

VACo LEGISLATIVE SUMMARY



2023 Edition

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Vital Statistics from the 2023 Session

	Introduced	Passed	Failed	Vetoed
House Bills	1,136	453	757	3
House Joint Resolutions	389	326	64	0
House Resolutions	265	261	4	0
Senate Bills	770	366	486	5
Senate Joint Resolutions	199	178	29	0
Senate Resolutions	104	103	2	0
General Assembly Totals	2,863	1,687	1,342	8

This document was revised on September 15, 2023.

2023 Legislative Priorities

ECONOMIC DEVELOPMENT AND PLANNING

Broadband

VACo requests that the Commonwealth provide 100 percent funding 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, and streamline the application process for Virginia Telecommunication Initiative (VATI) grants. 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.

Affordable and Workforce Housing

VACo supports increasing federal and state funding and appropriate incentives to assist localities in fostering affordable housing, as well as workforce housing for employees such as teachers and first responders.

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 as well as continuing to fund the School Construction Grant Program and School Construction Assistance Program.

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.

VACo supports additional state efforts and resources to educate, train, and credential students, especially in high-demand and critical shortage fields of employment.

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. New sources of potential energy generation should include a range of technologies such as solar, wind, hydroelectric, hydrogen, and small modular nuclear reactors. 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 sufficient and sustained financial and technical assistance to counties to improve water quality and meet all federal and state standards to reduce pollution.

FINANCE

Local Finance

VACo supports preserving the authority of county governments to collect revenues necessary to provide local public services.

VACo appreciates the starting point that the discussions in the 2022 legislative session took regarding adjustments to sales taxes on food purchased for human consumption and essential personal hygiene products -- that any local revenue losses would be replaced. VACo believes that the compromise forged in the budget negotiations in 2022

protects local K-12 revenue and respectfully requests that no further changes be made to this important local funding source.

GENERAL GOVERNMENT

Local Authority

VACo supports relaxation of the Dillon Rule and supports 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 and new 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.

Crisis Services and State Hospital Capacity to Accept Individuals Subject to Temporary Detention Orders

VACo supports efforts to address census pressures at state hospitals through near-term funding measures that will enable all state hospitals to receive admissions of individuals subject to temporary detention orders without delays. VACo supports competitive salaries and training for state hospital direct care staff. In addition, ongoing efforts to support community-based crisis services must continue.

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, including additional funding for the paving of unpaved roads.

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.

VACo supports continuing efforts to replace the regional funding that was redirected from the Northern Virginia Transportation Authority.

VACo supports efforts to replace revenue lost due to eliminating the state sales tax on groceries, without redirecting funding for other transportation purposes.

While VACo supports the passage of the 2021 Infrastructure Investment and Jobs Act (IIJA), this funding should not replace the necessary funding the Commonwealth should provide localities regarding their transit and infrastructure needs. VACo supports flexible funding for transportation, transit and infrastructure projects across the Commonwealth.

State Budget Overview



A lengthy process of revising the 2022-2024 biennium budget culminated in September 2023 with the passage of HB 6001, a full array of revisions to the 2022 Appropriation Act (the biennium budget enacted in June 2022). Prior to passage of HB 6001, budget conferees had been unable to agree on a compromise package of budget revisions in time for the scheduled adjournment of the 2023 regular session. As a stopgap measure, the General Assembly passed a “skinny budget” on February 25, which included four priority, time-sensitive items. Governor Youngkin subsequently proposed four additional amendments, which were adopted by the legislature at the April 12 reconvened session.

The “skinny budget” finalized in April included the following provisions:

- Provision of \$115.9 million in FY 2023 and \$125.8 million in FY 2024 for the combined impact of K-12 technical adjustments related to average daily membership (ADM) changes, sales tax revenue forecast changes, and program participation updates. The skinny budget also included an additional \$16.8 million in FY 2023 to ensure that the sum of basic aid and sales tax payments a school division received in FY 2023 was at least the sum of basic aid and sales tax payments that was communicated to school divisions in June 2022; this action addressed the error in the Department of Education’s calculation tool for FY 2023.
- Appropriation of \$904.6 million to the Revenue Stabilization Fund to meet the Constitutionally-required FY 2024 deposit.
- Appropriation of the \$250 million deposit to the Virginia Retirement System that was included in the budget adopted in June 2022 as a contingent appropriation to address unfunded liabilities. An estimated \$147.5 million would be provided to the teacher retirement plan out of this funding.
- Provision of \$100 million in FY 2023 to address cost overruns for previously authorized capital projects (this amount was also approved as a contingent appropriation in June 2022).

- A technical amendment to reflect changes in revenue collections resulting from legislation conforming the state's tax code with the Internal Revenue Code, as well as certain required deposits.
- Provision of \$15.3 million over the biennium for the TANF Unemployed Parents program.
- Reallocation of American Rescue Plan Act funding proposed in last year's budget to fund certain Medicaid rate increases, such that \$28.1 million would be provided to the Department of Medical Assistance Services to contract for assistance with Medicaid redetermination after the end of the continuous coverage requirement and \$10 million would be provided to the Department of Social Services to support local departments with redeterminations and appeals.
- Authorization for a short-term loan to construct a high-performance data facility associated with the Thomas Jefferson National Accelerator Facility.

Budget conferees reached an agreement on further revisions to the biennium budget in August. HB 6001, the text of the budget compromise, was approved by the General Assembly in a special session on September 6 and signed by Governor Youngkin without amendments on September 14.

An overview of key provisions of HB 6001 of importance to local governments is provided below.

Compensation

- An additional 2 percent salary increase for state employees, effective December 10, 2023 (this is in addition to the 5 percent increase included in the biennium budget that took effect June 10, 2023).
- An additional 2 percent salary increase for Constitutional officers and state-supported local employees, effective December 1, 2023 (this is in addition to the 5 percent increase included in the biennium budget that took effect July 1, 2023).
- \$54.6 million for the state share of an additional 2 percent salary increase in FY 2024 for SOQ-recognized positions, effective January 1, 2024. Budget language requires school divisions (i) to have provided at least an average 2.5 percent salary increase in each year of the biennium and (ii) to certify that an equivalent increase of 2 percent will be provided to instructional and support personnel no later than January 1, 2024. School divisions that previously provided a total average increase greater than the 5 percent increases provided in the first or second year may count those increases toward the required certification for the additional 2 percent.
- \$7.6 million for compression adjustments for deputy sheriffs and regional jail officers, effective December 1, 2023.
- \$4 million to increase salaries for attorneys in Commonwealth's Attorneys' offices, effective December 1, 2023.
- \$593,507 to increase salaries for positions in circuit court clerks' offices, effective December 1, 2023.
- \$18 million to increase compensation for Community Services Board staff; language states that the Department of Behavioral Health and Developmental Services may fund up to 100 percent of the costs of the compensation increase.
- \$3.7 million to the Indigent Defense Commission for attorney compensation and employee salary compression adjustments, effective December 10, 2023.
- \$1 million for salary increases for general district court clerks and juvenile and domestic relations court clerks, effective December 10, 2023.

K-12

- \$152.3 million to recognize additional support positions in the K-12 funding formula. This additional funding will allow 24 support positions per 1000 Average Daily Membership to be recognized (an increase from the current recognition of 21 support positions per 1000 ADM). Language specifies that this ratio will be used for rebenchmarking for the next biennium (FY 2025 and FY 2026). Full elimination of the cap on recognition of support positions has been a long-standing priority for VACo and this additional funding is an important step toward this goal.
- \$418.3 million in additional flexible state funding, which may be used for the implementation of the Virginia Literacy Act, learning loss recovery, and additional operating and infrastructure support. Funding will be disbursed based on the state share of \$1,086.44 per pupil, based on the estimated number of federal free lunch participants, and the state share of \$203.63 per pupil based on average daily membership, with each school division receiving a minimum distribution of \$150,000. A local match is not required.
- Establishes a Joint Subcommittee on Elementary and Secondary Education Funding and directs the Joint Subcommittee, as part of its work, to review the Joint Legislative Audit and Review Commission's July 2023 report on the K-12 funding formula and develop a long-range plan for implementation of its recommendations.
- \$6.7 million from remaining federal Elementary and Secondary School Emergency Relief funds for implementation of the Virginia Literacy Act.
- \$12 million General Funds (GF) and \$8 million from ARPA State and Local Fiscal Recovery Funds for school safety and security grants.
- \$1.7 million from Lottery proceeds in supplemental one-time support for Accomack County and Northampton County school divisions.
- Reflects an additional \$86.2 million in Lottery proceeds.

Early Childhood

- Exempts community-based providers that are recipients of Virginia Preschool Initiative grants from teacher licensure requirements, as long as the provider meets the expectations of the statewide measurement and improvement system.
- Authorizes the Superintendent of Public Instruction to provide flexibility in staff-to-child ratios and group sizes for licensed child day centers and child day centers participating in the Child Care Subsidy Program (the number of children per staff may be increased by one child for groups of children from birth to the age of public school eligibility, and by two for groups of children from the age of school eligibility to 12).

Aid to Local Public Libraries

- \$3.6 million for additional state aid to local public libraries.

Administration – Elections

- \$7.3 million to cover costs associated with the 2024 Presidential primary, of which \$7.1 million may be used to reimburse localities for their expenditures and \$147,308 may be used to cover costs incurred directly by the Department of Elections; this funding level reflects requests made by VACo and advocacy partners to more accurately reflect the costs of administering elections, relative to the amount proposed in the December 2022 budget.

Administration – Constitutional officers and jails

- \$931,301 to restore positions in offices of the Commissioners of the Revenue that are

- allocated through staffing standards but unfunded due to prior budget reductions.
- \$2 million to restore positions in Treasurers' offices that are allocated through staffing standards, but have been unfunded due to prior budget reductions.
- An increase of \$1 for the local-responsible jail per diem rate (from \$4 to \$5). VACo worked with advocacy partners to request an increase in the per diem rate.
- \$41,850 for participation in career development programs, effective December 1, 2023.

Agriculture and Forestry

- \$700,000 for the Dairy Producer Margin Coverage Premium Assistance Fund.
- \$250,000 for the Blue Catfish Processing, Flash Freezing, and Infrastructure Grant Program created during the 2023 General Assembly session.
- \$1.1 million and 15 positions for the registration and inspection of facilities selling certain hemp products.

Commerce and Trade – Broadband

- Authorizes the Department of Housing and Community Development to use federal Broadband Equity, Access, and Deployment (BEAD) program funding from the Infrastructure Investment and Jobs Act.

Economic Development/Workforce

- \$125 million in FY 2024 for the Virginia Business Ready Sites Program Fund (which includes \$50 million in excess FY 2022 revenues previously designated for deposit to the Fund). Creates the Site Replacement Fund as a sub-fund within the Virginia Business Ready Sites Program Fund; certain sales proceeds from the sale of specified property within Henrico County are to be deposited in the sub-fund and made available to the Economic Development Authority of Henrico County.
- Language clarifies eligibility for grant payments from the Cloud Computing Cluster Infrastructure Grant Fund.
- \$10 million for the development of an inland port in the Mount Rogers Planning District. Language directs the Virginia Port Authority to acquire, design, and develop the site, and directs the Port Authority and the Virginia Economic Development Partnership Authority to develop a business recruitment strategy for the inland port and the surrounding area, to include making recommendations for any additional infrastructure improvements needed to maximize the economic benefit of the inland port.
- \$8.5 million to support a cruise ship port-of-call location and related visitor support and tourism on the York River (which includes \$1 million for transit system improvements); language requires coordination with state and local agencies on permitting and maximization of the economic impact of the pier location.
- \$6 million for an incentive payment for purchase of the Central Virginia Training Center property.
- \$75 million for the Virginia Business Ready Sites Acquisition Fund, which was created in 2023 legislation.
- \$1.5 million for the Community Development Financial Institutions Fund.
- \$4 million for the Virginia Power Innovation Fund.
- \$5 million for the New Economy Workforce Credential Grant Program.
- Language directs the Secretary of Education, Secretary of Finance, and President of Richard Bland College, among others, to evaluate the creation of a regional partnership and other strategies to improve educational attainment, alternative delivery methods, and economic and community development for the region and the state. Other regional

entities, including Virginia State University, Virginia Commonwealth University, and Brightpoint Community College, may participate.

- \$7.75 million to the Virginia Community College System to support workforce programs in regions with high labor demand and low supply; an employer match is required. An additional \$250,000 is designated for Northern Virginia Community College for an automotive apprenticeship program and an additional \$350,000 is designated for early childhood programs at Virginia Peninsula Community College.
- \$500,000 to establish the Department of Workforce Development and Advancement in the Secretary of Labor's office.

Flood Relief

- Directs the Department of Housing and Community Development (DHCD) to use up to \$18 million in balances in the Low-Income Energy Efficiency Program Fund for flood relief for certain specified disasters that occurred in July and August 2022, and sets out parameters for the program, as well as reporting requirements.
- \$200,000 for the Buchanan County and Tazewell County Departments of Social Services for administrative costs associated with providing flood relief to the residents of Buchanan County and Tazewell County.

Housing

- \$200,000 for DHCD's comprehensive statewide housing assessment, as required by legislation passed in 2023.

Human Services – Aging/Adults with Disabilities

- \$700,000 to hold Area Agencies on Aging harmless from changes to the distribution formula for federal Older Americans Act funding resulting from the 2020 census.
- Increases the Auxiliary Grant rate from \$1609 per month to \$2055 per month, effective January 1, 2024.

Human Services – Children's Services Act

- Eliminates language that directed the implementation of rate-setting for private special education day placements funded through the Children's Services Act. Redirects the proposed \$100,000 for consultant support for rate setting to a review by the Department of Education of private day placement decisions in localities with higher-than-average use of private day placements.

Human Services – Behavioral Health

- \$58 million to expand and modernize the comprehensive crisis services system, including investments in additional crisis receiving centers and crisis stabilization units and enhancements to existing sites.
 - \$10 million for the one-time costs of establishing additional mobile crisis services in underserved areas.
 - \$10 million for comprehensive psychiatric emergency programs or similar models of psychiatric care in emergency departments.
 - \$30 million for permanent supportive housing for individuals with serious mental illness and \$4 million for supervised residential care for 100 individuals, with priority to be given to projects serving individuals who face extraordinary barriers to discharge from state hospitals.
 - \$4.4 million to increase funding for the first three steps of STEP-VA (same-day access, primary care screening, and outpatient services).
-

- \$5.1 million in one-time funding for the Department of Criminal Justice Services (DCJS) to contract with local law enforcement agencies for off-duty officers or officers working overtime to provide transportation services or to assume custody of an individual under an emergency custody order or a temporary detention order who is awaiting admission to a facility or for whom a bed has not been identified. DCJS is directed to coordinate with the Department of Behavioral Health and Developmental Services (DBHDS) to set criteria for awarding contracts and to ensure DCJS contracts are not duplicative of contracts under DBHDS's Off Duty Officer Program.
- \$1.5 million for the Virginia Behavioral Health Loan Repayment Program.
- \$7.5 million for DBHDS and partners to provide technical assistance to school divisions seeking guidance on integrating mental health services and grants to school divisions to contract with public or private providers for community-based mental health services.
- \$500,000 for DBHDS to evaluate public-private partnership arrangements for the Catawba Hospital transformation plan or other potential alternatives for the provision of behavioral health or substance use disorder services. Language directs DBHDS to assess how the surrounding localities may share efforts in transporting and taking custody of individuals under ECOs or TDOs who would otherwise be transported to Catawba Hospital; additional language directs DBHDS to consult with the Opioid Abatement Authority to assess whether surrounding localities may pool their opioid settlement funds to assist with the transformation plan.
- \$4 million for DBHDS to contract with the Virginia Mental Health Access Program to develop integrated mental health services for children.
- \$1.4 million in opioid settlement funding for purchase and distribution of naloxone.
- \$4.2 million for child psychiatry and children's crisis response services for children with mental health and behavioral disorders.

Human Services – Health

- Extends the Joint Subcommittee to Examine the Commonwealth's Pandemic Response and requires it to provide an interim status report by the first day of 2024 session and a final report by September 1, 2024. The Joint Subcommittee was originally scheduled to submit its final report by September 1, 2023.
- Designates \$5.8 million from the \$143.25 million appropriated for affordable access to higher education to address nursing shortages, with priority to be given to increased compensation for full and part-time faculty to remain competitive with nursing salaries.
- \$3 million for the Nursing Preceptor Incentive Program to increase the maximum incentive payment from \$1000 to \$5000 and expand eligibility to licensed practical nurses and registered nurses.
- \$943,856 GF/\$698,322 Nongeneral Finds (NGF) for rent costs for local health departments.
- \$3.4 million GF in FY 2024 in state matching funds for federal Drinking Water State Revolving Fund awards from the Infrastructure Investment and Jobs Act.
- \$5 million in State and Local Fiscal Recovery Funds to establish the Earn to Learn Nursing Education Acceleration Program, which will award grants for the formation of collaborative clinical training arrangements between high schools, colleges and universities, hospitals, and health providers.

Human Services – Medicaid

- Funds 500 additional Developmental Disabilities waiver slots, effective January 1, 2024.
- Provides a 12.5 percent rate increase for Early Intervention services, excluding case

management, for all children under age three enrolled through Medicaid, effective January 1, 2024.

- Authorizes the reprocurement of the state's managed care service delivery system, with implementation no earlier than July 1, 2024; directs the Department of Medical Assistance Services to exclude dental services, developmental disability waiver services, and other services currently excluded from managed care from the development of a managed care contract.

Human Services – Social Services

- \$2.3 million GF in foster care and adoption cost of living adjustments.

Courts and Public Safety

- An additional \$2.1 million for assistance to localities with police departments ("HB 599" funding), which is designated as one-time funding.
- Provides \$250,000 to establish the Office of the Department of Corrections Ombudsman within the Office of the State Inspector General. The Ombudsman is to provide information to interested parties regarding the rights of inmates and employees; monitor conditions of confinement; assess compliance with existing policies and best practices; and make recommendations to support the safety and well-being of inmates and employees, among other responsibilities. Establishes the Corrections Oversight Committee to advise the Ombudsman and sets out requirements for membership.
- Directs the Secretary of Public Safety and Homeland Security, in collaboration with the Secretary of Education and the Secretary of Health and Human Resources, with the assistance of VACo and VML, to submit a report by October 15, 2024, on juvenile detention center cost savings strategies, which is required to include a proposal to reduce state assistance in order to incentivize consolidation of juvenile detention centers in the Commonwealth and recommendations for consolidation of five to eight juvenile detention centers.
- Directs the Department of Juvenile Justice to provide a report on the impact of revisions to the guidelines for determining length of stay for juveniles who are indeterminately committed to the Department, to include an analysis of the impact of the guidelines on staffing ratios and bed space, as well as options for meeting the Department's anticipated capital and operating needs. The report is due December 1, 2023.
- Reduces Cannabis Control Authority funding by \$5.9 million; authorizes the Department of Planning and Budget to transfer up to \$2.5 million in balances from funding provided in 2021 for start-up costs for the Authority to cover the one-time costs of a seed-to-sale tracking system.
- \$1.3 million GF for probation and parole positions to offset declining special fund revenue.
- \$1.3 million for the Crime Victim-Witness Fund.
- \$5 million for the Firearm Violence Intervention and Prevention Fund to support implementation of evidence-informed gun violence intervention and prevention efforts.
- \$15 million for the Operation Ceasefire Grant Fund, which is used to implement violent crime reduction strategies, provide equipment for law enforcement agencies, and award grants to organizations that are involved in group violence intervention efforts.
- \$10 million for the Safer Communities Program to support holistic, community-based strategies that address the root causes and conditions of community violence.
- \$95,000 to contract with Impact Living Services for the Impact First Responders program to provide education and training related to trauma, resiliency, and critical incident stress management, as well as peer and mental health support to first responders.

