the Commissioner when the Board of Health has made an emergency order for the purpose of suppressing nuisances dangerous to the public health and communicable, contagious, and infectious diseases and other dangers to the public life and health for the limited purpose of administering vaccines as an approved countermeasure for such communicable, contagious, and infectious diseases. Current law limits the Commissioner's ability to make such authorizations to circumstances when the Governor has declared a disaster or a state of emergency or the federal Secretary of Health and Human Services has issued a declaration of an actual or potential bioterrorism incident or other actual or potential public health emergency. The bill contains an emergency clause.

**HB 1187/SB 317 Out-of-state health care practitioners; temporary authorization to practice.** *(Chief patrons: Helmer and Favola)*

Adds § 54.1-2408.4 to the Code of Virginia to allow a health care practitioner licensed in another state or the District of Columbia who has submitted an application for licensure to the appropriate health regulatory board to temporarily practice for a period of 90 days pending licensure, provided that certain conditions are met. The bill directs the Board of Medicine to pursue reciprocity agreements with jurisdictions that surround the Commonwealth to streamline the application process in order to facilitate the practice of medicine.



**HB 1245 Nurse practitioners; practice without a practice agreement, repeals sunset provision.** *(Chief patron: Adams, D.M.)* Repeals the sunset provision on the bill passed in 2021 that reduces from five to two the number of years of full-time clinical experience a nurse practitioner must have to be eligible to practice without a written or electronic practice agreement. **(PENDING – CONTINUED TO SPECIAL SESSION)**

**HB 1323/SB 672 Pharmacists; initiation of treatment with and dispensing and administration of vaccines.** *(Chief patrons: Orrock and Dunnavant)* Amends §§ 32.1-325, 54.1-3303.1, and 54.1-3321 of the Code of Virginia to allow pharmacists and pharmacy technicians acting under the supervision of a pharmacist to initiate treatment with and dispense and administer vaccines for COVID-19, nicotine replacement and other tobacco cessation therapies, and tests for COVID-19 and other coronaviruses to persons aged 18 years and older and vaccines included on the Immunization Schedule published by the Centers for Disease Control and Prevention and vaccines for COVID-19 and tests for COVID-19 and other coronaviruses to persons three years of age or older in accordance with a statewide protocol established by the Board of Medicine in collaboration with the Board of Pharmacy and the Department of Health.

**HB 1359 Health care; consent to disclosure of records.** *(Chief patron: Byron)* Amends § 32.1-127.1:03 of the Code of Virginia and adds § 54.1-2404.1 to provide that an authorization for the disclosure of health records shall remain in effect until (i) the authorization is revoked in writing and delivered to the health care entity maintaining the health record subject to the authorization, (ii) any expiration date set forth in the authorization, or (iii) the health care entity maintaining the health record becomes aware of any expiration event described in the authorization, whichever occurs first, and that a revocation shall not be effective to the

extent that the health care entity maintaining the health record released health records prior to the delivery of such revocation. The bill also provides that authorization for the disclosure of health records shall, unless expressly limited in the authorization, include authorization for the person named in the authorization to assist the person who is the subject of the health record in accessing health care services, including scheduling and attending appointments with the person who is the subject of the health record. The bill also provides that, subject to limitations set forth in an authorization for the disclosure of health records, every health care provider shall make health records of a patient available to any person designated by a patient in an authorization to disclose health records and that a health care provider shall allow a spouse, parent, adult child, adult sibling, or other person identified by a patient to make an appointment for medical services on behalf of such patient, regardless of whether such patient has executed an authorization to release health records. However, a provider shall not disclose protected health information unless the patient has executed an authorization to disclose such records, or unless otherwise permitted or required to do so by federal or state law or regulations.

**SB 14 Prescription drug donation program; Board of Pharmacy shall convene a work group to evaluate.** *(Chief patron: Favola)* Directs the Board of Pharmacy to convene a work group of interested stakeholders to evaluate any challenges and barriers to participation in the prescription drug donation program and ways to increase program participation, education, and outreach.

**SB 46 Emergency and quarantine orders, certain; additional procedural requirements.** *(Chief patron: Petersen)* Adds § 44-146.17:1.1 to the Code of Virginia to provide that, in any case in which an order declaring a state of emergency relating to a communicable disease of public health threat, or successive related orders, issued by the Governor includes any measure that

closes schools or businesses or restricts the movement of healthy persons within the area to which the order applies for more than seven days, all of the rights, protections, and procedures applicable in the case of an order of quarantine issued by the State Health Commissioner shall apply.

**[SB 146](#) Restaurants; on-site certified food protection managers.** *(Chief patron: Suetterlein)*

Amends § 35.1-14 of the Code of Virginia to provide that regulations adopted by the State Board of Health shall not require an establishment that sells only prepared food to have a certified food protection manager on site during all hours of operation.

**[SB 148](#) Public health emergencies; expands immunity for health care providers.** *(Chief patron: Norment)*

Amends §§ 8.01-225.01 and 8.01-225.02 of the Code of Virginia to expand immunity provided to health care providers responding to a disaster to include actions or omissions taken by the provider as directed by any order of public health in response to such disaster when a local emergency, state of emergency, or public health emergency has been declared.

**[SB 192](#) Health director, local; qualifications.** *(Chief patron: Mason)*

Amends § 32.1-30 of the Code of Virginia to provide that a person may be a local health director if he possesses a master's or doctoral degree in the area of public health and has at least three years of professional experience in a full-time position in either a public health agency or public health-related position or is otherwise qualified for the position as determined by the Commissioner of Health. Currently, only a person who is a physician licensed to practice medicine in the Commonwealth may be a local health director. The bill provides that if a local health director is not a physician licensed to practice medicine and there is no licensed physician on staff,

the local health director shall enter into a consulting agreement with a licensed physician to execute prescribing duties, consult on clinical matters, and perform all other duties as requested.