- \$1 million for a witness protection program; the Department of Criminal Justice Services is directed to work with law enforcement and other stakeholders to develop an application process to award grants, which will be used to provide assistance of up to 90 days to witnesses to defray their costs for lodging, medical, transportation, food, and other expenses.
- \$103,800 to the Department of Fire Programs for electric vehicle firefighter training.
- \$452,682 for the Virginia State Police to provide expanded impaired driving training for state and local law enforcement.
- \$10 million for victims of mass violence; directs DCJS to convene a workgroup to assess gaps in available services for victims of crimes, especially mass violence events, and identify specific options to ensure that individuals affected by violence are able to cover health and mental health expenses that are not covered by insurance.

Water Quality

- Directs \$644.5 million in mandatory deposits to the Water Quality Improvement Fund from FY 2022 and FY 2023 to the following uses: \$338.4 million to the Natural Resources Commitment Fund; \$100 million to the Resilient Virginia Revolving Loan Fund; \$25 million for dam safety improvements; \$151 million towards the Enhanced Nutrient Removal Certainty program; and \$30 million to the Stormwater Local Assistance Fund (of which \$1 million is to be directed to York County and \$9 million to the City of Falls Church for specific projects).
- \$71 million in ARPA State and Local Fiscal Recovery Funds in FY 2024 for the Enhanced Nutrient Removal Certainty Program.

Transportation

- Directs the Department of Rail and Public Transportation, with assistance from the Virginia Economic Development Partnership, to evaluate rail-centric economic development opportunities in the Bedford, Campbell, and Lynchburg region of central Virginia.
- Allocates funding previously appropriated to the State Trails Office to specific trails.
- Appropriates \$150 million in excess FY 2022 revenues to Interstate 64 improvements, as authorized by the 2022 Appropriation Act.
- Transfers \$75 million in uncommitted balances from the Virginia Transportation Infrastructure Bank to the Transportation Partnership Opportunity Fund to support major economic development initiatives.

Reserves

- Deposits \$289.6 million from excess FY 2023 revenues to the Revenue Reserve Fund.

Tax Policy

- Provides an individual income tax rebate of \$200 for individuals and \$400 for married filers, up to the amount of the filer's tax liability after the application of deductions, subtractions, or credits.
- Increases the standard deduction to \$8,500 single/\$17,000 married, beginning in tax year 2024, contingent on withholding collections meeting the forecast for July-December 2023.
- Removes the age limit for the military retirement benefit income tax subtraction, beginning with tax year 2024.
- Increases the business interest deduction from 30 to 50 percent, beginning with tax year 2024.

- Reinstates the sales tax holiday for energy/water efficient products, school supplies, and hurricane preparedness equipment through July 1, 2025; for 2023, the holiday is October 20-23.

Other Items

- Language clarifies that fixtures in a data center, when classified as real estate, are to be valued by a locality based on the cost approach, as required by legislation enacted in 2022.
- Authorizes the Department of General Services (DGS) to construct a water supply line (the “Commonwealth Line”), which will be owned and operated by Prince Edward County, to be located in Nottoway and Prince Edward Counties, and towns located within the boundaries of Nottoway and Prince Edward Counties, to serve the needs of the Piedmont Geriatric Hospital, Virginia Center for Behavioral Rehabilitation (Phases 1 and 2), and Nottoway Correctional Center. The language also (1) authorizes DGS “...to acquire by purchase, gift or power of eminent domain such lands, structures, rights-of-way, franchises, easements and other interests in lands of any person, association, partnership, corporation, railroad, public service, public utility, municipality or political subdivision to construct, provide and operate the Commonwealth Line in the Localities, all without obtaining the consent or permission of any locality or public body ...”; (2) declares that the “... ownership, construction and operation of the Commonwealth Line by DGS shall not be subject to any state or local permitting requirements or similar ordinances or regulations.”; and (3) authorizes DGS to transfer ownership and/or authorization of the line to Prince Edward County without “... the consent or permission of any locality or public body.”
- \$250,000 for the Secretary of Finance to evaluate potential economic incentives to attract sports teams to the state.

Summary of Legislation Affecting Counties

Unless otherwise stated, all legislation from the 2023 General Assembly Session takes effect on July 1, 2023.

AGRICULTURE AND RURAL AFFAIRS

PASSED LEGISLATION

[HB 1438](#) / [SB 997](#) Oyster Replenishment Fund; oyster resource user fees to be credited to Fund. (*Chief patrons: Anderson and Mason*)

Amends § 28.2-542 of the Code of Virginia to add the recycling of oyster shells to the list of activities eligible to receive funds from the Oyster Replenishment Fund. The bill also allows the Fund to be used for the encouragement of oyster shell donations for oyster replenishment projects. The bill also directs the Marine Resources Commission to determine the aggregate amount of funds available specifically for use in encouraging the donation of oyster shells, not to exceed \$250,000, and the method of distribution of those funds.

[HB 1577](#) Rabid animals; quarantine of dog or cat, access by local health director or his designee. (*Chief patrons: Wachsmann*)

Amends § 3.2-6522 of the Code of Virginia requiring any person who confines a dog or cat for active signs of rabies or suspected rabies, and any person who confines any other suspected rabid animal that may have exposed a person, to allow the local health director or his designee access to the animal during its confinement.

[HB 1664](#) / [SB 897](#) Blue Catfish Processing, Flash Freezing, and Infrastructure Grant Program; created. (*Chief patrons: Hodges and Stuart*)

Amends § 3.2-304 of the Code of Virginia and adds section 3.2-312 to Chapter 3.1 of Title 3.2 which establishes the Governor's Blue Catfish Processing, Flash Freezing, and Infrastructure Grant Program and authorizes the Governor to award grants to localities from the Governor's Agriculture and Forestry Industries Development Fund as part of the Program. Such grants, in amounts up to \$250,000, shall be awarded as reimbursable grants to support blue catfish processing, flash freezing, and infrastructure projects. The bill directs the Secretary of Agriculture and Forestry to develop certain guidelines as provided in the bill on behalf of the Governor to facilitate the Program.

[HB 1834](#) Land preservation; deadline for filing an application for tax credits. (*Chief patron: Cherry*)

Amends § 58.1-512 of the Code of Virginia to provide that for conveyances made on or after January 1, 2017, the deadlines for filing a complete application for land preservation tax credit shall be extended for any number of days exceeding 90 during which the application is being reviewed for verification of conservation value by the Department of Conservation and Recreation, provided that the application is otherwise complete.

[HB 1848](#) / [SB 1376](#) Stormwater management and erosion and sediment control; agreement in lieu of plan. (*Chief patrons: Wachsmann and Vogel*)

Amends § 62.1-44.15:24 and 62.1-44.15:28, as they are currently effective and as they may become effective, § 62.1-44.15:34, as it may become effective, and § 62.1-44.15:51, 62.1-44.15:55, and 62.1-44.15:58, as they are currently effective and as they may become effective to include farm buildings, any building

or structure used for agritourism activity, and any related impervious surface, including roads, driveways, and parking areas, in the respective definitions of an agreement in lieu of a plan in the stormwater management and erosion and sediment control laws. The bill also requires the State Water Control Board to establish by regulation a procedure by which a registration statement shall not be required for coverage under the General Permit for Discharges of Stormwater from Construction Activities for a small construction activity, defined in the bill, involving a single-family detached residential structure.

HB 1950 Wetlands; Commission to review certain guidelines. *(Chief patron: Bloxom)*

Directs the Virginia Marine Resources Commission (VMRC) to review and update certain guidelines to provide for the generation of vegetated and unvegetated wetland credits from wetland creation, restoration, conversion, and enhancement activities, invasive species control, and the establishment of open water channels. The bill requires VMRC to form a stakeholder group for the purpose of reviewing and updating these guidelines.

HB 2095 / SB 1149 Plans and programs; drought evaluation and response plans, Potomac River. *(Chief patrons: Bulova and Marsden)*

Amends §§ 62.1-44.38 and 62.1-44.38:1 of the Code of Virginia, requiring the State Water Control Board to recognize service areas for water utilities in the Commonwealth that use the Potomac River as a water supply source as a distinct drought evaluation region. The bill requires the Board to incorporate certain provisions from the Metropolitan Washington Water Supply and Drought Awareness Response Plan: Potomac River System (the Metropolitan Washington Plan) into the existing drought evaluation and response plans that are applicable to the Potomac River drought evaluation region. The bill directs the Board to adopt regulations that further recognize the localities that include any portion of the service area of a water supply utility

in the Commonwealth that uses the Potomac River as a water supply source as a distinct regional planning area.

HB 2096 Noxious weeds; invasive plant species. *(Chief patron: Bulova)*

Amends §§ 3.2-800, 3.2-802, and 3.2-804 of the Code of Virginia removing the current prohibition on the movement, transportation, delivery, shipment, or offering for shipment of any noxious weed into or within the Commonwealth without a permit from the Commissioner of Agriculture and Consumer Services and grants the Board of Agriculture and Consumer Services the authority to adopt regulations governing the conditions under which a permit will be required for such actions. The bill also adds requirements related to invasive plant species, including directing the Department of Conservation and Recreation to create an invasive plant species list and update it quadrennially. The bill directs the Department of Conservation and Recreation to convene the Virginia Invasive Species Working Group to develop industry resources and recommendations.

HB 2294 Industrial hemp; regulated hemp products, etc. *(Chief patron: Kilgore)*

Amends various sections of the Code of Virginia that limits the amount of tetrahydrocannabinol (THC) that a hemp product or industrial hemp extract may contain at the time of sale to 0.3 percent and two milligrams per package. The bill provides that such THC limits apply only to retail sales and allows a hemp product or industrial hemp extract to contain more than two milligrams of THC if the product or extract contains an amount of cannabidiol (CBD) that is at least 25 times greater than the amount of THC; however, the bill prohibits hemp processors from selling industrial hemp or a substance containing an industrial hemp extract to a person if the processor knows or has reason to know that such person will use the industrial hemp or substance in a substance that violates the aforementioned THC limits. The bill creates a regulated hemp product retail facility registration, which

carries an annual fee of \$1,000, and requires persons to obtain such registration from the Commissioner (the Commissioner) of the Department of Agriculture and Consumer Services (the Department) prior to offering for sale or selling regulated hemp products, as defined in the bill, or any substance intended for consumption, orally or by inhalation, that is advertised or labeled as containing an industrial hemp-derived cannabinoid. The bill creates certain packaging, labeling, and testing requirements for regulated hemp products and requires that topical hemp products bear a label stating that the product is not intended for human consumption. The bill provides the Commissioner with the authority to access registered regulated hemp product retail facilities and any business that offers for sale or sells at retail a substance intended for human consumption, orally or by inhalation that is advertised or labeled as containing a cannabinoid for the purpose of inspections and securing samples. The bill also imposes various civil penalties. The bill requires industrial hemp extracts and foods containing an industrial hemp extract to be enclosed in child-resistant packaging and equipped with a label that states the number of milligrams of THC per serving and the number of milligrams and percent of THC per package. The bill provides that such packaging and labeling requirements apply only to industrial hemp extracts and foods containing an industrial hemp extract that contains THC.

The bill provides that certain regulated hemp product provisions related to retail facility registrations, packaging, labeling, and testing and associated civil penalty provisions shall become effective when the Commissioner provides notice to the Virginia Code Commission that the Department has established the registration process.

[HB 2325](#) / [SB 1438](#) Agricultural land; definitions, ownership by foreign adversaries prohibited, report. (*Chief patrons: Bloxom and Stuart*)

Amends § 3.2-102 of the Code of Virginia and adds to Title 55.1, a chapter numbered

5.1, consisting of sections numbered §§ 55.1-507, 55.1-508, and 55.1-509, prohibiting any foreign adversary, as defined in the enrolled bill, from acquiring or transferring any interest in agricultural land, as defined in federal law, beginning July 1, 2023. The bill allows the Commonwealth to have a vested interest in the agricultural land that was acquired by the foreign adversary in violation of the provisions of the bill, and prohibits such foreign adversary from seeking any restitution against any party. The bill further clarifies that if such interest in agricultural land is sold or transferred by the foreign adversary to a non-foreign adversary, the title remains vested in the subsequent purchaser or transferee. The bill allows an attorney for the locality in which the agricultural land is located, the Attorney General, or any non-foreign adversary person that was a party to the void transaction or is a subsequent holder of such interest to file certain actions related to the purported transaction in the circuit court where the subject property is located.

[SB 983](#) Alcoholic beverage control; winery and farm winery licenses; requirements and privileges. (*Chief patron: Mason*)

Makes numerous changes to the privileges of and requirements for winery and farm winery licenses. Such changes relate to the characteristics of and tasks to be performed on the licensed premises, license qualifications, manufacturing and sale requirements and limitations, and utilization of contract winemaking services.

[SB 1122](#) Open-space lands preservation trust fund; use of funds, conservation easements. (*Chief patron: Hanger*)

Amends § 10.1-1801.1 of the Code of Virginia, allowing grants made from the Open Space Lands Preservation Trust Fund to be used to aid localities in providing funding for projects approved by the Virginia Outdoors Foundation to persons conveying conservation easements to nonprofit land trusts so long as such easement has a local coholder, as defined in the bill.

SB 1305 Farm buildings and structures; building code exemptions. *(Chief patron: Hanger)*

Amends § 36-99 of the Code of Virginia, requiring farm buildings and structures where the public is invited to enter and that are used for storage, handling, production, display, sampling, or sale of agricultural, horticultural, floricultural, or silvicultural products produced on the farm and that are exempt from the Uniform Statewide Building Code (the building code) to have (i) portable fire extinguishers, (ii) a simple written plan in case of an emergency, and (iii) a sign posted in a conspicuous place upon entry that states that the building is exempt from the provisions of the building code. The bill also directs the Agritourism Event Structure Technical Advisory Committee to meet at least four times between the 2023 and 2024 Regular Sessions of the General Assembly and provides guidance to the Committee on topics to be considered related to fire safety and the welfare of the general public.

SB 1511 Land use classifications; property qualifications. *(Chief patron: Hanger)*

Amends §§ 58.1-3230 and 58.1-3234 of the Code of Virginia, to allow a property that formerly participated in and continues to meet the qualifications of a state or federal soil and water conservation program but is no longer receiving payments or other compensation as a result of such program to continue to be eligible for designation as real estate devoted to agricultural use and real estate devoted to horticultural use. The bill further states that the presence of noxious weeds or woody growth shall not be the sole basis for denial of a property's designation as real estate devoted to agricultural use. Further, the bill requires that the application form for taxation on the basis of a use assessment allow a landowner who received payments or compensation as a result of the former participation of his property in a state or federal soil and water conservation program, and whose property continues to meet the qualifications of such program but is no longer receiving such payments or

compensation, to certify that the land continues to meet the requirements of such program for the purposes of classification.

Failed Legislation

HB 1370 Landfill siting; proximity to private wells. *(Chief patron: Ware)*

Would have prohibited the siting of a new municipal solid waste landfill within three-quarters of a mile upgradient of any existing private well and require all new landfills to include a second liner.

HB 1406 License tax; ownership of dogs and cats. *(Chief patron: Anderson)*

Would have eliminated the requirement to pay a license tax for owning a dog or cat and eliminated the misdemeanor penalty for failing to pay such license tax.

HB 2282 Virginia Stormwater Management Program; Virginia Erosion and Sediment Control Program; exemptions for the harvesting of forest crops. *(Chief patron: Ware)*

Would have clarified that the provisions of the Virginia Stormwater Management Program and the Erosion and Sediment Control Program do not apply to the clearing of lands for the harvesting of forest crops when the areas on which harvesting occurs are not intended to be reforested artificially or naturally or converted to bona fide agricultural or improved pasture use.

SB 1365 Local regulation of materials recovery facilities. *(Chief patron: Lewis)*

Would have stated that an ordinance adopted by a locality that would prevent or prohibit the disposal of garbage, trash, or refuse does not include any facility-generated waste residue from a materials recovery facility, as defined in the bill, that has been issued a permit by the Department of Environmental Quality.

COMMUNITY, ECONOMIC AND WORKFORCE DEVELOPMENT

PASSED LEGISLATION

[HB 1411](#) / [SB 1320](#) Virginia Community Development Financial Institutions Fund and Program; codifies Fund, etc. (*Chief patrons: Marshall, McClellan, and Marsden*) Codifies the Virginia Community Development Financial Institutions Fund (the Fund), originally created in the 2021 Appropriation Act, and establishes the Virginia Community Development Financial Institutions Program (the Program) to carry out the purposes of the Fund. The Program shall provide grants and loans to community development financial institutions and other similar entities for the purpose of providing financing to small businesses, housing development and rehabilitation projects, and community revitalization real estate projects in the Commonwealth. The bill requires the Department of Housing and Community Development to oversee the Fund and Program and to (i) identify qualified recipients of funding; (ii) ensure that grants and loans promote housing and community development, capital access, housing access, and small business support; (iii) ensure that qualified recipients emphasize microfinancing, defined as financing to small businesses in amounts of \$100,000 or less, in using program funds; and (iv) utilize Program funds to promote collaborative and cooperative projects with public and private sector partners. The bill requires the Department to submit an annual report on the use and impact of funding provided.

[HB 1726](#) / [SB 1019](#) Virginia-based nonprofit organizations; schools for adults to earn credentials. (*Chief patrons: Head and Edwards*) Amends the Code of Virginia by adding a section numbered 22.1-225.1, to require the Department of Education to authorize a Virginia-based nonprofit organization with demonstrated evidence of positive student outcomes to provide schools for adults to earn (i) (a) an industry-recognized credential awarded through a partnership with a Virginia-based community college or an approved training provider or (b) dual college credit awarded through a partnership with a Virginia-based community college and (ii) a high school diploma on one or more diploma pathways set forth in the relevant Board of Education regulation in which enrollment is open, on a space-available basis, to adults who reside throughout the Commonwealth.

[HB 1752](#) / [SB 1029](#) Public utilities; fiber optic broadband lines crossing railroads. (*Chief patrons: Head and Stanley*) Provides that if a broadband service provider, in the construction of its works, deems it necessary to cross the works of a railroad company, the broadband service provider is required to submit an application to the railroad company. The bill requires the application to include (i) a license fee; (ii) engineering design plans, construction plans, bore plans, fraction mitigation plans, dewatering plans, rigging and lifting plans, and any other pertinent plans deemed necessary and prepared by a registered professional engineer; (iii) the location of the crossing, including whether it is located in a public right-of-way; (iv) the proposed date of commencement of work; (v) the anticipated duration of the work in the crossing; (vi) the areas in which the project personnel will work; and (vii) the contact information of the broadband service provider's point of contact. The bill requires a railroad company to acknowledge receipt of the application, to request any additional information within 15 days, and to approve the application within

35 days unless the railroad company petitions the State Corporation Commission. The bill requires the broadband service provider to bear the cost of any such crossing, including a license fee of \$2,000 for each crossing, except that for a crossing over an abandoned section of track the license fee shall not exceed \$1,000 and for a crossing of a railroad company's works within a public right-of-way there is not a license fee. Under the bill, the Commonwealth shall grant a right-of-way to any broadband service provider seeking to use the right-of-way for broadband deployment to the extent that the Commonwealth owns any interest in any real property crossed by a railroad or manages any real property not owned by the Commonwealth that is crossed by a railroad. The bill requires the broadband service provider to maintain a general liability insurance policy or railroad protective liability insurance policy that meets certain requirements. The bill also requires a broadband service provider to reimburse the railroad company for direct expenses, not to exceed \$5,000, in addition to the license fee. The bill provides that a railroad company may petition the State Corporation Commission within 35 days of receiving an application if it asserts (a) the license fee is not adequate compensation for the specified crossing, (b) the proposed crossing will cause undue hardship on the railroad company, or (c) the proposed crossing will create the imminent likelihood of danger to public health or safety. Under the bill, a broadband service provider may petition the Commission if a railroad company is not in compliance with the requirements of the bill. The bill requires the Commission to adjudicate any such petition within 90 days.

HB 1769 MEI Project Approval Commission; review procedures. (*Chief patron: Marshall*) Adds to the incentive packages for economic development, film, and episodic television projects that require MEI Project Approval Commission (the Commission) review and approval any incentive package in which

one of the incentives being sought includes a cash payment of more than \$3.5 million from any fund prior to any performance metrics being met by the proposed project. The bill clarifies that in calculating whether the value of proposed incentives exceeds \$10 million and thus requires review under current law, the value of existing nondiscretionary tax credits, tax incentives, and grants shall not be considered, with the exception of the sales tax exemption for data centers and the motion picture tax credit. In addition, the bill provides that economic development projects that propose to relocate or expand operations in one area of the Commonwealth while closing or reducing operations in another area of the Commonwealth shall be subject to Commission review only if the value of the proposed incentives exceeds \$2.5 million. The bill also requires state agencies and political subdivisions that have significant involvement in a proposed individual incentive package to verify the job creation and investment data before they are presented to the Commission. Finally, the bill allows the Commission to also review potential economic development projects that are not required to be presented to the Commission that would be financed through entitlements to sales taxes or through personal or corporate income tax incentives or modifications.

HB 1776 / SB 1420 Business park electric infrastructure program; makes permanent and amends certain provisions. (*Chief patrons: O'Quinn and Pillion*)

Makes permanent and amends certain provisions of the Code related to the business park electric infrastructure program conducted by the Virginia Economic Development Partnership. The bill requires that the program be conducted in the service territory or transmission zone of each Phase I and Phase II Utility and permits costs incurred by the utility in installing the business park electric infrastructure to be recovered pursuant to a rate adjustment clause approved by the

State Corporation Commission. The bill also requires a utility to obtain a certificate from the Commission prior to constructing business park electric infrastructure and requires the Commission to institute a rulemaking proceeding by September 1, 2023, to establish requirements for the program.

[HB 1778](#) / [SB 1153](#) Financial institutions; certain investments by banks permitted.

(Chief patrons: O'Quinn and Lewis)

Provides that the prohibition on a bank from investing its funds in certain entities does not prevent a bank from (i) investing in (a) a community development corporation; (b) an entity formed primarily to support community-based economic development; (c) an entity qualifying for the federal new markets tax credit; (d) an entity formed for a predominantly civic, community, or public purpose; (e) an entity making qualified rehabilitation expenditures with respect to a qualified rehabilitated building or certified historic structure, or a similar state historic tax credit program; or (f) a rural business investment company; (ii) engaging in any tax equity finance transaction permissible for a national bank or federal savings association; or (iii) investing, subject to such conditions as the Commissioner of Financial Institutions may prescribe, in any community and economic development entity, community development project, or other public welfare investment.

[HB 1805](#) / [SB 1401](#) Virginia Resources Authority; community development and housing projects. *(Chief patrons: Bloxom and Lewis)*

Adds community development projects related to the production and preservation of housing, including housing for persons and families of low and moderate income, to those projects that the Virginia Resources Authority may finance. The bill directs the Department of Housing and Community Development to assist the Authority with determining which local governments are to receive grants from the Authority for such projects.

[HB 1832](#) / [SB 1345](#) Virginia Port Authority; tax credits, creates grant programs, sunset date. *(Chief patrons: Wyatt and Barker)*

Creates grant programs to replace the barge and rail usage tax credit and the Virginia port volume increase tax credit when those credits expire on January 1, 2025. The bill also creates a new Port of Virginia Economic Development Grant Program consisting of two component programs: the Economic and Infrastructure Development Grant Program and the International Trade Facility Grant Program. The bill also moves the sunset date of the existing Port of Virginia Economic and Infrastructure Development Grant Fund and Program from June 30, 2025, to December 31, 2024.

[HB 1842](#) Virginia Business Ready Sites Acquisition Fund and Program; created.

(Chief patron: Knight)

The enrolled bill creates the Virginia Business Ready Sites Acquisition Program for the purposes of (i) acquiring sites for the purpose of creating and maintaining a portfolio of project-ready sites to promote economic development in the Commonwealth, (ii) developing such sites to increase their marketability, and (iii) entering into development agreements with private employers for large-scale economic development projects. The Governor's accepted amendments (a) increase the minimum size of an eligible site from 250 to 500 acres, (b) require an overview of eligible expenses to be included in the program guidelines, (c) provide specific procedures for the right of first refusal provided to the locality in which a potential development site is located, (d) require an itemized list of administrative costs to be included in the annual report, and (e) clarify that administrative costs are a permissible use of program funds.

[HB 2046](#) / [SB 839](#) DHCD; powers and duties of Director, statewide housing needs assessment and plan, report. *(Chief patrons: Carr and Locke)*

Adds to the powers and duties of the Director

of the Department of Housing and Community Development the responsibility to conduct a comprehensive statewide housing needs assessment at least every five years, to develop a statewide housing plan and update such plan at least every five years, and to provide annual updates to the General Assembly regarding meeting the goals of such plan. The bill requires Virginia localities with a population greater than 3,500 to submit annual reports summarizing any local housing policies, ordinances, or processes affecting the development and construction of housing during the preceding fiscal year to the Department by September 1 for publication on the Department's website.

[HB 2099](#) Livable home; increases allowable tax credit. *(Chief patron: Bulova)*

Increases from \$1 million to \$2 million, beginning in fiscal year 2024, the aggregate cap of tax credits allowed by the livable home tax credit in a fiscal year. The bill increases from \$500,000 to \$1 million, beginning in fiscal year 2024, the amount of credits allocated by the Department of Housing and Community Development to each of (i) the purchase or construction of new residences and (ii) the retrofitting and renovation of existing residences. The bill also increases from \$5,000 to \$6,500, beginning in taxable year 2023, the maximum amount of livable home tax credits an individual may claim in a taxable year.

[HB 2194](#) / [SB 1422](#) Higher educational institutions, certain; reimbursement for noncredit workforce training program.

(Chief patrons: Byron and Pillion)

Increases from \$3,000 to \$4,000 the maximum amount for which the State Council of Higher Education for Virginia shall reimburse an eligible institution of higher education per completed noncredit workforce training program per eligible student pursuant to the New Economy Workforce Credential Grant Program. Current law provides that the Council shall reimburse an eligible institution an amount equal to one-third of the cost of the noncredit workforce training program, not to

exceed \$3,000, per eligible student upon such eligible student's completion of the program.

[HB 2195](#) / [SB 1470](#) Workforce development; consolidation of policies and programs, etc.

(Chief patrons: Byron and Ruff)

Creates the Department of Workforce Development and Advancement (the Department) to administer workforce development programs. The bill consolidates statewide workforce program evaluation and data sharing under the Department and provides protections against improper disclosure of data. The bill provides for the Virginia Board of Workforce Development to conduct an independent evaluation of the operations and program objectives of the Department on a biennial basis with the first report due on December 1, 2025. The bill also (i) transfers administration of apprenticeship programs from the Department of Labor and Industry to the Department, (ii) directs the State Council of Higher Education for Virginia to collaborate with the Department to grow and expand the Innovative Internship Fund and Program, and (iii) directs the Secretary of Labor (the Secretary) to conduct a comprehensive review of the Commonwealth's workforce development programs and make recommendations to address a wide range of subjects relating to improving the effectiveness and efficiency of such programs. The Secretary is also required to convene a stakeholder work group to advise the Secretary during the transition period. This bill is a recommendation of the Small Business Commission.

[HB 2220](#) GO Virginia Grants; matching funds, sunset *(Chief patron: Wampler)*

Extends the sunset date 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 to July 1, 2025.

[HB 2238](#) / [SB 1134](#) Precision Plastic Manufacturing Grant Fund; established.

(Chief patrons: Cherry and Ruff)

Establishes the Precision Plastic Manufacturing

Grant Fund to provide up to \$56 million in grants between July 1, 2027, and July 1, 2035, to a qualified company that engages in the manufacture and distribution of precision plastic products in an eligible county and that between June 1, 2022, and December 31, 2035, is expected to make a capital investment of at least \$1 billion and create at least 1,761 new full-time jobs related to or supportive of its business.

[HB 2312](#) / [SB 1263](#) Uniform Statewide Building Code; stop work orders, appeals.

(Chief patrons: Head and Hackworth)

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

[HB 2401](#) / [SB 1468](#) Coal and Gas Road Improvement Fund; funds may be used to construct flood mitigation measures. *(Chief patron: Morefield – Hackworth)*

Provides that funds in the Coal and Gas Road Improvement Fund may be used to construct flood mitigation measures that would reduce or prevent flooding of allowable infrastructure and extends from January 1, 2024, to January 1, 2026, the expiration of the local gas road improvement and Virginia Coalfield Economic Development Authority tax.

[HB 2479](#) / [SB 1522](#) Cloud Computing Cluster Infrastructure Grant Fund; created. *(Chief patrons: Knight and Barker)*

Creates the Cloud Computing Cluster Infrastructure Grant Fund for the purpose of providing grants to qualified companies, defined in the bill as a company, including its affiliates, that enters into a memorandum of

understanding with the Virginia Economic Development Partnership Authority and is expected to (i) make or cause to be made a capital investment of at least \$50 billion and (ii) create at least 1,500 new full-time jobs that pay an average annual wage of at least one and one-half times the prevailing average wage in the locality where the job is located. The bill requires that, in order to become a qualified company, a company successfully complete a qualification process that includes an endorsement from the MEI Commission and approval in the appropriation act for the amount of grants that are to be provided. The bill also extends the data center sales and use tax exemption to 2040 for a data center operator that (i) makes a capital investment of at least \$35 billion in data centers in the Commonwealth and (ii) creates at least 1,000 direct new jobs, of which at least 100 of such jobs pay at least one and one-half times the prevailing average wage in the Commonwealth. Such data center operator shall be eligible for further extension to 2050 if the data center operator (i) makes a total capital investment of at least \$100 billion, inclusive of the initial \$35 billion investment, and (ii) creates a total of at least 2,500 direct new jobs, of which at least 100 of such jobs pay at least one and one-half times the prevailing average wage in the Commonwealth, inclusive of the 1,000 jobs initially created.

[SB 956](#) Localities; business improvement and recruitment districts. *(Chief patron: Ruff)*

Authorizes any locality to create a local business improvement and recruitment district plan, consisting of fees charged to businesses and used to fund business improvements, business promotions, and business recruitment activities. The Governor's accepted amendments narrow the applicability of the provisions to areas within a "Main Street District" and define such districts as "a physical setting that includes a commercial area focusing on economic development through locally owned businesses and structures that would benefit from rehabilitation." The Governor's amendments also alter the

definition of “majority share of benefited businesses” by removing a reference to a weighted methodology and instead referring to a simple majority of such businesses.

[SB 1061](#) Private activity bonds; updates notice requirements for public hearings.

(Chief patron: Stuart)

Updates notice requirements for public hearings on private activity bonds throughout the Code. The bill also removes the requirement that an applicant provide the approving authority with a form specified in relevant law when requesting private activity bond financing.

[SB 1114](#) Housing and Community Development, Department of; powers and duties of the Director *(Chief patron: Stanley)*

Instructs the Director of the Department of Housing and Community Development to develop and operate a Virginia Residential Sites and Structures Locator database to assist localities in marketing publicly owned, privately owned, or publicly and privately owned structures and parcels determined by the locality to be suitable for residential or mixed-use development or redevelopment when the owner or owners have authorized the locality to market the structure or parcels for residential or mixed-use development or redevelopment.

[SB 1208](#) Virginia-Taiwan Trade Office; Virginia Economic Development Partnership Authority to establish. *(Chief patron: Reeves)*

Directs the Virginia Economic Development Partnership Authority to conduct a cost-benefit analysis of establishing a Virginia-Taiwan Trade Office to serve as the official representation of the Commonwealth in Taiwan by promoting and offering services relating to economic development and trade.

[SB 1280](#) Higher educational institution, public; course credit earned through internships required. *(Chief patron: Dunnavant)*

The enrolled bill requires the governing board of each public institution of higher education to adopt policies requiring that participation in an internship or work-based learning experience be integrated into a student’s degree program so as not to extend the time to complete the degree and applies to both baccalaureate and associate-degree-granting public institutions of higher education. The Governor’s accepted amendments limit the scope of the enrolled bill by specifying that such requirement applies only to the governing board of each baccalaureate public institution of higher education.

[SB 1281](#) Passport dual enrollment courses; course credit, guidelines. *(Chief patron: Dunnavant)*

Amends the Code of Virginia by adding a section numbered 22.1-206.3, to direct the Board of Education to develop guidelines for prioritizing to the maximum extent practicable dual enrollment programs, including the Passport Program, the Uniform Certificate of General Studies Program, the New Economy Workforce Credential Grant Program, and other courses that allow high school students to receive credit toward the completion of an undergraduate course, degree, or credential offered in the Virginia Community College System, among other provisions. The bill has a delayed effective date of July 1, 2024.

FAILED LEGISLATION

[HB 2332](#) / [SB 1308](#) Virginia Economic Development Partnership Authority; eligible site for site development grant.

(Chief patrons: Campbell, E.H. and Deeds)

Reduces from 100 acres to 50 acres the minimum number of contiguous acres required for a site that is not a brownfield to satisfy the acreage requirement to be considered eligible to receive a site development grant from the Virginia Business Ready Sites Program Fund by the Virginia Economic Development Partnership Authority. **Vetoed**

EDUCATION

PASSED LEGISLATION

Early Childhood Education

HB 1423 / SB 1404 School Readiness Committee; renaming as Commission on Early Childhood Care and Education. (*Chief patrons: Coyner and Barker*)

Amends and reenacts § 2.2-208.1 of the Code of Virginia, to rename the School Readiness Committee as the Commission on Early Childhood Care and Education and makes several changes to the Commission, including adjusting its purpose, increasing and adjusting its membership, including a representative recommended by the Virginia Association of Counties and Virginia Municipal League, and establishing eight enumerated powers and duties for the Commission.

HB 1698 Child day programs; exemption from licensure, certain programs offered by local school divisions. (*Chief patron: Simon*)

Amends and reenacts § 22.1-289.030 of the Code of Virginia, to exempt from the requirement to be licensed by the Board of Education any child day program offered by a local school division that is operated for no more than four hours per day on full instructional days or for more than four hours per day on shortened instructional days or noninstructional days, staffed by local school division employees, and attended by children who are at least three years of age and are enrolled in public school or a preschool program within such school division.

HB 1713 / SB 964 Child day programs, certain; exempt from licensure by the Superintendent of Public Instruction. (*Chief patrons: Cherry and Peake*)

Amends and reenacts § 22.1-289.030 of the Code of Virginia, to clarify that any child day program offered by a private school accredited by and in good standing with the Virginia Council for Private Education, operated for

no more than four hours per day, staffed by the accredited private school's employees, and attended by school-age children who are enrolled in the accredited private school is exempt from licensure by the Superintendent of Public Instruction.

Special Education

HB 1492 Special education and related services; certain deadlines. (*Chief patron: Davis*)

Requires the Board of Education to amend certain regulations to permit local educational agencies to shorten the deadline of 65 business days from the date of receipt of referral for an initial evaluation or a reevaluation of a child to determine eligibility for special education and related services.

HB 1554 / SB 943 Public high schools; identification of faculty member responsible for spec. education transitioning. (*Chief patrons: Brewer and Suetterlein*)

Amends the Code of Virginia by adding a section numbered 22.1-217.3 to require each public high school in the Commonwealth to publicly identify on its official website the faculty member responsible for special education transition planning and coordination at such high school.

HB 1884 Students with disabilities; assessment frequency. (*Chief patron: Wampler*)

Amends and reenacts § 2 of Chapter 760 of the Acts of Assembly of 2022, to require the work group established by the Secretary of Education and the Superintendent of Public Instruction to study and develop a plan relating to revisions to Standards of Learning assessments to consider the effectiveness of assessments for students with disabilities, including the Virginia Alternate Assessment Program for those students with the most significant cognitive disabilities, and the use of those assessments to improve and individualize instruction.

Standards of Quality

HB 1526 / SB 1175 Student literacy measures; scope, students in grades four through eight. *(Chief patrons: Coyner and Lucas)*

Amends and reenacts §§ 22.1-253.13:1, 22.1-253.13:2, 22.1-253.13:5, and 22.1-253.13:6, as they shall become effective, of the Code of Virginia, to expands several provisions of the Virginia Literacy Act, effective with the 2024–2025 school year, and currently applicable to students in kindergarten through grade three, to students in grades four through eight, including (i) requiring each local school board to provide a program of literacy instruction to such students that is aligned with science-based reading research and provides evidenced-based literacy instruction; (ii) requiring each local school board to provide reading intervention services to such students who demonstrate substantial deficiencies based on their individual performance on the Standards of Learning reading assessment or a literacy screener provided or approved by the Department of Education; (iii) permitting the reading plan required for certain students in grades six through eight to include a literacy course, in addition to the course required by the Standards of Learning in English, that provides the specific evidence-based literacy instruction identified in such plan; (iv) requiring the Department to develop a list of core literacy curricula, supplemental instruction practices and programs, and intervention programs that consist of evidence-based literacy instruction aligned with science-based reading research for such students; (v) requiring each local school board to employ one reading specialist for each 550 students in kindergarten through grade eight; (vi) requiring the Board of Education to provide guidance on and each local school board to provide high-quality professional development and training in science-based reading research and evidence-based literacy instruction for certain middle school personnel; and (vii)

requiring each divisionwide comprehensive plan to include a divisionwide literacy plan for such students.

HB 2124 School psychologists; staffing flexibility. *(Chief patron: Wilt)*

Amends and reenacts § 22.1-253.13:2, as it is currently effective and as it shall become effective, of the Code of Virginia, to provide that in order to fill vacant school psychologist positions, any local school board may employ, 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, clinical psychologists licensed by the Board of Psychology, provided that any such individual makes progress toward completing the requirements for full licensure as a school psychologist during such period of employment, among other provisions.

HB 2137 School boards; divisionwide literacy plans. *(Chief patron: Delaney)*

Amends and reenacts § 22.1-253.13:6, as it shall become effective, of the Code of Virginia, to require each divisionwide literacy plan to be submitted to the Department of Education and to identify which core literacy curricula, supplemental instructional practices and programs, and intervention programs from the list developed by the Department or alternative programs approved by the Department that consist of evidence-based literacy instruction and align with science-based reading research will be used in each grade level, kindergarten through 12, at each of the schools within such school division. The bill requires each local school board to post, maintain, and update as necessary on such school board's website a copy of its divisionwide literacy plan and the job description and contact information for any reading specialist employed by such school division pursuant to relevant law and for any dyslexia specialist employed by such school division, among other provisions.

HB 2187 School counselors; staff time. (*Chief patron: Rasoul*)

Amends and reenacts § 22.1-291.1:1 of the Code of Virginia, to define the terms “direct counseling” and “program planning and school support” for the purpose of the provision of law that requires each school counselor to spend at least 80 percent of his staff time during normal school hours in the direct counseling of individual students or groups of students and clarifies that each school counselor may also spend up to 20 percent of his staff time during normal school hours on program planning and support. This bill is a recommendation of the Behavioral Health Commission and the Joint Legislative Audit and Review Commission.