**[SB 426](#) Medical assistance services; state plan, remote patient monitoring.** *(Chief patron: Dunnavant)*

Amends § 32.1-325 of the Code of Virginia to direct the Board of Medical Assistance Services to amend the state plan for medical assistance services to provide for the payment of medical assistance for (i) remote patient monitoring services provided via telemedicine for patients who have experienced a chronic or acute health condition who have had two or more hospitalizations or emergency department visits related to such health condition in the previous 12 months, when there is evidence that the use of remote patient monitoring is likely to prevent readmission to a hospital or emergency department, and (ii) provider-to-provider consultations that is no more restrictive than, and is at least equal in amount, duration, and scope to, that available through the fee-for-service program.

**[SB 663](#) Telemedicine services; State plan for medical assistance services, provision for payment.** *(Chief patron: Stanley)*

Amends § 32.1-325 of the Code of Virginia to direct the Board of Health to amend the state plan for medical assistance services to include a provision for the payment of the originating site fee to emergency medical services agencies for facilitating synchronous telehealth visits with a distant site provider delivered to a Medicaid member. The bill defines "originating site" as any location where the patient is located, including any medical care facility or office of a health care provider, the home of the patient, the patient's place of employment, or any public or private primary or secondary school or postsecondary institution of higher education at which the person to whom telemedicine services are provided is located.

## **Human Trafficking**

### **HB 258 Hotels; human trafficking training.** *(Chief patron: Simonds)*

Amends § 9.1-102 of the Code of Virginia and adds § 35.1-15.1 to direct the Department of Criminal Justice Services, under the direction of the Criminal Justice Services Board, to develop an online course to train hotel proprietors and their employees, as defined in the bill, to recognize and report instances of suspected human trafficking. The bill provides that such online course shall be provided at no cost to the hotel proprietors and their employees. The bill requires that every hotel proprietor require its employees to complete such human trafficking training course or an alternative online or in-person training course approved by the Department within six months of being employed by a hotel and thereafter at least once every two years, for as long as the employee is employed by the hotel.

### **HB 283/SB 467 Human trafficking; training for law-enforcement personnel.** *(Chief patrons: Brewer and Vogel)*

Amends § 9.1-102 of the Code of Virginia to require the Department of Criminal Justice Services to establish training standards for law-enforcement personnel regarding the recognition, prevention, and reporting of human trafficking.

### **HB 526 Victims of human trafficking; eligibility for in-state tuition.** *(Chief patron: Batten)*

Amends § 23.1-506 of the Code of Virginia to provide that a non-Virginia student who is currently present in the Commonwealth as a result of being a victim of human trafficking, defined in the bill, is eligible for in-state tuition.

### **HB 711 Writ of vacatur; victims of sex trafficking, payment of fees or costs.** *(Chief patron: Keam)*

Amends § 19.2-327.19 of the Code of Virginia to provide that a petitioner for a writ of vacatur for victims of sex trafficking shall not be required to pay any fees or costs for filing such

petition if the petitioner is found to be unable to pay them.

## **Juvenile Justice**

### **HB 228/SB 546 Juvenile boot camps; eliminates authority of the Department of Juvenile Justice to establish.** *(Chief patrons: Coyner and Marsden)*

Amends §§ 16.1-228, 16.1-278.8, 16.1-290, and 66-13 of the Code of Virginia to eliminate the authority of the Department of Juvenile Justice to establish juvenile boot camps and the ability of a court to order a juvenile adjudicated delinquent to attend such a boot camp.

### **HB 731/SB 149 Juvenile law-enforcement records; inspection of records.** *(Chief patrons: Ward and Norment)*

Amends § 16.1-301 of the Code of Virginia to provide that a juvenile, the parent, guardian, or other custodian of the juvenile, and counsel for the juvenile may inspect a law-enforcement record concerning such juvenile if (i) no other law or rule of the Supreme Court of Virginia requires or allows withholding of the record; (ii) the parent, guardian, or other custodian requesting the record is not a suspect, offender, or person of interest in the record; and (iii) any identifying information of any other involved juveniles is redacted.

### **HB 733/SB 316 Juvenile records; identification of children receiving coordinated services.** *(Chief patrons: Bell and Marsden)*

Amends §§ 63.2-104 and 63.2-105 of the Code of Virginia and adds § 66-10.3 to provide that, for the purpose of disclosing records, information, and statistical registries of the Department of Social Services, local departments of social services, and all child-welfare agencies concerning social services, a person having a legitimate interest in child-protective services records includes the staff of (i) a court services unit, (ii) the Department of Juvenile Justice, (iii) a local community services board, or (iv) the Department of Behavioral Health and Developmental Services

who are providing treatment, services, or care for a child who is the subject of such records for a purpose relevant to the provision of the treatment, services, or care when the local agencies have entered into a formal agreement with the Department of Juvenile Justice to provide coordinated services to such children. The bill provides that such formal agreements may allow the local agencies and the Department of Juvenile Justice to immediately identify children who may be receiving or who have received treatment, services, or care from the local agencies and the Department of Juvenile Justice. The bill also provides that the Department of Juvenile Justice shall develop and biennially update a model memorandum of understanding regarding the sharing of information derived from juvenile records for purposes of identifying juveniles who may be receiving or who have received treatment, services, or care from the local agencies, the Department of Juvenile Justice, or the Department of Behavioral Health and Developmental Services.

**SB 485 Delinquency Prevention and Youth Development Act; youth services citizen boards, duties, guidelines.** (*Chief patron: McClellan*)

Amends §§ 66-28, 66-34, and 66-35 of the Code of Virginia to direct the Board of Juvenile Justice to establish and make available to localities a list of best practice program models that are likely to qualify for grants under the Delinquency Prevention and Youth Development Act. The bill requires youth services citizen boards to include representatives of law enforcement and the faith and business communities and allows local governing bodies to appoint as members of the youth services citizen board members of the community policy and management team or a similar entity, subject to certain requirements set forth in the bill. The bill allows youth services citizen boards to establish youth advisory teams for the purposes of consultation and advice regarding youth services programs. The bill removes the

requirement that local youth services programs maintain and disseminate an annual inventory of youth-related and parenting-related services and programs available in the locality.

**Older Adults and Individuals with Disabilities**

**HB 95 Adult protective services investigations; financial institutions to furnish records and information.** (*Chief patron: Head*)

Amends §§ 63.2-1606 of the Code of Virginia and adds § 6.2-103.1 to require financial institutions to cooperate in any investigation of alleged adult abuse, neglect, or exploitation conducted by a local department of social services and to make any financial records or information relevant to such investigation available to the local department of social services upon request to the extent allowed under federal law. Financial institutions may also voluntarily report information relevant to an adult protective services investigation to the local department of social services or to a court-appointed guardian ad litem for the adult under investigation. The bill provides that, absent gross negligence or willful misconduct, a financial institution is immune from civil or criminal liability for providing such information to a local department of social services or a court-appointed guardian ad litem.

**HB 96 Public guardian and conservator program; decennial review of staff-to-client ratios, report.** (*Chief patron: Head*)

Amends § 51.5-150 of the Code of Virginia to direct the Department of Aging and Rehabilitative Services (the Department) to decennially review the ideal range of staff-to-client ratios for local and regional public guardian and conservator programs in the Commonwealth and make recommendations as to whether the ratio should be revised to ensure that public guardians are able to meet their obligations to incapacitated persons. The bill requires the Department to report its findings and conclusions to the Governor



and the General Assembly by December 1 of each year in which such review is performed and directs the Department to complete the first decennial review and submit its report by December 1, 2022.

**HB 234 Nursing homes, assisted living facilities, etc.; SHHR to study current oversight/regulation.** *(Chief patron: Orrock)*

Directs the Secretary of Health and Human Resources to study the current oversight and regulation of nursing homes, assisted living facilities, and other congregate living settings to improve efficiency and effectiveness of regulation and oversight, provide better transparency for members of the public navigating the process of receiving services from such facilities, and better protect the health and safety of the public and to report his findings and recommendations to the Governor and the Chairmen of the Senate Committees on Education and Health and Finance and Appropriations and the House Committees on Appropriations and Health, Welfare and Institutions by October 1, 2022.

**HB 239/SB 263 Housing & Supportive Services ILT initiative; housing & services to include adults 65 yrs. or older.** *(Chief patrons: Adams, D.M. and Hashmi)*

Directs the Department for Housing and Community Development to expand the existing Housing and Supportive Services Interagency Leadership Team (ILT) initiative to include adults 65 years of age or older as a target subpopulation and seek input from appropriate stakeholders to facilitate the development of strategies for increasing the supply of permanent supportive housing for adults 65 years of age or older.

**HB 623 Guardianship and conservatorship; duties of the guardian ad litem, report contents.** *(Chief patron: Hudson)*

Amends § 64.2-2003 of the Code of Virginia to add to the duty of a guardian ad litem appointed to represent the interests of a respondent in a guardianship or conservatorship case the requirement

to notify the court as soon as practicable if the respondent requests counsel regardless of whether the guardian ad litem recommends counsel. The bill further directs the guardian ad litem to include in his report to the court an explanation by the guardian ad litem as to any (i) decision not to recommend the appointment of counsel for the respondent, (ii) determination that a less restrictive alternative to guardianship or conservatorship is not available, and (iii) determination that appointment of a limited guardian or conservator is not appropriate.

**HB 634 Guardianship visitation requirements; DARS shall convene a work group to review and evaluate.** *(Chief patron: Roem)*

Directs the Department for Aging and Rehabilitative Services to convene a work group to (i) evaluate how a requirement for private guardians to visit the individual under their guardianship in person at least once every 90 days would reduce the availability of willing and qualified individuals to serve as private guardians, if at all; (ii) consider whether a different number and frequency of visits per year, other than at least once every 90 days, would better balance resource constraints with the importance of guardian visits to the incapacitated person under their care; (iii) determine the additional resources, if any, needed to mitigate the negative impacts of an increased visitation requirement on the willingness and availability of qualified individuals to serve as private guardians; (iv) determine how those resources could be allocated to the relevant private and public entities in the guardianship system to promote compliance with an increased visitation requirement; and (v) determine whether expansion of the Virginia Public Guardian and Conservator Program would substantially alleviate issues related to these concerns. The Department shall submit a summary of its recommendations to the Chairmen of the House Committee for Courts of Justice and the Senate Committee on the Judiciary by November 1, 2022.

**HB 917 Aging services; allocation of resources, individuals with the greatest economic need.** *(Chief patron: Orrock)*

Amends § 51.5-135 of the Code of Virginia to provide that in allocating resources for aging services, the Department for Aging and Rehabilitative Services (i) shall prioritize providing services to those with the greatest economic need and (ii) among individuals with comparable levels of economic need, may prioritize providing services to individuals with the greatest social need.

**HB 1212 Guardianship and conservatorship; notice of hearing, cross-petitions.** *(Chief patron: Glass)*

Amends § 64.2-2004 of the Code of Virginia, to require the notice of hearing for a guardianship or conservatorship petition to include a notice that any adult individual or entity whose name and post office address appears in the initial petition for appointment may become a party to the action by filing a pleading with the circuit court in which the guardianship or conservatorship proceeding is pending.

**SB 40 Assisted living facilities; involuntary discharge, safeguards for residents.** *(Chief patron: Spruill)*

Amends § 63.2-1805 of the Code of Virginia to require that regulations of the Board of Social Services regarding involuntary discharges of residents from assisted living facilities provide certain safeguards for residents, including a description of the reasons for which a resident may be involuntarily discharged, certain notice requirements, a requirement that the facility make reasonable efforts to resolve any issues upon which the discharge is based, and the provision of information regarding the resident's right to appeal the facility's decision to discharge the resident.