SB 1124 Public elementary & secondary school bldgs.; standards for maintenance & operations, etc. (*Chief patron: Stanley*)

Requires the Board of Education to make recommendations to the General Assembly for amendments to the Standards of Quality to establish standards for the maintenance and operations, renovation, and new construction of public elementary and secondary school buildings. The bill requires such recommendations to include standards for the percentage of the current replacement value of a public school building that a school board should budget for the maintenance and operations of the building and such other standards as the Board deems appropriate. The bill also requires the Board to solicit the input of relevant stakeholders and the public in developing such recommendations. Finally, the bill requires the Board to submit its recommendations to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than July 1, 2024. This bill is a recommendation of the Commission on School Construction and Modernization.

Education Workforce

HB 1630 / SB 1289 / SB 1479 Virginia Retirement System; return to work. (*Chief patrons: Coyner and Deeds & Lucas*)

Amends and reenacts §§ 22.1-23, 22.1-70.3, 22.1-79, and 51.1-155 of the Code of Virginia among other provisions to reduce from 12 to six the number of months for the required break in service for a teacher, bus driver, school administrator, or school security officer to return to work full time and continue to receive his pension under the Virginia Retirement System (VRS). The bill adds specialized student support positions to the list of employees that may return to work, also with a six month break in service. The employer of such individuals shall include his compensation in membership payroll for purposes of the employer contribution to VRS. The bill also contains a sunset date of July 1, 2028 for all classes of employees. Finally, the bill requires the Virginia Retirement System to submit a report regarding options for employing such individuals part-time during the required six month break in service period.

HB 1762 Teacher Reengagement Program; established, report. (*Chief patron: Reid*)

Amends the Code of Virginia by adding a section numbered 22.1-290.3, to establish the Teacher Reengagement Program for the purpose of addressing instructional personnel shortages and COVID-19 pandemic-related student learning loss. The bill permits any school board to hire an individual pursuant to the Program, subject to certain conditions and limitations, among other provisions. The provisions of the bill expire on July 1, 2028. The bill requires the Department of Education to submit to the General Assembly no later than October 1, 2027, its recommendation for preserving, extending, or eliminating such expiration date.

HB 1928 School bus operators; training, remote online and Spanish language options. *(Chief patron: Durant)*

Amends and reenacts § 22.1-181 of the Code of Virginia, to permit the training program developed by the Board of Education for school bus operators to offer the option for an applicant for employment as a school bus operator to (i) except as otherwise provided in relevant law, complete all or any portion of the required hours of classroom training in a remote online format, as determined by the local school division, and (ii) receive instruction in the Spanish language for all or any portion of the required hours of classroom training, as determined by the local school division.

HB 2375 Provisional teacher licensure; permissive extension, satisfactory performance evaluations. *(Chief patron: Sewell)*

Amends and reenacts § 22.1-299 of the Code of Virginia, to require the Board of Education to extend for at least one additional year, but for no more than two additional years, the three-year provisional license of a teacher upon receiving from the division superintendent (i) a recommendation for such extension and (ii) satisfactory performance evaluations for such teacher for each year during the original three-year provisional license that such teacher was actually employed.

HB 2457 Public elementary and secondary school teachers; frequency of certain training activities, report. *(Chief patron: Batten)*

Amends the Code of Virginia by adding a section numbered 22.1-298.8, to prohibit any public elementary or secondary school teacher from being required to participate more frequently than once every five years in certain training relating to the appropriate management of student conduct and student offenses in violation of school board policies or relating to secure mandatory test violations. The bill also permits, during the 2023-2024 and 2024-2025 school years, any school board

to employ a temporarily employed teacher to fill a vacancy for a period of time not to exceed 180 days during one school year, with certain conditions and limitations.

SB 1052 Teacher Education and Licensure, Advisory Board on; teacher recruitment and retention. *(Chief patron: McPike)*

Amends and reenacts §§ 22.1-299 and 22.1-305.2 of the Code of Virginia, to direct the Advisory Board on Teacher Education and Licensure to advise the Board of Education and submit recommendations on policies related to helping school divisions more effectively recruit and retain licensed teachers. The bill also directs the Board of Education to extend for at least one year a teacher's three-year provisional license upon receiving from the division superintendent (i) a recommendation for such extension and (ii) satisfactory performance evaluations for such teacher for any year during the original three-year provisional license for which such teacher was actually employed.

SB 1215 Public elementary and secondary school teachers; calculations for competitive compensation. *(Chief patron: Lucas)*

Requires the Department of Education to convene a stakeholder work group no later than August 15, 2023, to consider and make recommendations no later than November 1, 2023, on the appropriateness, feasibility, potential fiscal impact, and potential unintended consequences of certain definitions for and calculations of competitive teacher pay.

School Safety and Health

HB 1691 / SB 1099 School Resource Officer Grants Program and Fund; awarding grants. *(Chief patrons: Greenhalgh and Norment)*

Amends and reenacts § 9.1-110 of the Code of Virginia, to provide that matching grants from the School Resource Officer Incentive Grants Fund may be awarded to local law-enforcement agencies and local school boards for the expenses related to the equipment necessary for uniformed school resource officers, school

security officers, and other relevant school safety personnel and the enhancement of the school-law enforcement partnership through training and programming as determined by the Department; provided, however, that such grants shall not be used for any expense related to the purchase of firearms, handcuffs or other wrist restraints, or any stun weapon.

HB 1704 / SB 821 Arrests, certain, and convictions of certain individuals; reports to division safety officials. (*Chief patrons: Bell and Surovell*)

Amends and reenacts §§ 9.1-184, 19.2-83.1, 19.2-291.1, 22.1-279.8, and 60.2-114 of the Code of Virginia and amends the Code of Virginia by adding a section numbered 19.2-299.3, to require each division superintendent to annually designate an employee in the local school division as the division safety official whose duty is to receive all reports required to be made pursuant to relevant law from (i) every state official or agency and every sheriff, police officer, or other local law-enforcement officer or conservator of the peace having the power to arrest for a felony upon arresting a person who is known or discovered by the arresting official to be a full-time, part-time, permanent, or temporary teacher or any other employee in such local school division for a felony or a Class 1 misdemeanor or an equivalent offense in another state and (ii) the clerk of any circuit court or any district court in the Commonwealth upon the felony conviction of any person known by such clerk to be employed by such local school division, among other provisions.

HB 1723 Passing stopped school buses; purpose of stop, prima facie evidence. (*Chief patron: Simonds*)

Amends and reenact §§ 46.2-844 and 46.2-859 of the Code of Virginia, to make evidence that a bus was stopped with at least one warning device activated prima facie evidence that the bus was stopped for the purpose of taking on or discharging children, the elderly, or mentally or physically handicapped persons.

HB 1822 Public school employees; offense involving solicitation of sexual molestation, etc. (*Chief patron: Avoli*)

Amends and reenacts § 22.1-296.1 of the Code of Virginia, to provide that the convictions that bar employment and contract work that requires direct contact with students on school property during school hours or school-sponsored activities in public schools include any offense involving the solicitation of sexual molestation, physical or sexual abuse, or rape of a child.

HB 1916 / SB 910 Higher educational institutions, public; threat assessment teams, powers and duties. (*Chief patrons: Batten and Newman*)

Amends and reenacts § 23.1-805 of the Code of Virginia, to make several changes to the powers and duties of the threat assessment team at each public institution of higher education, including requiring, upon a preliminary determination that an individual poses an articulable and significant threat of violence to others, each such team to (i) obtain any available criminal history record information and health records for such individual; (ii) notify in writing within 24 hours upon making such preliminary determination (a) the campus police department, (b) local law enforcement for the city or county in which the public institution of higher education is located, local law enforcement for the city or county in which the individual resides, and, if known to the threat assessment team, local law enforcement for the city or county in which the individual is located, and (c) the local attorney for the Commonwealth in any jurisdiction where the threat assessment team has notified local law enforcement; and (iii) disclose any specific threat of violence posed by the individual as part of such notification, and permitting each such team to invite nonmember representatives from campus to participate in individual cases.

HB 1995 / SB 868 Passing stopped school buses; rebuttable presumption. (*Chief patrons: Krizek and Cosgrove*)

Amends and reenacts § 46.2-844 of the Code of Virginia, to extend from 10 days to 30 business days the deadline for issuing a summons for an alleged violation of passing a stopped school bus in order for proof that the motor vehicle passed a stopped school bus and that the defendant was the registered owner of the vehicle to give rise to a rebuttable presumption that the owner of the vehicle was the operator during the violation.

HB 2021 School boards; schoolwide events with parents, free or reduced price meals applications. (*Chief patron: Roem*)

Amends and reenacts § 22.1-79 of the Code of Virginia, to require each school board to ensure that at any back to school night event in the local school division to which the parents of enrolled students are invited, any such parent in attendance receives prominent notification of and access, in paper or electronic form, or both, to information about application and eligibility for free or reduced price meals for students and a fillable free or reduced price meals application that may be completed and submitted on site.

HB 2025 SNAP benefits program; parent information sheet, free or reduced price meals application. (*Chief patron: Roem*)

Amends and reenacts §§ 22.1-79 and 63.2-801 of the Code of Virginia, to require the Department of Social Services to develop, annually update, and provide to each school board in advance of the start of each school year an information sheet on the SNAP benefits program that sets forth the application process and such other information as the Department deems necessary or appropriate in order to properly inform the parents of students enrolled in public elementary and secondary schools of such program and encourage application by those who are eligible. The bill requires each school board to ensure that such information sheet is sent home with each

student enrolled in a public elementary or secondary school in the local school division at the beginning of each school year or, in the case of any student who enrolls after the beginning of the school year, as soon as practicable after enrollment, among other provisions.

SB 1043 Public education; student mental health and counseling, definitions, licensure requirements. (*Chief patron: McPike*)

Amends and reenacts §§ 22.1-253.13:2, as it is currently effective and as it shall become effective, and 22.1-291.1:1 of the Code of Virginia and amends the Code of Virginia by adding a section numbered 22.1-272.2, to require the Department of Education, in consultation with the Department of Behavioral Health and Developmental Services and the Department of Medical Assistance Services, to develop, adopt, and distribute to each school board a model memorandum of understanding between a school board and a public or private community mental health services provider that sets forth parameters for the provision of mental health services to public school students enrolled in the local school division by such provider. The bill requires the memorandum of understanding to be available to each school board no later than the beginning of the 2023 - 2024 school year. The bill also permits, in order to fill vacant school psychologist positions, any local school board to employ, under a provisional license issued by the Department of Education for three school years with an allowance for an additional two-year extension, clinical psychologists licensed by the Board of Psychology, provided that any such individual makes progress toward completing the requirements for full licensure as a school psychologist during such period of employment. Finally, the bill defines the terms “direct counseling” and “program planning and school support” for the purpose of the provision of law that requires each school counselor to spend at least 80 percent of his staff time during normal school hours in the direct counseling of individual students or groups of students.

[SB 1359](#) Public elementary and secondary schools; threat assessment team members, training requirement. (*Chief patron: Norment*) Amends and reenacts § 22.1-79.4 of the Code of Virginia, to require new threat assessment team members at each public elementary and secondary school to complete initial threat assessment training and all threat assessment team members to complete refresher training every three years.

[SB 1453](#) Public elementary and secondary schools; automated external defibrillators required. (*Chief patron: McPike*) Amends and reenacts § 22.1-274.4 of the Code of Virginia, to require each local school board to develop a plan for the placement, care, and use of an automated external defibrillator in every public elementary and secondary school in the local school division and to place an automated external defibrillator in every public elementary and secondary school in the local school division. The Department of Education shall compile and make publicly available on its website by August 1, 2024 a list of available public and private programs, grants, or funding sources for fulfilling the requirements of this act.

Assessments and General Provisions

[HB 1820](#) Virtual school programs; virtual administration of certain through-year growth assessments. (*Chief patron: Avoli*) Permits, subject to certain enumerated conditions, any student enrolled in a virtual school program to take any beginning-of-year or mid-year growth assessment required pursuant to relevant law in a virtual setting that best meets the educational needs of the student.

[HB 1629](#) / [SB 1329](#) Virginia Parent Data Portal; Board of Education to create and maintain, report. (*Chief patrons: Coyner and McClellan & Petersen*) Amends and reenacts §§ 22.1-1, as it is currently effective and as it shall become

effective, 22.1-253.13:3, and 22.1-253.13:5, as it is currently effective and as it shall become effective, of the Code of Virginia, to require the Board of Education, on or before July 1, 2025, to create and maintain the Virginia Parent Data Portal that, among other things, (i) displays individualized student assessment data on all state-supported assessments, as that term is defined in the bill, among other provisions. The foregoing provisions of the bill do not become effective unless reenacted by the 2024 Session of the General Assembly.

[HB 1929](#) Children of certain foreign service employees and civilian employees. (*Chief patron: Durant*) Amends the Code of Virginia by adding in Chapter 1 of Title 22.1 a section numbered 22.1-7.3, to require the provisions of the Interstate Compact on Educational Opportunity for Military Children to apply to school-age children who are dependents of foreign service employees and civilian members of the Armed Forces of the United States under federal orders when the parent produces documentation indicating that he is required to move in order to perform his job responsibilities and such move results in the student's intrastate, interstate, or overseas relocation, including any such relocation that results in the student attending a Department of Defense Education Activity school, among other provisions.

[HB 2225](#) / [SB 1253](#) Student assessment results; availability to teachers, parents, principals, and other school leaders. (*Chief patrons: Batten and Dunnivant*) Amends and reenacts § 22.1-253.13:3 of the Code of Virginia to require each school board to provide teachers, parents, principals, and other school leaders with their students' results on any Standards of Learning assessment or Virginia Alternate Assessment Program assessment as soon as practicable after the assessment is administered.

HB 2469 Standards of Learning; assessment revision work group, etc. (*Chief patron: Cherry*)

Amends and reenacts Chapter 760 of the Acts of Assembly of 2022, to prohibit the Department of Education from releasing a Request for Proposal for a provider of revised Virginia Standards of Learning summative assessments of proficiency until after the work group convened for the purpose of developing a plan for the implementation of such revised assessments has submitted its initial iteration of such plan. The bill permits the Department of Education to extend the current state assessment contract until December 31, 2025, to ensure continuity in the administration of the state assessment program.

Failed Legislation

HB 1508 Virginia Education Success Account Program; established, report. (*Chief patron: Davis*)

Would have permitted the parents of qualified students, defined in the bill, to apply for a one-year, renewable Virginia Education Success 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 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, among other provisions.

HB 1574 School board members; referendum on direct election by voters, authorization by local government. (*Chief patron: Walker*)

Would have allowed the governing body of a county, city, or town to file a petition with the circuit court of the county or city or of the county within which the town or the greater part thereof is located asking that a

referendum be held on the question of whether the members of the school board of the county, city, or town shall be elected directly by the voters.

HB 1605 Local sales and use tax; construction or renovation of schools, Prince Edward County. (*Chief patron: Edmunds*)

Would have added Prince Edward County to the list of localities that 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 2269 Federal pandemic relief; funds for public education, certain conditions. (*Chief patron Greenhalgh*)

Would have required any local school division that, as of July 1, 2023, has available and unspent or unobligated federal ESSER formula funds exceeding 20 percent of its total awarded allocations to return unspent or unobligated ESSER or GEER state set-aside funds awarded to the local school division by the Virginia Department of Education (the Department) to the Department no later than July 15, 2023, unless precluded by federal law or regulation, among other provisions.

HB 2316 / SB 1408 Sales and use tax, local; additional tax authorized in all counties & cities to support schools. (*Chief patrons: Bourne and McClellan & McPike*)

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

HB 2399 School boards; unexpended local funds, capital reserve fund permitted. (*Chief patron: Simonds*)

Would have permitted any school board to establish a capital reserve fund as a savings account into which it exclusively deposits the local operating funds that remain unexpended at the end of the year for future school division capital expenditures at no additional cost to local taxpayers, subject to certain conditions enumerated in the bill.

SB 1287 Sales and use tax, additional local; taxes to support schools. (*Chief patron: Deeds*)

Would have added Albemarle County and the City of Charlottesville to the list of qualifying 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 from such tax used only for capital projects for the construction or renovation of schools.

SI 254 Constitutional amendment; establishing charter schools (first reference). (*Chief patron: Obenshain*)

Would have granted to the Board of Education the authority, subject to criteria and conditions as the General Assembly may prescribe, to establish charter schools within the school divisions of the Commonwealth.

ENVIRONMENT, ENERGY, AND LAND USE

PASSED LEGISLATION

HB 1485 / SB 1129 Chesapeake Bay Watershed Implementation Plan; changes contingency for effective date. (*Chief patrons: Webert and Hanger*)

Changes the contingency for the effective date of the Chesapeake Bay Watershed Implementation Plan to allow consideration of a combination of point or nonpoint source pollution reduction commitments other than agricultural best management conservation practices when determining whether the Commonwealth's commitments in the Chesapeake Bay Total Maximum Daily Load (TMDL) Phase III Watershed Implementation Plan have been satisfied. The bill advances from July 1, 2026, to July 1, 2028, the contingency effective date of the Chesapeake Bay Watershed Implementation Plan and requires the Secretary of Natural and Historic Resources and the Secretary of Agriculture and Forestry to convene a stakeholder advisory group to review annual progress and make recommendations toward the implementation of the Commonwealth's agricultural commitments in the Chesapeake Bay TMDL Phase III Watershed Implementation Plan. The group is required to submit its first annual report by July 1, 2024, and the Secretaries of Agriculture and Forestry and Natural and Historic Resources are required to jointly review such report by July 1, 2025. The bill also requires soil and water conservation districts to report to the Department of Conservation and Recreation recommendations for improving the disbursement of funding and for program efficiencies that would expedite disbursement of funds provided through the

Virginia Natural Resources Commitment Fund and prohibits certain regulatory actions from being imposed on agricultural practices prior to July 1, 2028, provided that reasonable progress is being achieved and a detailed plan has been developed for reaching the needed number of voluntary incentivized practices.

HB 1510 Urban green space; local incentives. (*Chief patron: Adams, D.M.*)

Authorizes localities to establish programs to provide regulatory flexibility to encourage the preservation, restoration, or development of urban green space, defined in the bill. The regulatory flexibility may include (i) a reduction in permit fees or (ii) a streamlined process for the approval of permits.

HB 1604 / SB 1321 Virginia Electric Utility Regulation Act; regulation of rates, proceeding to review base rates. (*Chief patrons: Ware, McClellan and Deeds*)

Provides, that in any proceeding to establish base rates for Appalachian Electric Power or Dominion Energy Virginia conducted by the State Corporation Commission (the Commission), if the Commission determines in its sole discretion that the utility's existing base rates will, on a going-forward basis, either produce (i) revenues in excess of the utility's authorized rate of return or (ii) revenues below the utility's authorized rate of return, then the Commission is required to order any reductions or increases, as applicable and necessary, to such base rates that it deems appropriate to ensure the resulting base rates (a) are just and reasonable and (b) provide the utility an opportunity to recover its costs of providing services over the rate period and earn a fair rate of return.

HB 1628 Wetland and Stream Replacement Fund; availability of credits, use of funds. (*Chief patron: Coyner*)

Permits the Department of Environmental Quality to use the Wetland and Stream Replacement Fund for purposes other than the purchase of mitigation bank credits, as

set out in the bill, if the Department makes a determination within two years after the collection of moneys for a specific impact that mitigation bank credits for such impact will not be available within three years. Currently, the Department can use such funds for other specified purposes if after three years no mitigation bank credits are available for purchase.