**SB 302 Guardians; appointment, petitions for guardianship, report.** *(Chief patron: Deeds)*

Amends §§ 64.2-2002 and 64.2-2009 of the Code of Virginia, to clarify that a community services board and any other local or state

governmental agency may file a petition for the appointment of a guardian or conservator of an incapacitated person. The bill also specifies that a guardian need not be appointed for the purposes of making a health care decision when such decision is made pursuant to and within the scope of the Health Care Decisions Act. Finally, the bill requires the Department of Behavioral Health and Developmental Services to convene a work group to consider issues related to (i) the care of adults with permanent disabilities that render them incapable of making informed decisions about their own care and (ii) potential changes to guardianship requirements to make it easier for parents to care for their adult children with such disabilities.

**SB 514 Incapacitated persons; changes to provisions of guardianship and conservatorship.** *(Chief patron: McPike)*

Amends §§ 64.2-2003, 64.2-2004, and 64.2-2020 of the Code of Virginia to make several changes to the provisions of adult guardianships and conservatorships, including (i) requiring a guardian ad litem appointed to represent a respondent to a guardianship proceeding to notify the court as soon as practicable if the respondent requests counsel, regardless of whether the guardian ad litem recommends counsel; (ii) requiring the notice of hearing on a guardianship or conservatorship petition to include notice that any adult individual or entity required to receive a copy of such notice may become a party to the proceeding by filing a pleading with the circuit court in which the case is pending; and (iii) requiring an appointed guardian to include in his annual report to the local department of social services certain additional information.

**HB 680 Medical assistance services; state plan, case management service, individuals w/severe brain injury.** *(Chief patron: Hope)*

Directs the Board of Medical Assistance Services to update the state plan for medical assistance services to include a provision for the payment of medical assistance for targeted

case management services for individuals with severe traumatic brain injury.

## **Social Services**

### **HB 50 Infant relinquishment laws; DSS to establish hotline to make information available to public.** *(Chief patron: Fariss)*

Directs the Department of Social Services to establish a toll-free, 24-hour hotline to make information about the Commonwealth's safe haven laws that provide for relinquishment of an infant, infant relinquishment locations, and support and resources available for parents available to the public and to make information about the hotline, including the toll-free number that may be used to contact the hotline, available on its website. The bill also directs the Department to undertake a campaign to increase public awareness of the Commonwealth's laws providing for relinquishment of an infant and the hotline established pursuant to the bill.

### **HB 349 Foster care; housing support for persons between ages 18 and 21.** *(Chief patron: Tata)*

Adds § 63.2-905.1:1 to the Code of Virginia to direct local departments of social services to provide housing support to any person who (i) is 18 years of age or older but less than 21 years of age, (ii) was in foster care under the custody of a local department on or after July 1, 2022, (iii) was in foster care under the custody of a local department (a) upon turning 18 years of age or (b) immediately prior to commitment to the Department of Juvenile Justice and is transitioning from such commitment to self-sufficiency, and (iv) declines to participate in the Fostering Futures program. The bill requires that such housing support shall be equal to the room and board portion of the maintenance payment that such person would otherwise receive for housing support through participation in the Fostering Futures program.

### **HB 484 Virginia Initiative for Education and Work; exemption for postsecondary students.** *(Chief patron: Helmer)*

Amends §§ 63.2-608 and 63.2-609 of the Code of Virginia to exempt from mandatory participation in the Virginia Initiative for Education and Work recipients of Temporary Assistance for Needy Families who are enrolled full time in an accredited public institution of higher education or other postsecondary school licensed or certified by the Board of Education or the State Council of Higher Education for Virginia and are taking courses as part of a curriculum that leads to a postsecondary credential, such as a degree or an industry-recognized credential, certification, or license.

### **HB 582 Higher educational institutions, public; notice to students, SNAP benefits.** *(Chief patron: Roem)*

Adds § 23.1-409.1 to the Code of Virginia to require each public institution of higher education to ensure that all students have access to accurate information about the Supplemental Nutrition Assistance Program (SNAP), including eligibility and how to apply. The bill also directs each institution to advertise the application and process for applying for SNAP prominently on the institution's website and in orientation materials that are distributed to each new student.

### **HB 653 Foster care; DSS to establish and implement a collaborative local board placement program.** *(Chief patron: Wampler)*

Amends § 63.2-900 of the Code of Virginia to direct the Department of Social Services to establish and implement a collaborative local board placement program to increase kinship placements and the number of locally approved foster homes. The bill provides that such program shall require local boards of social services within each region to work collaboratively to (i) facilitate approval of kinship foster parents through engagement, assessment, and training, and (ii) expand the pool of available foster homes within and

across the localities of such local boards. The bill also requires local boards, when placing a child, to seek placement with a foster family within the locality of the local board or a nearby locality through the collaborative local board placement program.

**HB 716/SB 307 Kinship foster care; notice and appeal.** (*Chief patrons: Gooditis and Mason*)

Amends §§ 63.2-900.1 and 63.2-915 of the Code of Virginia to require local boards of social services, upon receiving a request from a child's relative to become a kinship foster parent, to provide the relative with any forms and materials that must be submitted to become a kinship foster parent within 15 days. The bill requires local boards, upon denying a relative's request to become a kinship foster parent, to provide to the relative (i) a clear and specific explanation of the reasons for denial, (ii) a statement that such denial is appealable, and (iii) information regarding the procedure for filing such appeal. The bill allows relatives to file an appeal regarding such decisions with the Commissioner of Social Services and requires the Board of Social Services to adopt certain regulations regarding the timeline of such appeals.

**HB 717 Unaccompanied homeless youths; consent for housing services.** (*Chief patron: Filler-Corn*)

Adds § 63.2-806 to the Code of Virginia to provide that an unaccompanied homeless youth shall be deemed an adult for the purpose of consenting to housing, including emergency shelter, and establishes requirements for providers of housing, including emergency shelter, for unaccompanied homeless youths. The bill directs the Board of Social Services to adopt regulations for implementation of the bill and directs the Department of Social Services to establish a work group to make recommendations to the Board regarding such regulations and to develop recommendations regarding authorizing unaccompanied homeless youth to consent to medical care.

**HB 869 Adoption; court to refer case to child-placing agency.** (*Chief patron: Brewer*)

Amends §§ 17.1-275, 63.2-1201, 63.2-1208, 63.2-1210, 63.2-1228, 63.2-1241, and 63.2-1250 of the Code of Virginia to allow a circuit court, upon consideration of a petition for adoption, to immediately enter an interlocutory order referring the case to a child-placing agency to conduct a visitation instead of entering an order of reference referring the case to a child-placing agency for investigation and makes other amendments to accommodate for and bolster this change. The bill allows petitions for adoption submitted by the persons listed as the child's parents on his birth certificate to be filed and granted under the provisions governing stepparent adoptions. The bill states that a putative father's registration with the Virginia Birth Father Registry is untimely regarding a child whose adoption has been finalized 180 days or more prior to such registration and in certain other instances set forth in the bill and allows written notice of an adoption plan to be sent to a putative father by express mail with proof of delivery in addition to delivery by personal service or certified mailing as in current law.

**SB 396 Foster care placements; court review, best interests of the child.** (*Chief patron: Edwards*)

Amends §§ 16.1-278.2, 16.1-278.4, 16.1-278.8, and 16.1-281 of the Code of Virginia to provide that the juvenile and domestic relations district court has the authority to review a child's status in foster care or review a foster care plan. The bill requires a foster care plan to assess the stability of proposed placements, the services provided or plans for services to be provided to address placement instability, and a description of other placements that were considered for the child. The bill also (i) requests that the Committee on District Courts study child dependency hearings in the Juvenile and Domestic Relations District Court system and make recommendations to the General Assembly as to whether a separate docket or court would result in better service to children and families involved in child dependency



hearings and other family law matters and (ii) directs the Office of the Children's Ombudsman to convene a work group to consider issues relating to the Commonwealth's model of court-appointed legal counsel in child dependency cases.

**[SB 689](#) Foster or adoptive homes; background checks, etc., for applicants.** *(Chief patron: Mason)*

Directs the Department of Social Services (the Department), together with relevant stakeholders, to develop recommendations regarding changes to provisions governing criminal history background checks and barrier crimes for applicants to serve as a foster or adoptive home and requires the Department to report its findings and recommendations to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Rehabilitation and Social Services by October 1, 2022.

### **Substance Use Disorder**

**[HB 192](#) Opioids; repeals sunset provisions relating to prescriber requesting information about a patient.** *(Chief patron: Hodges)*

Extends for five years sunset provisions for the requirement that a prescriber registered with the Prescription Monitoring Program request information about a patient from the Program upon initiating a new course of treatment that includes the prescribing of opioids anticipated, at the onset of treatment, to last more than seven consecutive days.

**[HB 193/SB 759](#) Drug Control Act; adds certain chemicals to the Act.** *(Chief patrons: Hodges and Newman)*

Amends §§ 54.1-3446, 54.1-3448, 54.1-3452, and 54.1-3454 of the Code of Virginia to add certain chemicals to the Drug Control Act.

**[HB 277/SB 622](#) Recovery residences; disclosure to potential residents that residence is certified.** *(Chief patrons: Coyner and Favola)*

Amends §§ 37.2-431.1 and 55.1-1201 of the Code of Virginia to require that all recovery residences be certified by the Department of Behavioral Health and Developmental Services (the Department) and that recovery residences, as a condition of such certification, comply with any minimum square footage requirements related to beds and sleeping rooms established by the credentialing entity or the square footage requirements set forth in the Uniform Statewide Building Code, whichever is larger. The bill requires every person who operates a recovery residence to disclose to potential residents its credentialing entity. If the credentialing entity is the National Alliance for Recovery Residences, the bill requires the recovery residence to disclose the level of support provided by the recovery residence and, if the credentialing entity is Oxford House, Inc., the bill requires the recovery residence to disclose that the recovery residence is self-governed and unstaffed. The bill also requires the Department to include such information on the list of all recovery residences maintained by the Department on its website. The bill exempts recovery residences from the provisions of the Virginia Landlord and Tenant Act.

**[HB 679/SB 300](#) Opioids; providers of treatment for addiction, conditions for initial licensure, location.** *(Chief patrons: Hope and Deeds)*

Amends § 37.2-406 of the Code of Virginia to eliminate the requirement that a provider of treatment for persons with opiate addiction through the use of (i) methadone or (ii) opioid replacements other than opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration be located more than one-half mile from a public or private licensed day care center or a public or private K-12 school. This bill has a delayed effective date of January 1, 2023.

**[SB 511](#) Opioid treatment program pharmacy; medication dispensing, registered/licensed practical nurses. (Chief patron: Suetterlein)**

Amends § 54.1-3321 of the Code of Virginia to allow registered nurses and licensed practical nurses practicing at an opioid treatment program pharmacy to perform the duties of a pharmacy technician, provided that all take-home medication doses are verified for accuracy by a pharmacist prior to dispensing.

**[SB 594](#) Medicaid participants; treatment involving the prescription of opioids, payment. (Chief patron: Pillion)**

Amends § 54.1-2910.3:1 of the Code of Virginia to prohibit licensed providers from requiring payment from Medicaid participants for the prescription of an opioid for the management of pain or the prescription of buprenorphine-containing products, methadone, or other opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration for medication-assisted treatment of opioid addiction, regardless of whether the provider participates in the state plan for medical assistance.