HB 1634 / SB 1187 Comprehensive plan; plan encouraged to consider strategies to address resilience. *(Chief patrons: Bulova and Lewis)*

Encourages localities to consider strategies to address resilience in their comprehensive plans.

HB 1635 Virginia Residential Landlord and Tenant Act; uninhabitable dwelling unit. *(Chief patron: Bulova)*

Provides that a tenant may terminate the rental agreement and receive a full refund of all deposits and rent paid to the landlord if, at the beginning of the tenancy, a condition exists in the rental dwelling unit that constitutes a fire hazard or serious threat to the life, health, or safety of tenants or occupants of the premises, including an infestation of rodents or a lack of heat, hot or cold running water, electricity, or adequate sewage disposal facilities, so long as the tenant provides the landlord notice of his intent to terminate the rental agreement within seven days of the date on which possession of the dwelling unit was to have transferred to the tenant. The bill requires the landlord to provide the tenant a refund of all deposits and rent paid on or before the fifteenth business day following the day on which (i) the termination notice is delivered to the landlord or (ii) the tenant vacates the dwelling unit, whichever occurs later, unless the landlord provides to the tenant written notice of his refusal to accept the tenant's termination of the rental agreement, along with the reasons for such refusal, within 15 business days following the date on which such termination notice was delivered to the landlord. The bill also provides that any tenant who has not taken possession

or who has vacated the dwelling unit may file an action in a court of competent jurisdiction to contest the landlord's refusal to accept the termination notice, if applicable, and for the return of any deposits and rent paid to the landlord, and allows for the prevailing party in any such action to recover reasonable attorney fees.

HB 1643 / SB 1121 Coal mine methane; options to encourage capture & beneficial use *(Chief patrons: Kilgore and Hackworth)*

States that it is the policy of the Commonwealth to encourage the capture and beneficial use of coal mine methane, defined in the bill. The bill directs the Department of Energy to evaluate policy options to encourage the capture and beneficial use of coal mine methane and submit a report of its findings by November 15, 2023.

HB 1665 / SB 1205 Local land use approvals; extension of approvals to address the COVID-19 pandemic, sunset provision. *(Chief patrons: Marshall and Lewis)*

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

HB 1671 Residential land development and construction; fee transparency, annual report. *(Chief patron: Wyatt)*

Requires localities with a population greater than 3,500 to submit an annual report no later than March 1 to the Department of Housing and Community Development containing the total fee revenue collected by the locality over the preceding calendar year in connection with the processing, reviewing, and permitting of applications for residential land development and construction activities. The bill requires the report to be submitted by

the locality in accordance with any guidelines and forms developed by the Department and the Commission on Local Government. The Department shall make the reports available on its website.

[HB 1674](#) Comprehensive plan; freight corridors. *(Chief patron: Hodges)*

Requires localities, when developing a transportation plan as part of the locality's comprehensive plan, to include freight corridors when designating transportation facilities that support the planned development of the locality.

[HB 1676](#) / [SB 1185](#) Annexation; extension of current moratorium. *(Chief patrons: Hodges and Lewis)*

Extends by eight years, from 2024 to 2032, the current moratorium on city annexations and county immunity actions. Provisions that would trigger the early expiration of the moratorium if the General Assembly fails to appropriate certain amounts for local law-enforcement expenditures are exempted through the 2030-2032 biennium.

[HB 1702](#) Virginia Residential Landlord and Tenant Act; terms and conditions of rental agreement. *(Chief patron: Maldonado)*

Requires a landlord who owns more than four rental dwelling units or more than a 10 percent interest in more than four rental dwelling units, whether individually or through a business entity, in the Commonwealth to, in the case of any rental agreement that contains an option to renew or an automatic renewal provision, provide written notice to the tenant notifying the tenant of any increase in rent during the subsequent rental agreement term no less than 60 days prior to the end of the current rental agreement term.

[HB 1735](#) Virginia Residential Landlord and Tenant Act; statement of tenant rights and responsibilities. *(Chief patron: VanValkenburg)*

Provides that if a tenant fails or otherwise refuses to sign the form developed by the Department of Housing and Community

Development (the Department) and posted on its website acknowledging that the tenant has received the statement of tenant rights and responsibilities from the landlord, the landlord shall record the date or dates on which he provided the form to the tenant and the fact that the tenant failed or otherwise refused to sign such form. The bill gives the landlord the option of providing the tenant a subsequent opportunity to sign such form after the effective date of the tenancy. Finally, the bill directs the Director of the Department to update certain forms to include language directing parties to rental agreements to refer to the Department's website for more resources.

[HB 1770](#) / [SB 1265](#) Virginia Electric Utility Regulation Act; retail competitiveness, review proceedings, etc. *(Chief patrons: Kilgore and Saslaw)*

The enrolled bill authorizes Dominion Energy Virginia, on or before July 1, 2024, to petition the State Corporation Commission for a financing order for deferred fuel costs and makes various changes to procedures under which the Commission reviews the earnings and sets the rates of investor-owned incumbent electric utilities. The Governor's accepted amendments (i) expand the exempt retail access customer exemption for deferred fuel costs, (ii) make changes to the Commission's authority to make performance-based adjustments, and (iii) make various technical changes. The enrolled bill requires that a financing order for deferred fuel costs include a requirement that deferred fuel cost charges are non-bypassable and paid by all retail customers of the electric utility, except for exempt retail access customers. The Governor's fourth amendment expands the definition of "exempt retail access customer" to include, in addition to retail customers that purchased electric energy exclusively from a licensed supplier other than the electric utility, retail customers that purchased electric energy from the utility pursuant to a Commission approved market-based tariff. The enrolled bill provides that the Commission is authorized to increase

or decrease an electric utility's combined rate of return for generation and distribution services by up to 50 basis points based on factors that may include various performance-based factors. The Governor's eighth and ninth amendments eliminate load forecasting as one such factor. Additionally, the fifth enactment of the enrolled bill provides that the Commission will hold a proceeding to review and determine the protocols and standards regarding such performance-based adjustments and that, until such protocols and standards are applicable, the Commission will have the authority to increase or decrease the utility's combined rate of return based on the utility's performance. The Governor's seventeenth amendment provides that the Commission's authority to make such increases or decreases before the performance-based adjustment standards and protocols are applicable begins on January 1, 2024, rather than upon the effective date of the enrolled bill.

[HB 1777](#) / [SB 1075](#) Phase I Utilities; financing for certain deferred fuel costs, biennial reviews, etc. (*Chief patrons: O'Quinn and Ruff*)

The enrolled bill authorizes Appalachian Power to petition the State Corporation Commission (the Commission) for a financing order for deferred fuel costs and makes various changes to procedures under which the Commission reviews the earnings and sets the rates of Appalachian Power. The Governor's accepted amendments (i) expand the exempt retail access customer exemption for deferred fuel costs, (ii) require certain information to be included in a Commission report, (iii) make changes to the Commission's authority to make performance-based adjustments, (iv) require the Commission to consider nationally recognized standards when determining certain costs, and (v) make various technical changes. The enrolled bill requires that a financing order for deferred fuel costs include a requirement that deferred fuel cost charges are

non-bypassable and paid by all retail customers of the electric utility, except for an exempt retail access customer. The Governor's fourth amendment expands the definition of "exempt retail access customer" to include retail customers that purchased electric energy from the utility pursuant to a market-based tariff in addition to those that purchased electric energy exclusively from a licensed supplier other than the utility. The enrolled bill requires the Commission to include in its required annual report to the Commission on Electric Utility Regulation and the Governor any information concerning the reliability impacts of generation unit additions and retirement determinations by Appalachian Power or Dominion Energy Virginia. The Governor's seventh amendment requires the Commission to also include information concerning the potential impact on the purchase of power from generation assets outside the Virginia jurisdiction used to serve the utility's native load. The enrolled bill authorizes the Commission to increase or decrease a utility's combined rate of return for generation and distribution services by up to 50 basis points based on certain performance-based factors. The Governor's eighth and ninth amendments provide that the performance-based factors listed are discretionary and non-exhaustive and that any such performance-based adjustment will include a consideration of appropriate nationally recognized standards. Additionally the fourth enactment of the enrolled bill provides that the Commission will hold a proceeding to review and determine the protocols and standards regarding such performance-based adjustments and that until such standards and protocols are applicable the Commission will have the authority to increase or decrease the utility's combined rate of return based on the utility's performance. The Governor's thirteenth amendment provides that the Commission's authority to make such increases or decreases before the performance-based adjustment standards and protocols are applicable begins on January 1, 2024, rather

than upon the bill's effective date as in the enrolled bill. The enrolled bill requires the Commission to authorize deferred recovery for reasonable actual costs associated with severe weather events and provides that the Commission shall allow the utility to amortize and recover such deferred costs over future periods as determined by the Commission. The Governor's tenth amendment requires the Commission, for the purposes of determining such severe-weather-associated costs, to consider nationally recognized standards. The Governor's amendments also include technical amendments.

[HB 1779](#) Nuclear Education Grant Fund and Program; established. *(Chief patron: O'Quinn)*

Establishes the Nuclear Education Grant Fund and Program, to be administered by the State Council of Higher Education for Virginia, for the purpose of awarding grants on a competitive basis to any public institution of higher education or private institution of higher education in the Commonwealth that seeks to establish or expand a nuclear education program, defined in the bill as an instructional program that leads to a degree or credential that specifically supports the nuclear power industry, including nuclear engineering and nuclear welding. The bill permits the Council to establish such rules, policies, and procedures as it deems necessary for the administration of the Program, including rules, policies, and procedures for Program applications and grant awards.

[HB 1781](#) / [SB 1116](#) Southwest Virginia Energy Research and Development Authority; definitions, powers and duties. *(Chief patrons: O'Quinn and Hackworth)*

Provides that the Southwest Virginia Energy Research and Development Authority (the Authority) has the power and duty to (i) support energy development projects, including pump storage hydropower, energy storage, hydrogen production and uses, carbon capture and storage, geothermal energy, and advanced wind and solar energy; (ii) promote energy development projects on closed power plant

sites, brownfield sites, former coal mine sites, reclaimed coal mine sites, abandoned mine sites lands, and lands adjacent thereto; (iii) promote energy workforce development and energy supply chain development; (iv) identify and work with, through mutually agreed collaborations, the Commonwealth's research and development partners, in advancing efforts related to energy development in Southwest Virginia; and (v) promote the capture and beneficial use of coal mine methane from active, inactive, and abandoned coal mines as a low-carbon intensity feedstock for manufacturing and energy generation projects located in Southwest Virginia. The bill defines "energy development project" as any activity that generates, produces, or stores energy, any energy efficiency system, and any supporting ancillary activities located within Southwest Virginia and includes interests in land, improvements, and ancillary facilities and research, development, commercialization, and deployment activities designated by the Authority to the nonprofit collaborative. The bill defines "nonprofit collaborative" as a multi-site nonprofit innovative energy technology testbed established as a collaborative effort of the Department of Energy, the Authority, and the Authority's business partners to support the Authority's purpose through energy technology research, development, commercialization, and deployment.

[HB 1804](#) Tidal wetland mitigation bank; credits. *(Chief patron: Bloxom)*

Authorizes certain entities to purchase or use credits from a tidal wetland mitigation bank located in an adjacent river watershed when such bank contains the same plant community type and salinity regime as the impacted wetlands, which shall be the preferred form of compensation. The provisions of the bill apply only to tidal wetland mitigation banks with a polyhaline salinity regime located in certain subbasins when a tidal wetland mitigation bank with the same plant community type and salinity regime as the impacted wetlands is not available in the same river watershed as the impacted wetland.

[HB 1807](#) / [SB 1392](#) Flood plain management; state agency compliance with regulations. *(Chief patrons: Bloxom and Lewis)*
The enrolled bill requires any state agency or department, when developing a facility on state-owned property located in a flood plain, to either adhere to all local flood plain management regulations or receive Department of Conservation and Recreation approval of compliance with the applicable state standard for development in a flood plain. The enrolled bill allows the Department to issue a variance if no feasible alternative to developing a facility in the flood plain exists and if one of several other conditions provided in the enrolled bill is met. The Governor's accepted amendments make a technical correction and change the term "variance" to "permit."

[HB 1839](#) / [SB 963](#) South Central Wastewater Authority; watershed general permit for nutrients. *(Chief patrons: Taylor and Morrissey)*
Directs the South Central Wastewater Authority (SCWWA) to submit a phased construction program to the Department of Environmental Quality (the Department) by August 1, 2023, which the Department shall approve by September 1, 2023, or as soon as possible thereafter. Such phased upgrade construction program for the SCWWA shall be completed as soon as possible on a schedule approved by the Department but no later than January 1, 2030. The bill requires the SCWWA to begin the initial phase of construction by December 31, 2023, or within 150 days of approval by the Department of the phased construction program, whichever is later. The bill requires the SCWWA to comply with certain requirements regarding its progress toward completing the phased construction program. The bill also directs the Department to amend certain water quality improvement agreements and the Virginia Pollutant Discharge Elimination System permit for the SCWWA wastewater treatment facility to conform to the provisions of the bill.

[HB 1940](#) / [SB 999](#) Waterworks and wastewater works operators; license reciprocity. *(Chief patrons: Runion and Mason)*
Requires the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals, upon application by an individual, and without examination, to recognize licenses or certificates issued by another state as fulfillment of qualifications for licensure in the Commonwealth if certain conditions are met.

[HB 1941](#) Septic systems; loans to local governments or other entities. *(Chief patron: Hodges)*
Authorizes the State Water Control Board to provide loans from the Virginia Water Facilities Revolving Fund to a local government for the purpose of correcting onsite sewage disposal problems (small water facility projects) to protect or improve water quality and prevent the pollution of state waters. The bill allows loan funding for repairs or upgrades to onsite sewage disposal systems that are owned by eligible businesses, defined in relevant law, where public health or water quality concerns are present and connection to a public sewer system is not feasible because of location or cost.

[HB 1944](#) / [SB 1390](#) Solar photovoltaic projects; extension of land use approvals, extends sunset provision. *(Chief patrons: Hodges and Lewis)*
Various local land use approvals for solar photovoltaic projects that were valid and outstanding as of July 1, 2023, may be extended by a resolution of the governing body until July 1, 2026, or such longer period as may be agreed to by the locality.

[HB 2026](#) / [SB 1231](#) Renewable energy; biomass-fired facilities, Department of Forestry advisory panel, report. *(Chief patrons: O'Quinn and Lewis)*
Removes the renewable energy requirement for each Phase I and Phase II Utility to retire

all biomass-fired electric generating units that do not co-fire with coal by December 31, 2028. The bill provides that biomass-fired facilities may qualify as renewable energy standard eligible sources, provided that they are in operation as of January 1, 2023, and (i) supply no more than 10 percent of their annual net electrical generation to the electric grid or no more than 15 percent of their annual total useful energy to any entity other than the manufacturing facility to which the generating source is interconnected and are fueled by forest-product manufacturing materials harvested in accordance with best management practices or (ii) are owned by a Phase I or Phase II Utility, have less than 52 megawatts capacity, and are fueled by forest-product manufacturing residuals, biowastes, or biomass harvested in accordance with best management practices. The bill directs the Department of Forestry to convene an advisory panel to examine the use of forest-related materials, agricultural-related materials, and solid woody waste materials for biomass-fired electric generating units in the Commonwealth and to submit a report of the advisory panel's findings and any recommendations to the House Committee on Commerce and Energy and the Senate Committee on Commerce and Labor no later than December 1, 2024. The bill further directs the Department of Forestry to develop by December 1, 2023, best management practices for the sustainable harvesting of biomass for biomass-fired electric generating units that are subject to the provisions of the bill.

[HB 2041](#) / [SB 807](#) Parks, local; walking trails, liability for property owners. *(Chief patrons: Shin and Favola)*

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

[HB 2126](#) / [SB 1178](#) Stormwater management & erosion & sediment control; installation of permanent gravel access roads. *(Chief patrons: Wilt and Lewis)*

Directs the Department of Environmental Quality to include specifications regarding certain activities for stormwater management and erosion and sediment control related to the installation of permanent gravel access roads by an electric utility in the next publication of the Department's Virginia Stormwater Management Handbook (the Handbook). The bill permits any electric utility that complies with such specifications to be deemed to satisfy the water quantity technical criteria in the Stormwater Management Act. The bill further allows, until the effective date of the next publication of the Handbook, any new permanent gravel access road associated with the construction and maintenance of electric transmission lines by an electric utility to be deemed to have satisfied the required water quantity technical criteria if certain requirements are met.

[HB 2132](#) / [SB 1145](#) Underground Utility Damage Prevention Act; various changes to Act. *(Chief patrons: Wilt and McPike)*

Makes various changes to the Underground Utility Damage Prevention Act. The bill (i) requires excavators to review updates in the 811 positive response system and conduct additional safety verifications before digging, (ii) allows an excavator to schedule a locate request 12 days in advance, (iii) creates a criminal penalty for any person who knowingly and intentionally excavates after being notified by a representative of the Commission of a determination that such excavation constitutes an immediate threat to safety or property and such representative requests that excavation cease, (iv) increases from \$2,500 to \$10,000 the maximum civil penalty for violations of the Act, and (v) updates notification requirements.

HB 2178 Green and alternative energy job creation; clarifies definition of “green job.”

(Chief patron: Morefield)

Adds methane extracted in Planning District 2 to the list of alternative sources of energy production that qualify an industry as a creator of green jobs for purposes of the green job creation tax credit, which is renamed the green and alternative energy job creation tax credit by the bill. The bill applies to taxable years beginning on and after January 1, 2023.

HB 2181 / SB 1074 Subaqueous beds; nontidal waters, permit requirements, penalty. *(Chief patrons: Morefield and Stuart)*

Authorizes any person to build, dump, trespass, encroach upon or over, or take or use any materials from subaqueous beds that are the property of the Commonwealth, provided that such activity is conducted in nontidal waters and such person obtains a Virginia Water Protection Permit and complies with all requirements of the Virginia Water Resources and Wetlands Protection Program. A violation of the provisions of the bill is a Class 1 misdemeanor.

HB 2186 Trespass; other person lawfully in charge of the property includes locality.

(Chief patron: Rasoul)

Provides that the maintenance code official of a locality is considered a person lawfully in charge of real property that has been declared a derelict building, unless the owner of such property objects, for the purpose of posting a sign or signs to prohibit any person to go upon the premises of such property without the authority of law.

HB 2189 PFAS chemicals; requirements to test, publicly owned treatment works. *(Chief patron: Rasoul)*

Directs the State Water Control Board to adopt regulations that require any industrial user of publicly owned treatment works that receive and clean, repair, refurbish, or process items that the industrial user knows or reasonably should know uses PFAS chemicals, defined in the bill, to test waste streams for PFAS prior

to and after cleaning, repairing, refurbishing, or processing such items. The bill requires the results of such tests to be transmitted to the receiving publicly owned treatment works within three days of receipt of the test results by the industrial user of the publicly owned treatment works.