**Other**

**[HB 242](#) Professional counselors, licensed; added to list of providers who can disclose or recommend records. (Chief patron: Adams, D.M.)**

Amends §§ 8.01-413, 8.01-581.20, 16.1-340.1, 20-124.6, 32.1-127.1:03, 37.2-809, 38.2-608, 53.1-40.2, and 54.1-2969 of the Code of Virginia to add licensed professional counselors to the list of eligible providers who can disclose or recommend the withholding of patient records, face a malpractice review panel, and provide recommendations on involuntary temporary detention orders.

**[HB 800](#) Medical assistance services; eligibility, individuals confined in state correctional facilities. (Chief patron: Price)**  
Adds § 32.1-325.04 to the Code of Virginia to direct the Department of Medical Assistance Services to coordinate with the Department

of Corrections to identify persons in the custody of state correctional facilities who are currently enrolled in the Commonwealth's program of medical assistance or who may be eligible for services under the state plan for medical assistance upon release and, prior to the release of such persons, (i) review the eligibility of currently enrolled persons to ensure continued access to medical assistance upon release or (ii) enroll persons not previously enrolled who meet eligibility criteria.

**[HB 987](#) Medicaid; program information, accessibility on every state agency website. (Chief patron: Tran)**

Amends § 32.1-330.2 of the Code of Virginia to direct the Board of Medical Assistance Services to require every person that provides program information to ensure that all program information, defined in the bill, be made available in a manner that is accessible to (i) individuals with limited English proficiency through the provision of language access services, including oral interpretation and written translations, and (ii) individuals with disabilities through the provision of auxiliary aids services, when doing so is a reasonable step to providing meaningful access to health care coverage. The bill provides that language access services and auxiliary aids services shall be provided free of charge to such individuals and that information regarding how to receive these services shall be included with program information documents on a website maintained by the Department of Medical Assistance Services and on the website of every state or local government agency that disseminates program information. The bill also requires every person that makes program information available to use an objective readability measure approved by the Department to test the readability of its program information documents and requires such persons to make program information documents available to the Department for review upon request. Under current law, use of a specific readability formula is required and a minimum total readability score is prescribed.

## **FAILED LEGISLATION**

### **HB 1341 Local correctional facilities, etc.; transfer of individuals in need of behavioral health services. *(Chief patron: Brewer)***

Would have required the State Board of Local and Regional Jails to establish minimum standards for identification and care of individuals with developmental disabilities in local correctional facilities, including requirements for (i) developmental disabilities screening of individuals committed to local correctional facilities, (ii) referral of individuals to an appropriate provider for an assessment to determine whether the individual has a developmental disability and is in need of developmental services, and (iii) transfer of an individual determined to have a developmental disability and to be in need of developmental services to a facility at which appropriate developmental services are provided within 72 hours of completion of the assessment. The bill also would have required the Board to amend standards governing the delivery of behavioral health services in local correctional facilities and lock-ups to provide that if an individual is assessed as being in need of behavioral health services for severe mental illness, such individual shall be transferred from the local correctional facility or lock-up to a behavioral health facility within 72 hours of the assessment. The bill also would have required the local community services board or behavioral health authority to arrange for the admission of a person determined to be in need of behavioral health services for severe mental illness or severe developmental disability within 72 hours of receipt of notification by the local correctional facility.

# Transportation

## **PASSED LEGISLATION**

### **HB 67 Projecting vehicle loads; flagging.**

*(Chief patron: Edmunds)*

Amends § 46.2-1121 of the Code of Virginia to require any commercial motor vehicle transporting a load that extends beyond the sides of the vehicle by more than four inches or beyond the rear of a vehicle by more than four feet to have the extremities of the load marked by one or more red or orange fluorescent warning flags, located as specified in the bill, at least 18 inches both in length and width. The bill has a delayed effective date of July 1, 2023.

### **HB 138/SB 476 Central Virginia Transportation Authority; membership.**

*(Chief patrons: McQuinn and McClellan)*

Amends § 33.2-3703 of the Code of Virginia to add the Chief Executive Officer of the Capital Region Airport Commission as an ex officio, nonvoting member of the Central Virginia Transportation Authority.

### **HB 142 Transit Ridership Incentive Program; amount of funds to be used to establish programs.**

*(Chief patron: McQuinn)*

Amends § 33.2-1526.3 of the Code of Virginia to change from a maximum of 25 percent to a minimum of 25 percent the percentage of Transit Ridership Incentive Program (TRIP) funds required to be used to support the establishment of programs to reduce the impact of fares on low-income individuals. The bill requires at least 25 percent of the TRIP funds be used to support regional transit initiatives, among other provisions.

### **HB 179/SB 186 Permanent farm use placard; an owner or lessee to obtain for vehicle from DMV.**

*(Chief patrons: Bloxom and Hanger)*  
Amends § 46.2-665 of the Code of Virginia to require an owner or lessee of a vehicle claiming

a farm use exemption from the registration, licensing, and decal requirements for a motor vehicle, trailer, or semitrailer to obtain a nontransferable permanent farm use placard from the Department of Motor Vehicles and to display the farm use placard on the vehicle at all times. The bill requires the applicant to provide specified information about the vehicle and its usage, pay a \$15 fee, and certify that the vehicle is insured. The provisions of the bill requiring the owner or lessee of a farm vehicle to obtain and display a farm use placard have a delayed effective date of July 1, 2023.

### **HB 275 Secondary Street acceptance; Commonwealth Transportation Board regulations.**

*(Chief patron: Coyner)*  
Amends § 33.2-334 of the Code of Virginia to require the regulations adopted by the Commonwealth Transportation Board regarding ensuring connectivity of highway and pedestrian networks with transportation networks during secondary street acceptance to include flexibility to limit the number of such connections to adjacent property or highway networks. The bill requires the Department of Transportation to convene a stakeholder advisory group to develop and provide recommended amendments to such regulations.