HB 2275 / SB 1166 Energy planning & electric utility oversight; membership for Com. on Electricity Utility Regulation. *(Chief patrons: Kilgore and Surovell)*

The enrolled bill increases from 10 to 13 the membership of the Commission on Electric Utility Regulation (the Commission) by adding three nonlegislative citizen members and requires newly appointed members of the Commission to receive an orientation on electric utility regulation from the State Corporation Commission. The Governor’s accepted Amendment in the Nature of a Substitute (Governor’s Substitute) increases from 10 to 14 the membership of the Commission by also adding the Attorney General or his designee as an ex officio member and requires all members of the Commission to receive the orientation annually. The Governor’s Substitute requires that nonlegislative citizen members have expertise in ratepayer advocacy and that any Attorney General designee is an attorney employed within the Department of Law’s Division of Consumer Counsel. The Governor’s Substitute requires the Commission, upon the request by the Chairman of the House Committee on Commerce and Energy or the Senate Committee on Commerce and Labor, to prepare a ratepayer impact statement for any proposed legislation related to electric utility regulation specified by such Chairman. The Governor’s Substitute provides that each such Chairman may request up to five ratepayer impact statements in any given regular or special session of the General Assembly. Additionally, the Governor’s Substitute provides that the Commission, upon the request of any other member of the General Assembly and at the Commission’s discretion, may prepare a ratepayer impact

statement for any proposed legislation related to electric utility regulation specified by such member. The Governor's Substitute requires that upon request of the Commission, the State Corporation Commission, the Office of the Attorney General, and all agencies of the Commonwealth will expeditiously provide the Commission with assistance in the preparation of any ratepayer impact statement and requires the Commission to ensure that any ratepayer impact statement provides a neutral and accurate analysis of the proposed legislation's potential impact on ratepayers' electric bills. The Governor's Substitute eliminates the requirement in the enrolled bill for the Division of Renewable Energy and Energy Efficiency of the Department of Energy to present a draft of the Virginia Energy Plan or any updates to the Plan to the Virginia Coal and Energy Commission and the Commission at a public meeting but maintains the requirement in the enrolled bill that the Division present the final Virginia Energy Plan to the Commission at a public meeting.

HB 2305 Electric utilities, certain; proposed facilities were subject to competitive procurement, etc. (*Chief patron: Weibert*) Provides that in any petition by a Phase I or Phase II Utility for a certificate of public convenience and necessity to construct and operate an electrical generating facility that generates electric energy derived from sunlight, such utility shall demonstrate that the proposed facility was subject to competitive procurement or solicitation.

HB 2386 / SB 1464 Virginia Power Innovation Fund and Program; created. (*Chief patrons: O'Quinn and Vogel*) Creates the Virginia Power Innovation Fund with funding to be used solely for the purposes of research and development of innovative energy technologies, including nuclear, hydrogen, carbon capture and utilization, and energy storage. The bill also creates the Virginia Power Innovation Program to use moneys from the Fund to (i) establish a Virginia nuclear innovation hub and (ii)

award competitive grants to support energy innovation.

HB 2390 / SB 1168 Virginia Erosion and Stormwater Management Act; regulations; effective date. (*Chief patrons: Runion and DeSteph*) Directs the State Water Control Board to adopt regulations to implement before July 1, 2024, the requirements of amendments to the Virginia Erosion and Stormwater Management Act enacted by the 2016 Session and amended by the 2017 Session and delays from July 1, 2018, to July 1, 2024, the effective date of the amendments made by the 2016 Session and regulations required to be adopted pursuant thereto. The bill also directs such adopted regulations to include the reduction of regulations through consolidation of duplicative requirements.

HB 2393 Coastal resilience policy; research university collaborative. (*Chief patron: Hodges*) Authorizes the Secretary of Natural and Historic Resources and all relevant agencies, when setting coastal resilience policies, to seek input and consultation from the Commonwealth's research university collaborative, including the Virginia Coastal Policy Center, Virginia Sea Grant, Virginia Cooperative Extension, and Institute for Coastal Adaptation and Resilience. The bill permits the Secretary and all relevant agencies to utilize such research university collaborative's expertise, research, and data analysis for the implementation of water management techniques and coastal resilience strategies.

HB 2428 / SB 1233 Marijuana; advertising restrictions, penalties. (*Chief patrons: Wilt and Obenshain*) Makes it a Class 1 misdemeanor to advertise in or send any advertising matter into the Commonwealth regarding marijuana, marijuana products, or any substance containing a synthetic tetrahydrocannabinol or synthetic derivative of tetrahydrocannabinol other than those that may be legally sold in

the Commonwealth. The bill provides that for violations of certain distance and zoning restrictions on outdoor advertising, as set forth in the bill, the Board of Directors of the Virginia Cannabis Control Authority must give the advertiser written notice to take corrective action and that, if such corrective action is not taken within 30 days, the advertiser is guilty of a Class 4 misdemeanor. The bill establishes numerous restrictions on marijuana advertisements, including provisions that prohibit advertisements from (i) targeting minors; (ii) being placed near schools, playgrounds, and certain other places; (iii) being displayed at a sporting event or on a billboard; (iv) being misleading, deceptive, or false; (v) referencing the intoxicating effects of marijuana; or (vi) promoting overconsumption or consumption by minors.

[HB 2444](#) / [SB 1441](#) Offshore wind capacity; development, cost recovery. *(Chief patrons: Bloxom and Locke)*

Requires the State Corporation Commission, in conducting its review of requests for cost recovery by a Phase II Utility for costs associated with generating facilities utilizing energy derived from offshore wind, to give due consideration to the economic development benefits of the project for the Commonwealth, including capital investments and job creation, arising from project construction and operation and the manufacture of wind turbine generator components and subcomponents. The bill also accelerates the timeline from 2034 to 2032 for public utilities to construct or purchase one or more offshore wind generation facilities located off the Commonwealth's Atlantic shoreline or in federal waters and interconnected directly into the Commonwealth.

[HB 2482](#) / [SB 1541](#) Utilities; SCC shall issue final order on certain projects within a certain timeframe. *(Chief patron: Fariss)*

Directs the State Corporation Commission to issue its final order for certificates of public convenience and necessity regarding certain projects no later than 270 days after the filing date by a utility. For such projects filed

by a utility prior to January 1, 2023, the bill requires the State Corporation Commission to issue its final order for certificates of public convenience and necessity within 90 days of the bill's effective date.

[HB 2494](#) Local housing policy; reports to the Department of Housing and Community Development. *(Chief patron: Ware)*

Requires any locality with a population greater than 3,500 to submit an annual report to the Department of Housing and Community Development summarizing the adoption or amendment of any local policies, ordinances, or processes affecting the development and construction of housing during the preceding fiscal year. The bill requires such localities to submit the report annually by September 1 in accordance with any forms developed by the Department and requires the Department to make such reports available on its website.

[SB 867](#) Wetlands zoning permit; eliminates notarization requirement. *(Chief patron: Cosgrove)*

Eliminates the notarization requirement for a permit issued by a local wetlands board for the use or development of any wetland.

[SB 959](#) Chesapeake Bay; nutrient credit calculations outside the watershed. *(Chief patron: Hanger)*

Establishes that nutrient credits generated through stream restoration projects that are certified or recertified by the Department of Environmental Quality and located in tributaries outside of the Chesapeake Bay watershed may be calculated using a delivery factor deemed by the Director of the Department of Environmental Quality to be based on the best available scientific and technical information appropriate for the tributaries outside of the Chesapeake Bay watershed.

[SB 1050](#) Coal ash landfill storage; provision of public water supply, etc. *(Chief patron: McPike)*

Prohibits the Department of Environmental

Quality from approving an application for a new coal ash landfill permit if the facility boundary is located within one mile of an existing residential area that is not served by municipal water supply, unless the owner or operator of the coal ash landfill has offered to provide, at its expense, (i) municipal water supply service for such residential area and (ii) any requested service connections for residential properties in existence at the time such permit application is filed. The bill requires any such owner or operator of a coal ash landfill offering to provide such municipal water supply service or requested service connections to make such offer in writing to any resident located within one mile of the facility boundary and in coordination with the municipal water supply service authority in which the coal ash landfill will be located.

SB 1091 Local Stormwater Management Fund; condominiums. *(Chief patron: Ebbin)*

Expands the allowable uses of grants from a local Stormwater Management Fund, established under current law to grant funds to private property owners and common interest communities for certain stormwater management and erosion control projects, to include joint flooding mitigation projects of condominium owners.

SB 1152 Wetlands; expedited permits, administrative procedures. *(Chief patron: Cosgrove)*

Requires the Virginia Marine Resources Commission, in conjunction with local wetlands boards and other affected state and federal agencies, to develop administrative procedures to expedite the processing of applications for wetlands permits from agencies of the United States government, including any branch of the Armed Forces of the United States.

SB 1160 Marine Resources Commission and local wetlands boards; permit applications, public notice. *(Chief patron: Stuart)*

Requires notices to the public for certain permit hearings relating to fisheries and

habitat of the tidal waters to be posted on the Virginia Regulatory Town Hall website and reduces the frequency that such hearing notice is required to be published in a newspaper of general circulation from once a week for two weeks to at least once in the seven days prior to such hearing. The bill allows the Marine Resources Commission or a local wetlands board to email notice of a certain public hearing to any applicant for such permit and any other parties interested in such application and also requires such notice to be posted on the Commission's website at least 14 days prior to such hearing. The bill also requires localities that have adopted a coastal primary sand dune or wetlands zoning ordinance to amend any such ordinance to conform with the provisions of the bill by January 1, 2024.

SB 1388 Menhaden fish; VIMS to study ecology, etc., of populations in the waters of the Commonwealth. *(Chief patron: Lewis)*

Directs the Virginia Institute of Marine Science (VIMS) to develop plans for studying the ecology, fishery impacts, and economic importance of menhaden populations in the waters of the Commonwealth and to provide a report on its findings to the Chairmen of the Senate Committee on Agriculture, Conservation and Natural Resources and the House Committee on Agriculture, Chesapeake and Natural Resources and the Secretary of Natural and Historic Resources no later than September 1, 2023.

SB 1394 Cutting of grass and weeds on certain property; localities in Planning District 22. *(Chief patron: Lewis)*

Exempts localities located in Planning District 22 from provisions that exclude agricultural land from requirements related to the cutting of grass and weeds when such land is one acre or less and is located in an area that is used for a residential purpose.

FAILED LEGISLATION

HB 1637 / SB 1370 Electric utilities; pilot program for underground transmission or distribution lines, adds projects. (Chief patrons: Webert and Vogel)

Adds one project to the existing pilot program for underground transmission lines. The bill requires the State Corporation Commission to approve one additional application filed between January 1, 2023, and October 1, 2023, as a qualifying project to be constructed in whole or in part underground, as a part of the pilot program. The bill requires that the added qualifying project be a newly proposed 230-kilovolt underground line and that (i) an engineering analysis demonstrates that it is technically feasible to place the proposed line, in whole or in part, underground; (ii) the governing body of each locality in which a portion of the proposed line will be placed underground indicates, by resolution, general community support for the project and that the governing body supports the transmission line to be placed underground; (iii) a project has been filed with the Commission or is pending issuance of a certificate of public convenience and necessity by October 1, 2023; (iv) the estimated additional cost of placing the proposed line, in whole or in part, underground does not exceed \$40 million or, if greater than \$40 million, the cost does not exceed 2.5 times the cost of placing the same line overhead, assuming accepted industry standards for undergrounding to ensure safety and reliability; if the public utility, the affected localities, and the Commission agree, a proposed underground line whose cost exceeds 2.5 times the cost of placing the line overhead may also be accepted into the pilot program; (v) the public utility requests that the project be considered as a qualifying project under the pilot program; and (vi) the primary need of the project is for purposes of grid reliability or grid resiliency or to support economic development priorities of the Commonwealth, including the economic development priorities and the comprehensive plan of the governing body of the locality in

which at least a portion of line will be placed, and not to address aging assets that would have otherwise been replaced in due course. Additionally, the bill adds one project to place underground an electric distribution mainline as part of a transportation infrastructure improvement project incorporating transit that has been initially accepted for partial funding of at least \$250 million pursuant to a federal program. The bill provides that such project is qualified to be placed underground if (a) the estimated additional cost of placing the proposed mainline, in whole or in part, underground does not exceed \$40 million or, if greater than \$40 million, the cost does not exceed 2.5 times the cost of placing the same line overhead, assuming accepted industry standards for undergrounding to ensure safety and reliability; if the public utility, the affected localities, and the Commission agree, a proposed underground line whose cost exceeds 2.5 times the cost of placing the line overhead may also be accepted into the pilot program and (b) the public utility requests that the project be considered as a qualifying project under this section. The provisions of the bill related to the underground distribution mainline expire on July 1, 2028. **Vetoed**

HB 1986 Stormwater management regulations; enterprise data center operations. (Chief patron: Roem)

Legislation as introduced, would have required more stringent stormwater management practices to be undertaken for land disturbances regarding the operation or construction of data centers across the Commonwealth within a certain distance from protected lands. During The House Commerce and Energy's Subcommittee #4 hearing on the bill, the bill was amended to include a more limited approach to where these stormwater regulations would need to be undertaken. VACo spoke in opposition to the bill noting that it identified a particular land use category to comply with a more onerous standard, so as to effectively hamstring local land use authority. The bill was laid on the table in subcommittee by a vote of 6-1.

HB 2100 Accessory dwelling units; establishes authority & requirements for localities in development & use. *(Chief patron: Hudson)*

Would have mandated that any single-family dwelling (SFD), or property that allows for SFD, be permitted to include an accessory dwelling unit (ADU). The bill was amended in the House Counties, Cities and Towns subcommittee to remove the mandate and instead direct the Virginia Department of Housing and Community Development (DHCD) to develop a model ADU ordinance for localities to consider. The amended bill was laid on the table by a 5 to 4 vote.

HB 2271 / SB 1391 Short-term rental property; locality's ability to restrict property managed by a Virginia realtor. *(Chief patrons: Marshall and Lewis)*

These bills to exempt short-term rental property managed by a Virginia realtor from any short-term rental ordinance, were laid on the table in their respective committees at the request of the bill patrons. Both the Senate Local Government committee and the House Counties, Cities and Towns committee also requested that the Virginia Housing Commission study the issue prior to the 2024 legislative session.

SB 1078 Siting of data centers; impacts on resources; site assessment. *(Chief patron: Petersen)*

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

SI 240 Study; Department of Energy; impacts of data center development; report. *(Chief patron: Petersen)*

Would have directed the Department of Energy to study the impacts of data center development on Virginia's environment, economy, energy resources, and ability to meet carbon-reduction goals.

FINANCE AND ELECTIONS

PASSED LEGISLATION

Finance

HB 1368 Tax practitioners; work group to consider discussion process, etc. (*Chief patron: Coyner*)

Directs the Department of Taxation to convene a work group for the purpose of studying the Department's current policies and procedures in order to determine options for a mechanism for tax practitioners to provide feedback to the Department on an ongoing basis. The work group shall include members selected by the Taxation Section of the Virginia Bar Association, the Virginia Society of Certified Public Accountants, and the Virginia Society of Enrolled Agents and may also include members selected by the Commissioners of the Revenue Association of Virginia and representatives from the Low Income Taxpayer Clinics Program.

HB 1369 Income tax, state; installment agreements for payment of taxes. (*Chief patron: Coyner*)

Amends § 58.1-1817 of the Code of Virginia to require the Tax Commissioner to offer to enter into an installment agreement with any individual taxpayer under which the taxpayer may satisfy his entire income tax liability over a payment term of up to five years. The bill directs the Department of Taxation to convene a working group to study current federal and state policies concerning installment agreements and to make recommendations regarding how the Commonwealth's policies may better align with the installment agreement policies adopted by the Internal Revenue Service.

HB 1405 / SB 796 Income tax, corporate; returns, affiliated corporations. (*Chief patrons: McNamara and Surovell*)

Amends § 58.1-442 of the Code of Virginia to remove the requirement that, in order for a group of affiliated corporations to be granted permission from the Tax Commissioner to change their filing status for corporate income tax purposes, for the previous tax year there would have been no decrease in tax liability computed under the proposed election as compared to the affiliated group's former filing method.

HB 1442 Transient occupancy tax; administration. (*Chief patron: McNamara*)

Adds § 58.1-210.1 to the Code of Virginia to require the Department of Taxation to annually publish on its website the current transient occupancy tax rates imposed in each locality; every local tax-assessing officer is required to provide this information for his or her locality upon request by the Department or with at least 30 days' notice prior to the effective date of any changes in such rate. The bill also (i) requires the tax-assessing officer of a locality to administer and enforce the assessment and collection of transient occupancy taxes from accommodations intermediaries and (ii) specifies certain return filing requirements for accommodations intermediaries.

HB 1486 Personal property tax; farm machinery and farm implements. (*Chief patron: Webert*)

Amends § 58.1-3505 of the Code of Virginia to expand the list of certain farm machinery and farm implements that a locality may exempt from personal property taxes to include (i) motor vehicles used primarily for agricultural purposes, (ii) privately owned trailers primarily used by farmers in their farming operations, and (iii) season-extending vegetable hoop houses used for in-field production of produce. Equipment and machinery used in a nursery are currently included in the list of allowable exemptions; the bill expands the definition of "nursery." The

bill states that a locality that exempts motor vehicles or privately owned trailers pursuant to these provisions shall not collect any unpaid tangible personal property taxes, including interest or penalties, that are owed to the locality as of July 1, 2023.

[HB 1563](#) / [SB 1240](#) Sales and use tax; agricultural exemptions. *(Chief patrons: Fowler and Obenshain)*

Amends §§ 58.1-609.2 and 58.1-610 of the Code of Virginia to provide a sales and use tax exemption for property used directly in producing agricultural products for market in an indoor, closed, controlled-environment commercial agricultural facility. The property exempted includes (i) internal components required to create the necessary growing environment for plants; (ii) external components, machinery, and equipment; and (iii) structural components of such facilities, including windows, walls, and roofs. The exemption shall not apply to property used in producing cannabis. The bill allows contractors working on behalf of owners of facilities exempt under these new provisions to use the exemption when purchasing materials that would otherwise qualify for the exemption.

[HB 1595](#) / [SB 882](#) Internal Revenue Code; conformity of the Commonwealth's taxation system. *(Chief patrons: Robinson and Howell)*
Amends § 58.1-301 of the Code of Virginia to advance Virginia's date of conformity with the Internal Revenue Code from December 31, 2021, to December 31, 2022. The bill contains an emergency clause.

[HB 1645](#) / [SB 996](#) Litter tax; penalty for failure to timely pay. *(Chief patrons: Anderson and Ruff)*

Amends § 58.1-1709 of the Code of Virginia to prohibit the Department of Taxation from imposing any penalty or interest for failure to pay the litter tax without first notifying the taxpayer at least 30 days prior to the date that a return must be filed.

[HB 1677](#) Retail sales and use tax; service exemptions; diagnostic work for automotive repair and emergency roadside service. *(Chief patron: Taylor)*

Amends § 58.1-609.5 of the Code of Virginia to exempt from sales and use tax amounts separately charged for labor rendered in connection with diagnostic work for automotive repair and emergency roadside service for motor vehicles, regardless of whether there is a sale of a repair or replacement part or a shop supply charge.

[HB 1685](#) Business local; taxes, penalties. *(Chief patron: Greenhalgh)*

Amends §§ 58.1-3703.1 and 58.1-3916 of the Code of Virginia to require business license application forms to include the due date for the application and the amount of the penalty charged for late application filing, the underpayment of estimated tax, and the late payment of tax. The bill requires the assessing official, upon assessing any such penalty or any interest, to notify the affected taxpayer of the amount of such penalty, any interest assessed, and the total amount of tax owed.

[HB 1896](#) / [SB 1182](#) Bank franchise tax; electronic access to banks for real estate assessment records, etc. *(Chief patrons: Byron and Ruff)*

Amends §§ 58.1-1206, 58.1-1207, and 58.1-1212 of the Code of Virginia to provide for the electronic filing of bank franchise tax returns through a secure online portal maintained by the Department of Taxation. Allows banks to elect a 60-day extension for filing returns. The bill also requires localities to provide banks electronic access to real estate assessment records upon request. The bill has a delayed effective date of January 1, 2025, and directs the Department to convene a work group to assess potential alternative methods for the filing and allocation of bank franchise tax revenues.