### **HB 386/SB 131 Arland D. Williams, Jr. Memorial Bridge; added to Potomac River Bridge Towing Compact.**

*(Chief patrons: Sullivan and Favola)*  
Amends § 46.2-1239.1 of the Code of Virginia to add the Arland D. Williams, Jr. Memorial Bridge to the Potomac River bridges subject to the Potomac River Bridge Towing Compact to facilitate the prompt and orderly removal of disabled and abandoned vehicles from the bridges by giving the District of Columbia, Maryland, and Virginia appropriate authority anywhere on the bridges. The effective date of this amendment to the Compact is contingent upon enactment of substantially similar legislation by the State of Maryland and the District of Columbia.



**HB 450 Parking of vehicles; electric vehicle charging spots, civil penalties.** (*Chief patron: Bennett-Parker*)

Amends the Code of Virginia by adding a section numbered 46.2-1219.3 to prohibit a person from parking a vehicle not capable of receiving an electric charge or a vehicle capable of receiving an electric charge, but that is not in the process of charging, in a space clearly marked as reserved for charging electric vehicles. A violation is subject to a civil penalty of no more than \$25.

**HB 482 Commonwealth Transportation Board; performance standards for review of certain plans.** (*Chief patron: Austin*)

Amends § 33.2-233 of the Code of Virginia to direct the Department of Transportation to adopt performance standards for the review and approval of subdivision and commercial development plans by January 1, 2025. The bill requires the Department to submit a report on such standards to the Chairman of the Commonwealth Transportation Board and to make such standards available for public view on the Department's website, updated quarterly.

**HB 530 Driver training; governmental entities authorized to test/train drivers employed by another entity.** (*Chief patron: Batten*)

Amends § 46.2-105.1 to authorize governmental entities, including comprehensive community colleges in the Virginia Community College System, certified as third-party testers to test and train drivers employed by another governmental entity or enrolled in a commercial driver training course offered by a community college. The bill makes immediate instead of contingent on federal regulations the repeal of certain provisions requiring an applicant to, after failing the behind the wheel examination for a third time, take a course prior to reexamination, among other provisions.

**HB 553 Commercial driver's licenses; Secretary of Transportation, et. al, to implement various initiatives.** (*Chief patron: O'Quinn*)

Directs the Secretary of Transportation, in consultation and working with various agencies of the Commonwealth, to promote and implement various initiatives related to commercial driver's licenses. The bill sunsets on July 1, 2023.

**HB 632 Exhaust systems; regulation of noise from vehicle on a highway, etc.** (*Chief patron: Carr*)

Amends § 46.2-113 to make certain secondary offenses related to load exhaust systems that are not in good working order primary offenses and exempts local ordinances related to such exhaust systems from the prohibition on law-enforcement officers stopping a vehicle for a violation of a local ordinance unless it is a jailable offense.

**HB 641 Transportation network companies; authorizes collection of cash fares.** (*Chief patron: Carr*)

Amends § 46.2-2099.48 of the Code of Virginia to authorize the collection of cash fares by a transportation network company partner if the ride is arranged through a transit system for an eligible paratransit passenger. The bill sets certain receipt and accounting requirements.

**HB 703 License plates, special; localities to pay initial issuance fee costs for development and issuance.** (*Chief patron: Keam*)

Amends § 46.2-749.4 of the Code of Virginia to authorize localities to pay the initial issuance fee costs for the development and issuance of special license plates displaying the seal, symbol, emblem, or logotype of the locality in lieu of collecting 350 paid applications for such license plates.

**HB 793/SB 450 Traffic incident mgmt. vehicles; definition, vehicle may be equipped w/ secondary warning lights.**

*(Chief patrons: LaRock and Boysko)*

Amends § 46.2-1029.2 of the Code of Virginia to authorize traffic incident management vehicles, defined in the bill, operated by persons who complete certain training and recertification requirements to be equipped with flashing red or red and white secondary warning lights.

**HB 1146 Commercial driver's license; authorizes school boards to issue skills test certificate, etc.** *(Chief patron: Bell)*

Amends § 46.2-341.14:1 of the Code of Virginia to authorize governmental entities, including comprehensive community colleges in the Virginia Community College System, certified as third-party testers to test and train drivers employed by another governmental entity or enrolled in a commercial driver training course offered by a community college. The bill extends the validity of a skills test certification from 60 days to six months.

**SB 237 Mileage-based user fee program; protection of data.** *(Chief patron: McPike)*

Amends § 46.2-773, as it shall become effective, of the Code of Virginia, to prohibit the disclosure of certain data necessary for the administration of the mileage-based user fee program and authorizes participants in the mileage-based user fee program to participate without location tracking.

**SB 281 Transit buses; exempts a manufacturer, etc., engaged in distribution from certain requirements.** *(Chief patron: Ebbin)*

Amends § 46.2-1508 of the Code of Virginia to exempt a manufacturer, factory branch, distributor, distributor branch, or factory or distributor representative engaged in the manufacture or distribution of transit buses from the requirements of obtaining a license from the Department of Motor Vehicles to engage in business. The bill also exempts transit buses from dealer's license plate and temporary license plate requirements.

**SB 301 Commercial driver's license examinations; requirements for third party testers.** *(Chief patron: Deeds)*

Amends § 46.2-332 of the Code of Virginia to authorize governmental entities, including comprehensive community colleges in the Virginia Community College System, certified as third party testers to test and train drivers employed by another governmental entity or enrolled in a commercial driver training course offered by a community college.

**SB 342 Transit Ridership Incentive Program; use of funds for reduced-fare or zero-fare transit projects.** *(Chief patron: Barker)*

Amends § 33.2-1526.3 of the Code of Virginia provides that funds awarded through the Transit Ridership Incentive Program for reduced-fare or zero-fare transit projects shall not be included in the requirement that funds be awarded in accordance with a statewide equitable ratio. The bill has a sunset date of July 1, 2024, to the requirement that a minimum of 25 percent of TRIP funds be used to support the establishment of programs to reduce the impact of fares on low-income individuals, at which point it will revert to a maximum of 25 percent.

**SB 362 Bicycles and certain other vehicles; riding two abreast.** *(Chief patron: Stuart)*

Amends § 46.2-905 of the Code of Virginia to prohibit persons riding bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, or motorized skateboards or scooters two abreast from impeding the normal and reasonable movement of traffic and requires such persons to move into a single-file formation as quickly as is practicable when being overtaken from the rear by a faster-moving vehicle.

**SB 612 Highway use fee, mileage-based user fee program; program clarifications.** *(Chief patron: Boysko)*

Amends §§ 46.2-772 and 46.2-773 of the Code of Virginia to direct the Commissioner of the Department of Motor Vehicles to establish

a process for issuing prorated refunds of mileage-based user fees to certain participants. The bill prohibits the disclosure of certain data necessary for the administration of the mileage-based user fee program and authorizes participants in the mileage-based user fee program to participate without location tracking.

**SB 705 Towing; certain large vehicles, civil penalty.** (*Chief patron: Marsden*)

Amends the Code of Virginia by adding a section numbered 46.2-1217.1 to require a towing and recovery operator to include the contact information of the Division of Consumer Counsel within the Office of the Attorney General on any invoice charging \$10,000 or more for towing and recovery services rendered pursuant to a lawful request for towing by a law-enforcement officer for the towing and recovery of a vehicle with a gross vehicle weight rating of greater than 26,000 pounds. The bill subjects towing and recovery operators in violation of the bill's provisions to a civil penalty of \$1,000 per violation.

**SB 725 Virginia Passenger Rail Authority; membership.** (*Chief patron: Pillion*)

Amends § 33.2-289 of the Code of Virginia to change the membership of the Board of Directors of the Virginia Passenger Rail Authority by (i) adding one nonlegislative member who resides within the boundaries of Planning District 3 or 4 and (ii) reducing from two to one the nonlegislative members who reside within the boundaries of Planning District 5, 9, 10, or 11.

**SB 777 Front and rear bumpers; height limits.** (*Chief patron: Peake*)

Amends § 46.2-1063 of the Code of Virginia to provide that no passenger car or pickup or panel truck shall be operated on a public highway if the suspension, frame, or chassis has been modified by any means so as to cause the height of the front bumper to be four or more inches greater than the height of the rear bumper. The bill contains an emergency clause.

## **FAILED LEGISLATION**

**HB 66 Secondary Roads; use of certain utility vehicles.** (*Chief patron: Edmunds*)

Would have provided that a person with a valid driver's license and insurance may operate a utility vehicle equipped with certain equipment on secondary roads located in counties with a population of 100,000 or less.

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

**HB 707 Transportation Funding; statewide prioritization process, resiliency.** (*Chief patron: Keam*) Would have added resiliency, defined in the bill, to the list of factors to be considered during the statewide transportation funding prioritization process commonly known as SMART SCALE. The bill also requires that the factors of congestion mitigation, economic development, accessibility, safety, resiliency, and environmental quality be considered relative to the anticipated life-cycle cost of the project or strategy under consideration.

**HB 747 Photo speed monitoring devices; locality-designated highway segments** (*Chief patron: Bell*)

Would have authorized localities to, by ordinance, authorize their local law-enforcement agency to place and operate photo speed monitoring devices in certain locations named in the ordinance, provided that (i) the highway has a posted speed limit of 35 miles per hour or greater; (ii) the ordinance identifies the locality-designated speeding offense to be enforced by the photo speed monitoring device;

(iii) speeding, crash, or fatality data support the need for stronger enforcement against speeding; (iv) in counties and towns whose roads are subject to the control and jurisdiction of the Department of Transportation, the locality-designated highway segment is in the secondary state highway system; and (v) the Superintendent of State Police, upon request of the chief law-enforcement officer for the locality, annually certifies that the speed limit on the locality-designated highway segment cannot be safely enforced without the use of a photo speed monitoring device, among other provisions.

**[HB 978/SB 363/SB 512](#) Distribution of recordation tax to cities and counties.** (*Chief patrons: Durant, Stuart, and Suetterlein*) Would have reestablished the distribution of \$20 million of state recordation tax revenue to counties and cities to be used for transportation or public education purposes. Legislation in 2020 dedicated the \$20 million to the Hampton Roads Regional Transit Program.

**[SB 116](#) Bicycle operators; failure to stop at a stop sign.** (*Chief patron: Norment*) Would have imposed a \$500 fine on the operator of a bicycle who fails to stop at a stop sign. The bill also provides that the bicycle shall be impounded for a period of six months.

**[SB 706](#) Heavy trucks; operation in certain weather conditions.** (*Chief patron: Marsden*) Would have prohibited operators of heavy trucks, as defined in the bill, from using cruise control or compression release engine brakes when driving in active snow, sleet, or freezing rain.

**[SB 722](#) Improper parking.** (*Chief patron: Marsden*) Would have authorized localities in Planning District 8 to prohibit parking a motor vehicle with its wheels fully on the curb or with its wheels straddling the curb, and provided that any motor vehicle parked on a curb is subject to a fine and may be removed by or under the direction of a law-enforcement officer or parking enforcement officer.

## **VACo Legislative Team**

Dean Lynch | [dlynch@vaco.org](mailto:dlynch@vaco.org)

Jeremy Bennett | [jbennett@vaco.org](mailto:jbennett@vaco.org)

Katie Boyle | [kboyle@vaco.org](mailto:kboyle@vaco.org)

Phyllis Errico | [perrico@vaco.org](mailto:perrico@vaco.org)

Gage Harter | [gharter@vaco.org](mailto:gharter@vaco.org)

Joe Lerch | [jlerch@vaco.org](mailto:jlerch@vaco.org)

Karie Walker | [kwalker@vaco.org](mailto:kwalker@vaco.org)

To read the full text of legislation mentioned in this summary, as well as the legislative history and votes on individual bills, visit the Division of Legislative Services at [lis.virginia.gov](http://lis.virginia.gov).