HB 1927 Tax returns; filing returns or payment of taxes by mail. *(Chief patron: Durant)*

Amends §§ 58.1-9 and 58.1-3916 of the Code of Virginia to provide that a remittance of a tax return or a tax payment shall be deemed to have been timely received if, through no fault of the taxpayer, no postmark is affixed or the postmark is illegible or bears no date and such tax return or payment is received within five days of the due date. The bill also provides that no penalty or interest shall be imposed if a taxpayer provides evidence that a tax return filing or a tax payment was timely by producing a United States Postal Service Certificate of Mailing, or other proof of mailing, showing such return was filed or such payment was made on time.

HB 1942 Real property tax; notice of rate and assessment changes. *(Chief patron: Durant)*

Amends § 58.1-3330 of the Code of Virginia to require certain information to be included in the notice that a locality is required to send to taxpayers after conducting a reassessment of real property. The bill provides that, in any locality that conducts an annual or biennial reassessment of real estate or in which reassessment of real estate is conducted primarily by employees of the locality under direction of the commissioner of the revenue, if the proposed rate exceeds the lowered rate (as defined in § 58.1-3321), the locality shall set out in the notice the effective tax rate increase.

HB 2110 Delinquent tax lands. *(Chief patron: Bourne)*

Amends § 58.1-3965 of the Code of Virginia to extend the maximum duration of an installment agreement between a locality and a landowner to pay delinquent taxes from 60 to 72 months.

HB 2193 / SB 1405 Income tax, state; rolling conformity, report. *(Chief patrons: McNamara and Barker)*

Amends § 58.1-301 of the Code of Virginia to

provide that Virginia shall generally conform to federal tax laws on a rolling basis. However, the bill provides that Virginia shall not conform to (i) any changes in a single act of Congress with an impact of more than \$15 million on General Fund revenues in the year in which the amendment was enacted or any of the next four years and (ii) all amendments in a year with a cumulative projected impact of more than \$75 million in the year in which the amendments were enacted or any of the next four years, with certain exceptions. For any amendment enacted on or after January 1, 2024, the \$15 million threshold shall be adjusted annually for inflation.

HB 2200 Anti-cancer drugs; analyzing current reimbursement, etc., for medical practices that administer. *(Chief patron: Robinson)*

Directs the Secretary of Health and Human Resources to convene a work group to analyze and review current reimbursement and operational challenges for medical practices that administer anti-cancer drugs in an in-office setting to patients whose costs for such treatment are paid for by Medicare, Medicaid, or TRICARE. As introduced, this bill allowed a deduction from license taxes for anti-cancer drugs purchased by a medical practice and administered to patients whose treatment costs are funded by Medicare, Medicaid, or TRICARE.

HB 2296 / SB 1350 Liquid nicotine; Virginia Alcoholic Beverage Authority, et al., to assess a licensing scheme, report. *(Chief patrons: Hope and Ebbin)*

Directs the Virginia Alcoholic Beverage Authority, in consultation with stakeholders, to assess (i) a potential licensing scheme for manufacturers, distributors, and retail dealers of liquid nicotine in the Commonwealth and (ii) the most appropriate manner and entity to enforce and administer licensing, age verification, product verification, and advertising restrictions related to the sale of liquid nicotine.

HB 2334 Retail Sales and Use Tax; exemption for oil and gas drilling equipment, extends sunset provision. (*Chief patron: Morefield*)

Amends § 58.1-609.3 of the Code of Virginia to extend from July 1, 2022, to July 1, 2024, the sunset date of the sales and use tax exemption for materials and equipment used in the drilling, extraction, or processing of natural gas or oil and the reclamation of a well area.

HB 2414 Real property; tax exemption for disabled veterans or surviving spouse. (*Chief patron: Scott, D.L.*)

Amends § 58.1-3219.6 of the Code of Virginia to allow a disabled veteran or surviving spouse to apply for a real property tax exemption and receive a decision prior to purchasing a qualifying property. The bill provides that the commissioner of the revenue of the county, city, or town, or such other officer as may be designated by the governing body in which the property is located, shall, within 20 business days of receiving the application, process the application and send a letter to the disabled veteran or surviving spouse stating whether the application is approved or denied. If the application is approved, the bill requires the letter to include the amount of the tax exemption approved. The bill provides, however, that the exemption described in such letter shall become effective only after the disabled veteran or surviving spouse becomes the owner of the property.

SB 1389 Deed recordation; address transfer for taxation. (*Chief patron: Lewis*)

Amends § 58.1-3303 of the Code of Virginia to require that the commissioner of revenue of a jurisdiction shall, upon receipt and review of the recordation receipt from the clerk of the circuit court of his jurisdiction, ensure that the land book is updated to reflect each grantee and property address or any other such address as may be specified in writing by the grantee for the delivery of future tax bills.

SI 231 Constitutional amendment (first reference); real property tax exemption; surviving spouses of soldiers who died in the line of duty. (*Chief patron: McPike*)

Expands the current tax exemption for real property available to the surviving spouses of servicemembers killed in action to the surviving spouses of servicemembers who died in the line of duty with a Line of Duty determination from the U.S. Department of Defense.

Elections

HB 1683 Voter registration; final day of registration, notice requirements. (*Chief patron: Ransone*)

Amends § 24.2-415 of the Code of Virginia to require notice of the last day of voter registration to be published at least once in a newspaper of general circulation in the county or city, if one is available. Such notice is also required to be posted on the official website of the county or city.

HB 1948 Absentee voting; removes witness requirement, required information on return ballot envelope. (*Chief patron: Bloxom*)

Amends §§ 24.2-404, 24.2-702.1, 24.2-704, 24.2-706, and 24.2-707 of the Code of Virginia, to remove the witness requirement for absentee ballots and replace it with the requirement that the voter provide the last four digits of his social security number and his date of birth. The bill provides that the unique identifier assigned to the voter in the voter registration system will also be accepted in place of the last four digits of the voter's social security number for such purposes for those voters whose registration includes a statement of affirmation that they have never been issued a social security number.

HB 2266 Absentee ballot; State Board to adopt policy regarding counting, etc., in a central absentee voter precinct. *(Chief patron: Ransone)*

Directs the State Board of Elections to adopt a policy regarding the counting and reporting of absentee ballots in a central absentee voter precinct in order to ensure that (i) the results of absentee ballots cast early in person are reported separately from mailed absentee ballots and are posted promptly on the State Board website and (ii) the results of all absentee ballots cast by voters are reported by precinct in accordance with law and are posted on the State Board website no later than noon on the seventh calendar day following the election.

HB 2289 / SB 1431 Elected and certain appointed; procedure for removal by courts. *(Chief patrons: Williams and Surovell)*

Amends §§ 24.2-233 and 24.2-235 through 24.2-238 of the Code of Virginia, to set out the procedure by which, and clarify the reasons for which, an elected officer or officer who has been appointed to fill an elective office may be removed from office. The bill requires, among other things, that the general registrar review the petition for removal of an officer and determine its sufficiency in accordance with the uniform standards approved by the State Board of Elections and that the attorney for the Commonwealth review such petition to determine if valid grounds exist to remove the officer. If the attorney for the Commonwealth is the elected official who is subject to the removal petition, the bill specifies that the Chief Justice of the Supreme Court of Virginia is tasked with appointing an alternate attorney for the Commonwealth to receive such petition.

HB 2324 Recount elections; standards, elections for offices to which more than one candidate can be elected. *(Chief patron: Cordoza)*

Amends § 24.2-802 of the Code of Virginia to direct the State Board of Elections to promulgate standards and instructions for

the conduct of recounts in elections for any office to which more than one candidate can be elected.

HB 2443 Certificates of election; persons elected by write-in votes, exception for certain localities. *(Chief patron: Bloxom)*

Amends § 24.2-673 of the Code of Virginia to provide that in an election for a local office in a locality with a population of no more than 4,000 persons, if the person having the highest number of votes for the office is elected by write-in votes and is not qualified to hold such office or declines to assume such office, the person having the next highest number of votes shall be deemed to have been elected to such office.

HB 2471 / SB 1514 General registrars; petition for removal. *(Chief patrons: Batten and Mason)*

Amends §§ 24.2-103, 24.2-109, 24.2-234, and 24.2-235 of the Code of Virginia and adds § 24.2-234.1 to provide for the removal of a general registrar by the circuit court upon a petition signed by a majority of the members of the State Board of Elections or a majority of the members of the local electoral board. Currently, a local electoral board may remove a general registrar with a majority vote, while the State Board of Elections may petition the circuit court to remove a general registrar only after petitioning the local electoral board to remove the registrar and the electoral board failing to do so. The bill requires the Virginia Division of Risk Management to assign counsel to the defense of any member of a local electoral board or general registrar subject to a petition for removal, upon that member's or registrar's application.

SB 944 Elections; filling vacancies in Gen. Assembly, certain vacancies to be filled between 30/45 days. *(Chief patron: Suetterlein)*

Amends § 24.2-216 of the Code of Virginia to require the writ of election to fill a vacancy in the membership of the General Assembly

(i) to be issued within 30 days of the vacancy or receipt of notification of the vacancy, whichever comes first, and (ii) if the vacancy occurs or will occur between December 10 and March 1, to order that the special election take place no more than 30 days from the date of such vacancy.

Failed Legislation

HB 1402 Personal property taxes; valuation. *(Chief patron: March)*

Would have required, for taxable years beginning on and after January 1, 2024, that tangible personal property employed in a trade or business and machinery and tools be valued for taxation using the federal Modified Accelerated Cost Recovery System (MACRS) of depreciation in place of the valuation methods currently in effect.

HB 1470 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 his date of eligibility, of taxes paid during the period of exemption, excluding interest or penalties. This refund would be exempt from the statute of limitations for applications for correction of an assessment.

HB 1484 / SB 850 Sales tax; exemption for food purchased for human consumption and essential personal hygiene products. *(Chief patrons: McNamara and Suetterlein)*

Would have eliminated the local sales and use tax on food purchased for human consumption and essential personal hygiene products, beginning July 1, 2023, and provided for a replacement distribution to localities in the form of a supplemental school payment.

HB 2196 Local sales and use tax; exemption for essential personal hygiene products and infant formula. *(Chief patron: Byron)*

Would have exempted essential personal

hygiene products and infant formula from the local sales and use tax.

HB 1749 Real property taxes; rate of increase procedure. *(Chief patron: Walker)*
Would have provided that a governing body of a locality may increase the real property tax rate (i) by an amount lower than three percent through a public hearing and a majority vote of the governing body; (ii) by an amount of three percent or more, but lower than five percent, through a public hearing and a two-thirds majority vote of the governing body; and (iii) by an amount of five percent or more through a referendum.

HB 1751 Elections; conduct of election; ranked choice voting; local governing bodies, school boards, and primaries for any office. *(Chief patron: Davis)*

As introduced, would have allowed ranked choice voting to be used in any state-run primary election at the option of the political party for which the primary is being held and allowed elections of members of a local governing body or school board to be conducted by ranked choice voting. **HB 2118** *(Chief patron: Hudson)* would have allowed elections for any local or constitutional office to be conducted by ranked-choice voting. **HB 2301** and **SB 1380** *(Chief patrons: Bloxom and Deeds)* would have allowed ranked choice voting in presidential primaries at the option of the political party.

HB 1920 Local license taxes and fees; exemptions; blog or online website. *(Chief patron: Hope)*
Would have prohibited a county, city, or town from imposing a license fee or levying a license tax on the privilege or right of publishing any blog or online website containing daily or regularly updated news, feature articles, advertisements, or correspondence, provided that such blog or online website employs full time at least one journalist who has a Virginia taxable income.

[HB 2039](#) / [SB 889](#) Local correctional facilities; fees; report. *(Chief patrons: Shin and Morrissey)*

Would have eliminated or capped certain fees charged to inmates in local correctional facilities and repealed provisions that allow a sheriff or jail superintendent to establish a deferred or installment payment agreement or contract with a collections agency when an inmate is unable to pay fees owed to the local correctional facility. SB 889 would have directed the State Board of Local and Regional Jails to create a work group to study implementation of the provisions of the bill and report to the General Assembly by October 1, 2023, with the remainder of the bill taking effect July 1, 2024.

[HB 2176](#) Individual income tax; distribution of revenues; local school construction.

(Chief patron: Sickles)

Would have required distribution of five percent of the individual income tax revenues collected from residents of a locality to that locality, to be used for school construction or renovation purposes and to be repaid to the state if used for any other purpose. The bill provided that a locality would be required to maintain its level of expenditure for public school purposes as a condition of receiving the income tax revenues; however, a locality could reduce its level of expenditure to account for a loss of revenues resulting from a reduction in machinery and tools taxes.

GENERAL GOVERNMENT

PASSED LEGISLATION

Administration of Government

HB 1738 Virginia Freedom of Information Act; state public bodies, meetings, virtual public access. *(Chief patron: Carr)*

Amends §§ 2.2-3707, 2.2-3707.2, 15.2-1416, 15.2-2308.1, and 23.1-1303 of the Code of Virginia, to provide that all state public bodies may provide public access to meetings through electronic communication means and may provide the public with the opportunity to comment at such meetings through such the use of such electronic communication means when public comment is customarily received.

HB 1748 Solicitation of contributions; expands definition of “solicitation,” terms of contracts. *(Chief patron: Willett)*

Amends §§ 57-48, 57-51, 57-52, 57-52.1, 57-54, and 57-60 of the Code of Virginia, to expand the definition of “solicitation” with respect to requesting contributions to include requests made by email. The bill outlines specific terms to be included in any contract between a professional solicitor and a charitable or civic organization, including the requirement to specify the percentage of gross contributions that such organization will receive or the terms upon which a determination can be made as to the amount of the gross revenue from the solicitation campaign that such organization will receive.

HB 1817 Disposition of unclaimed bodies; how disposition expenses paid, seizure of assets. *(Chief patron: Avoli)*

Amends § 32.1-309.2 of the Code of Virginia, to permit seizure of a decedent’s nonprobate assets to cover the costs of disposition of

such decedent’s unclaimed body. Currently, seizure is limited to estate assets out of which disposition costs may be paid.

HB 2037 Public defender; supplementing compensation. *(Chief patron: Sewell)*

Amends § 19.2-163.01:1 of the Code of Virginia, to allow the governing body of any county or city that elects to supplement the compensation of the public defender or any of his deputies to pay such funds directly to the Indigent Defense Commission or to the employees with notice to the Commission of any amount so provided. The bill requires the Commission to provide the funds directly to employees in combination with the compensation fixed by the executive director. Current law requires that such funds be provided directly to the employees, with notice to the Commission of the amount of such funds.

HB 2157 / SB 1054 Interjurisdictional compacts; criminal history record checks. *(Chief patrons: Fariss and Peake)*

Amends the Code of Virginia by adding a section numbered 54.1-2409.1:1, to provide that when an interjurisdictional compact requires criminal history record checks as a condition of participation, the applicable health regulatory board shall require each applicant to submit to fingerprinting and provide personal descriptive information to be forwarded along with his fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information.

HB 2317 / SB 789 Jury duty; increases allowance from \$30 to \$50 per day. *(Chief patrons: Williams Graves and Spruill)*

Amends § 17.1-618 of the Code of Virginia, to increase the jury duty allowance from \$30 to \$50 per day.

SB 1459 Administration of state government; prohibited applications and websites. *(Chief patron: McDougale)*

Amends § 2.2-2009 of the Code of Virginia and to amend the Code of Virginia by adding in

Chapter 55.3 of Title 2.2 a section numbered 2.2-5514.1, to prohibit any employee or agent of any public body or person or entity contracting with any such public body from downloading or using any application, including TikTok or WeChat, or accessing any website developed by ByteDance Ltd. or Tencent Holdings Ltd. (i) on any government-issued device or government-owned or government-leased equipment, including mobile phones, desktop computers, laptop computers, tablets, or other devices capable of connecting to the Internet, or (ii) while connected to any wired or wireless Internet network owned, operated, or maintained by the Commonwealth.

SB 1495 Local enforcement action; willful disregard for applicable law, damages. *(Chief patron: Surovell)*

Amends the Code of Virginia by adding a section numbered 15.2-2208.2, to provide that any person against whom an enforcement action is carried out by a locality, of any ordinance or regulation, where the enforcement action was based upon a willful disregard for applicable law, regulation, or ordinance, shall be entitled to an award of compensatory damages and to an order remanding the matter to the locality and may further be entitled to reasonable attorney fees and court costs.

Conflict of Interests

HB 1911 / SB 1002 Conflict of Interests Act, State and Local Government; certain gifts prohibited, foreign countries. *(Chief patrons: Batten and Cosgrove)*

Amends §§ 2.2-3103.1 and 30-103.1 of the Code of Virginia to prohibit officers and employees of state and local governments from receiving a gift with a value exceeding \$100 for which the fair market value or a gift of greater or equal value has not been provided or exchanged from foreign countries of concern, defined in the bill.

HB 2223 Conflict of Interests Act, State/ Local Government; statement of economic interests, etc. *(Chief patron: Batten)*

Amends § 2.2-3114 of the Code of Virginia, to add the members of the board of directors of the Virginia Innovation Partnership Authority to the list of persons required to file the state and local statement of economic interests annually with the Virginia Conflict of Interest and Ethics Advisory Council.

Freedom of Information and Public Records and Public Notices

HB 1569 Virginia Freedom of Information Act; disclosure of personnel records. *(Chief patron: Walker)*

Amends § 2.2-3706 of the Code of Virginia, to clarify that personnel records excluded from disclosure under the Virginia Freedom of Information Act include those of persons employed by (i) a public body engaged in emergency medical services or fire protection services, (ii) a law-enforcement agency, or (iii) an emergency 911 system or any other equivalent reporting system.

HB 1844 / SB 1024 Virginia Public Records Act; confidentiality of certain archived records. *(Chief patrons: Taylor and Bell)*

Amends § 42.1-78 of the Code of Virginia, to provide that medical and educational records made confidential by law shall remain so after being archived by The Library of Virginia.

HB 2006 Virginia Freedom of Information Act; public records charges, electronic payment method. *(Chief patron: Roem)*

Amends § 2.2-3704 of the Code of Virginia, to provide that any local public body that charges for the production of public records pursuant to the Virginia Freedom of Information Act may provide an electronic method of payment through which all payments for the production of such records to such locality may be made.

HB 2007 Virginia Freedom of Information Act; posting of fee policy by a public body.

(Chief patron: Roem)

Amends § 2.2-3704.1 of the Code of Virginia, to require a public body to make available upon request and post on its website or otherwise publish a written policy (i) explaining how the public body assesses charges for accessing or searching for requested records and (ii) noting the current fee charged, if any, by the public body for accessing and searching for the requested records.

HB 2161/SB 1151 Local government; standardization of public notice requirements for certain intended actions.

(Chief patrons: Williams and Edwards)

Amends §§ 15.2-202, 15.2-619, 15.2-716, 15.2-749, 15.2-958.3, 15.2-958.6, 15.2-1236, 15.2-1301, 15.2-1427, 15.2-1702, 15.2-1703, 15.2-2108.7, 15.2-2204, 15.2-2285, 15.2-2400, 15.2-2401, 15.2-2606, 15.2-2653, 15.2-3401, 15.2-3600, 15.2-4309, 15.2-5104, 15.2-5136, 15.2-5156, 15.2-5431.25, 15.2-5602, 15.2-5702, 15.2-5711, 15.2-5806, 15.2-7502, 21-114, 21-117.1, 21-118, 21-146, 21-229, 21-377, 21-393, 21-420, 22.1-29.1, 22.1-37, 22.1-79, 22.1-92, 33.2-331, 33.2-723, 33.2-909, 33.2-2001, 33.2-2101, 33.2-2103, 33.2-2701, 36-23, 36-44, 58.1-3108, 58.1-3245.2, 58.1-3245.8, 58.1-3256, 58.1-3321, 58.1-3378, 58.1-3651, 58.1-3975, 62.1-44.15:33, as it is currently effective and as it shall become effective, and 62.1-44.15:65, as it is currently effective and as it shall become effective, of the Code of Virginia, to standardize the frequency and length of time that notices of certain meetings, hearings, and other intended actions of localities must be published in newspapers and other print media. The notice provisions included in the bill are organized into the following three groups: (i) publication required one week before the meeting, hearing, or intended action; (ii) publication required two consecutive weeks before the meeting, hearing, or intended action; and (iii) publication required three consecutive weeks before the meeting, hearing, or intended action. In addition, the bill amends

provisions related to the content of notices for zoning ordinances and amendments to such ordinances by removing the requirement that such notices contain a descriptive summary of the proposed action and providing that such notices shall include the street address or tax map parcel number of the parcels subject to the action. In cases where the intended action affects more than 25 parcels, the notice must also include the approximate acreage subject to the intended action. For more than 100 parcels of land, the advertisement may instead include a description of the boundaries of the area subject to the changes and a link to a map of the subject area. The bill also removes the requirement that notices of proposed amendments to a zoning map state the general usage and density range of the proposed amendment and the general usage density set forth in the applicable part of the comprehensive plan. The bill directs the Virginia Code Commission to convene a work group to continue review of the notice requirements throughout the Code of Virginia and requires the Virginia Code Commission to submit a report to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology summarizing the work and any recommendations of the work group by November 1, 2023.

HB 2498 Virginia Freedom of Information Act; training for local officials, members of park authorities. *(Chief patron: Kory)*

Amends § 2.2-3704.3 of the Code of Virginia, to add members of any boards governing any authority established pursuant to the Park Authorities Act to the list of persons to whom the Virginia Freedom of Information Advisory Council or the local government attorney is required to provide training. The bill requires such members to complete such training sessions within two months after assuming the local elected office and requires the clerk of each governing body or school board to maintain records indicating the names of such members and the dates of training completion.

Labor and Employment

HB 1789 Health insurance; credits for certain local officials and employees. (*Chief patron: Filler-Corn*)

Increases the amount of monthly health insurance credits received by retired constitutional officers and their employees with a minimum of 15 years of creditable service from \$1.50 to \$1.75 per month per year of creditable service not to exceed \$52.50 per month beginning July 1, 2024.

HB 1895 Sexual harassment; nondisclosure or confidentiality agreement. (*Chief patron: Filler-Corn*)

Amends § 40.1-28.01 of the Code of Virginia, to provide that no employer may require an employee or prospective employee to execute or renew any provision in a nondisclosure or confidentiality agreement, including any provision regarding non disparagement, that has the purpose or effect of concealing the details of a sexual harassment claim. Any such provision is against public policy and is void and unenforceable.

HB 1924 Minimum wage; employees with disabilities. (*Chief patron: Hope*)

Amends §§ 40.1-28.9 and 40.1-28.10 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 40.1-28.10:1, to provide that individuals with disabilities that are paid at subminimum wage pursuant to the federal Fair Labor Standards Act are employees for the purposes of the Virginia Minimum Wage Act. The bill requires every employer of such employees to pay such employees wages at a rate not less than (i) from July 1, 2023, until July 1, 2024, \$9.50 per hour; (ii) from July 1, 2024, until July 1, 2025, \$10.50 per hour; and (iii) from July 1, 2025, until July 1, 2026, \$11.50 per hour. The bill requires that from and after July 1, 2026, every employer of such employees pay such employees at a rate equivalent to all other employees covered by the Virginia Minimum Wage Act.

HB 2009 / SB 1123 Unemployment compensation; venue for prosecution of certain criminal cases. (*Chief patrons: Adams, L.R. and Stanley*)

Amends § 60.2-119 of the Code of Virginia, to provide that the venue for criminal cases involving false statements, representations, or nondisclosures by an employing unit or an individual with regard to an unemployment claim lies in the county or city wherein the statement, representation, or nondisclosure originates or, alternatively, is received by the Virginia Employment Commission. Under current law, the venue for such cases lies solely in the county or city wherein such statement, representation, or nondisclosure is received by the Commission.

SB 1040 Employee's social security number; prohibited use by employer, civil penalty. (*Chief patron: McPike*)

Amends the Code of Virginia by adding in Article 1 of Chapter 3 of Title 40.1 a section numbered 40.1-28.7:10, to prohibit an employer from using an employee's social security number or any derivative thereof as such employee's identification number or including an employee's social security number or any number derived thereof on any identification card or badge, any access card or badge, or any other similar card or badge issued to such employee. The bill imposes a civil penalty of up to \$100 for any knowing violation of the prohibition.

SB 1107 Virginia Retirement System; law-enforcement officers, return to work. (*Chief patron: Cosgrove*)

Amends § 51.1-155 of the Code of Virginia and to amend and reenact the fifth enactment of Chapter 689 and the fifth enactment of Chapter 700 of the Acts of Assembly of 2001, as amended by the second enactment of Chapter 211 of the Acts of Assembly of 2003, Chapter 609 of the Acts of Assembly of 2005, the first enactment of Chapter 590 of the Acts of Assembly of 2009, the first enactment of Chapter 326 of the Acts of Assembly of 2015,

and the first enactment of Chapter 765 of the Acts of Assembly of 2019, and the third enactment of Chapter 563 of the Acts of Assembly of 2004, as amended by Chapter 607 and Chapter 608 of the Acts of Assembly of 2005, the second enactment of Chapter 590 of the Acts of Assembly of 2009, the second enactment of Chapter 326 of the Acts of Assembly of 2015, and the second enactment of Chapter 765 of the Acts of Assembly of 2019, and to amend Chapter 968 and Chapter 969 of the Acts of Assembly of 2020 by adding a second enactment, to reduce from 12 to six the number of months for the required break in service for a teacher, bus driver, school administrator, or school security officer to return to work full time and continue to receive his pension under the Virginia Retirement System (VRS). The bill adds specialized student support positions to the list of employees that may return to work, with a six-month break in service. The employer of such individuals shall include such employees' compensation in membership payroll for purposes of the employer contribution to VRS. The bill has a delayed effective date of January 1, 2024. The bill has an expiration date of July 1, 2028, for the reduction of the required break in service for all classes of employees.

[SB 1086](#) Living organ donors; unpaid leave, civil penalty. *(Chief patron: Ebbin)*

Amends the Code of Virginia by adding in Chapter 3 of Title 40.1 an article numbered 2.2, consisting of sections numbered 40.1-33.7 through 40.1-33.12, to require that an employer that employs 50 or more employees provide eligible employees, defined in the bill, with (i) up to 60 business days of unpaid organ donation leave in any 12-month period to serve as an organ donor and (ii) up to 30 business days of unpaid organ donation leave in any 12-month period to serve as a bone marrow donor. The bill requires the employer to restore the employee's position following the leave, to continue to provide coverage for the employee under any health benefit plan during the leave, and to pay the employee any commission

earned prior to the leave. The bill prohibits the employer from taking retaliatory action against the employee for taking organ donation leave. The bill requires the Commissioner of Labor and Industry to enforce its provisions and provides for civil penalties for violations of its requirements.

[SB 1411](#) Va. Retirement System & DCJS; return to work for retired law-enforcement officers. *(Chief patron: Norment)*

Directs the Virginia Retirement System and the Department of Criminal Justice Services, in consultation with the Joint Legislative Audit and Review Commission, to analyze and report on options for allowing law enforcement officers to return to work as law-enforcement officers after retirement and continue to receive their retirement benefits.

Procurement

[HB 1490](#) Virginia Public Procurement Act; certain construction contracts, performance, and payment bonds. *(Chief patron: Davis)*

Amends § 2.2-4337 of the Code of Virginia, to allow localities to allow a contractor of indefinite delivery or quantity contracts, defined in the bill, who is otherwise required to furnish performance and payment bonds in the sum of the contract amount to the public body with which he contracted to furnish such bonds only the dollar amount of the individual tasks identified in the underlying contract. Such contractors shall not be required to furnish the sum of the contract amount if the governing locality has adopted such an ordinance.

[HB 1610](#) Virginia Public Procurement Act; cooperative procurement, installation of playground equipment. *(Chief patron: Tata)*

Amends § 2.2-4304 of the Code of Virginia, to exclude the installation of playground equipment, including all associated and necessary construction and maintenance, from the prohibition on using cooperative procurement to purchase construction.

[HB 1684](#) / [SB 1354](#) Worker

misclassification; debarment procedures.

(Chief patrons: Orrock and Marsden)

Amends § 58.1-1902 of the Code of Virginia, to revise the procedure under which a contractor may be debarred from public contracts for misclassification of workers. The bill requires the Tax Department to notify an employer of a determination that the employer failed to properly classify an individual and allows the employer to apply for judicial or administrative review. Upon a subsequent violation, and once the opportunity for appeals has been exhausted, the Department is required to provide notice to all public bodies that they shall not award a contract to firms associated with the offending employer for specified periods. Under current law, notice to all public bodies is required after the first violation determined by the Department, and debarment is required without reference to the timing of appeals.

[HB 2450](#) / [SB 1491](#) Virginia Public

Procurement Act; construction

management, contract requirements. *(Chief patrons: Campbell, J.L. and Bell)*

Amends § 2.2-4382 of the Code of Virginia, to exclude construction management contracts involving infrastructure projects from the requirement that no more than 10 percent of the construction work be performed by the construction manager with its own forces and that the remaining 90 percent of the construction work be performed by subcontractors of the construction manager.

[HB 2500](#) / [SB 1313](#) Construction contracts; payment clauses to be included in certain contracts.

(Chief patrons: Wiley and Bell)

Amends §§ 2.2-4347, 2.2-4354, and 11-4.6 of the Code of Virginia, to clarify certain definitions throughout the Code for consistency between public and private construction contracts. The bill updates the notice required when a general contractor withholds all or a part of the amount invoiced by a subcontractor in a public construction contract and when an owner withholds payment from a general

contractor to include language specifically identifying the contractual noncompliance, the dollar amount being withheld, and the lower-tier subcontractor responsible for the contractual noncompliance.

Public Safety/ Courts

[HB 1422](#) / [SB 898](#) Concealed handgun permits; demonstration of competence.

(Chief patrons: Coyner and Stuart)

Amends §§ 18.2-308.02 and 18.2-308.06 of the Code of Virginia, to add a firearms safety or training course conducted by the United States Concealed Carry Association (USCCA) or by a USCCA-certified firearms instructor, or any firearms safety or training course or class available to the general public offered by a law-enforcement agency, institution of higher education, or private or public institution or organization or firearms training school utilizing instructors certified by the USCCA to those programs that satisfy the demonstration of competence requirement for the issuance of a Virginia resident or nonresident concealed handgun permit.

[HB 1459](#) Law-enforcement officers, retired state; retention of badge. *(Chief patron: Wilt)*

Amends § 9.1-1000 of the Code of Virginia, to provide that on and after July 1, 2023, upon the retirement of a state law-enforcement officer who is not a State Police officer, the employing department or agency shall, upon request of the retiree, award the retiree his badge or other insignia of his office for permanent keeping, provided that the employing department or agency has the badge or insignia mounted in such a manner that it will be impossible for anyone to display such badge or insignia upon his person. Under current law, only a State Police officer may keep a mounted badge or insignia after his retirement.

[HB 1546](#) Virginia Antitrust Act; disgorgement and other forms of equitable monetary relief. *(Chief patron: Campbell, J.L.)*

Amends §§ 59.1-9.3, 59.1-9.7, and 59.1-9.11 through 59.1-9.15 of the Code of Virginia, to

provide that (i) any person threatened with injury or damage to his business or property by reason of a violation of the Virginia Antitrust Act or (ii) the Attorney General on behalf of the Commonwealth, the attorney for the Commonwealth or county attorney on behalf of a county, the city attorney on behalf of a city, or the town attorney on behalf of a town may institute actions and proceedings for injunctive relief, disgorgement, and other forms of equitable monetary relief as the court deems appropriate.

[HB 1572](#) / [SB 1291](#) False emergency communication to emergency personnel; penalties, report. *(Chief patrons: Walker and Deeds)*

Amends § 15.2-1716.1 of the Code of Virginia and adds 18.2-461.1, to provide that it is a Class 1 misdemeanor for any person to knowingly report, or cause another to report in reliance on intentionally false information provided by such person, a false emergency communication to any emergency personnel that results in an emergency response. The bill also provides that it is a Class 6 felony if such false emergency communication results in an emergency response and any person suffers a serious bodily injury as a direct and proximate result of the false emergency communication and a Class 5 felony if any person is killed as a direct and proximate result of the false emergency communication. The bill also authorizes any locality to provide by ordinance that a person convicted of such false emergency communication shall be liable for the reasonable expense in responding to such false emergency communication.

[HB 1590](#) / [SB 1034](#) Telephone, digital pager, or other device to signal; causing alert with intent to annoy, penalty. *(Chief patrons: Sullivan and McPike)*

Amends § 18.2-429 of the Code of Virginia, to modernize the statute prohibiting harassment of emergency personnel in the performance of their duties by causing a telephone to ring to include a prohibition on causing any other

device to signal with the intent to annoy, harass, hinder, or delay such emergency personnel.

[HB 1617](#) / [SB 1195](#) Gaming Regulatory Fund; established. *(Chief patrons: Fowler and Reeves)*

Amends §§ 58.1-4032, 58.1-4033, 58.1-4034, 58.1-4108, 58.1-4114, 58.1-4119, and 58.1-4125, adds a section numbered 58.1-4048, to establish the Gaming Regulatory Fund (the Fund) for the purpose of offsetting Virginia Lottery Department (the Department) costs associated with conducting investigations and enforcing its regulations. The bill requires the Department to deposit background check fees, licensing fees, renewal or transfer fees, and other permitting fees to the Fund for such purpose. The bill also provides that revenues remaining in the Gaming Proceeds Fund following allocation by the General Assembly shall be deposited into the School Construction Fund and makes Chapters 8 and 9 of the Acts of Assembly of 2022, Special Session I effective on July 1, 2023.

[HB 1836](#) / [SB 1089](#) Writs of eviction; returns to issuing clerk. *(Chief patrons: Jenkins and Ebbin)*

Amends § 8.01-471 of the Code of Virginia, to require the sheriff executing a writ of eviction to return such executed writ to the clerk of court who issued such writ. The bill further directs the Office of the Executive Secretary of the Supreme Court of Virginia to report annually to the Chairmen of the Senate Committee on the Judiciary, the Senate Committee on General Laws and Technology, the House Committee for Courts of Justice, the House Committee on General Laws, and the Virginia Housing Commission on the number of executed writs returned during the preceding fiscal year and directs the Virginia Housing Commission to direct an existing stakeholder work group to study for a period of one year a more comprehensive data collection process to track the resolution of writs of unlawful detainers filed in the Commonwealth.

HB 1993 / SB 905 Fire marshals; police powers, training requirements. (*Chief patrons: Krizek and DeSteph*)

Amends § 27-34.2:1 of the Code of Virginia, to provide that a local fire marshal or assistant shall not exercise any police powers until such person has satisfactorily completed a basic law-enforcement course for fire marshals with police powers and maintains satisfactory participation in in-service and advanced courses and programs. The bill also provides that current or prior certification as a law-enforcement officer may satisfy the police powers training requirements.

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HB 2020 / SB 1073 Unmanned aircraft systems; trespass over correctional facilities, penalty. (*Chief patrons: Wachsmann and Hackworth*)

Amends § 18.2-121.3 of the Code of Virginia, to prohibit any unmanned aircraft system from (i) dropping any item within the boundaries of or (ii) obtaining any videographic or still image of any identifiable inmate or resident at any state or local correctional facility or juvenile correctional center without consent or authorization. A violation of this prohibition is a Class 1 misdemeanor.

HB 2175 Fire service needs; sustainability of funding, and alternative funding models. (*Chief patron: Sickles*)

Directs the Secretary of Public Safety and Homeland Security (the Secretary) to establish

a work group to study existing fire service needs, analyze sustainability of current funding, and review alternative funding models from other states. In conducting its study, the work group may hire an outside consultant and shall create a needs assessment survey that analyzes existing fire service needs, the sustainability of current funding, any gaps in current funding, how other states fund fire and EMS services, and best practices from other states.

HB 2221 Personal appearance by two-way electronic video/audio communication; waiver of preliminary hearing. (*Chief patron: Hayes*)

Amends § 19.2-3.1 of the Code of Virginia, to allow an appearance in court to be made by two-way electronic video and audio communication with the consent of the court and all parties for the purpose of waiver of a preliminary hearing.

HB 1765 Fire protection; expands definition of fire company. (*Chief patron: Carr*)

Amends §§ 27-6.01, 27-8, and 27-10 of the Code of Virginia, to provide that firefighter support group members shall not be included in certain provisions of the Code of Virginia related to public safety, fire protection, or workers' compensation unless otherwise designated for inclusion by ordinance or resolution of the governing body of the applicable county, city, or town of the Commonwealth.

HB 2451 Firefighters; training program on risk of electric vehicle fires. (*Chief patron: O'Quinn*)

Amends § 9.1-201 of the Code of Virginia and amends the Code of Virginia by adding in Article 1 of Chapter 2 of Title 27 a section numbered 27-23.11, to direct the Executive Director of the Department of Fire Programs to develop a training program on the risks of fires in electric vehicles and how to safely and effectively manage such fires to be completed by all firefighters, including volunteer firefighters, and requires the Executive Director to make such training program available

by July 1, 2024. Effective July 1, 2024, all firefighters, including volunteer firefighters, are required to complete such training program. The bill provides that every person engaged in firefighting activities on July 1, 2024, has until December 1, 2025, to complete such training program.

SB 1413 Civil cases; motion for the disclosure of expunged police and court records. *(Chief patron: Norment)*

Amends the Code of Virginia by adding a section numbered 19.2-392.3:1, to provide that in an action for damages against a locality or a law-enforcement officer arising out of or relating to charges where a petition for the expungement of police and court records for such charges is pending or where the records have been expunged, any party to such action may file a motion in the court in which the action is pending, or in the court where the petition for the expungement was or is pending, for the release of the expunged records for use in the civil litigation, and, upon motion and for good cause shown, such police and court records shall be ordered to be released and the relevant penalties relating to disclosure of such expunged records shall not apply.

SB 1455 Civil disturbance; local curfew, penalty. *(Chief patron: Norment)*

Amends § 15.2-925 of the Code of Virginia, to enable the chief law-enforcement officer of a locality to enact a curfew under certain circumstances during a civil disturbance. The bill clarifies that such action in cities shall be in concurrence with the city manager and the mayor. The bill requires that such action specify the hours of the curfew and the geographic area to which the curfew applies and provide for various specified exceptions. The action authorizing the curfew shall provide for reasonable efforts to inform the public in advance of the curfew, which shall be valid for no more than 24 hours. The bill provides that such curfew shall not be extended or renewed unless by recorded vote of the local governing body or by judicial order. The bill provides that any violation is a Class 1 misdemeanor.

SB 1025 Witnesses; exclusion, governmental agencies, and other entities. *(Chief patron: Stuart)*

Amends § 8.01-375 of the Code of Virginia, to add an officer or agent of a partnership, governmental agency, or other entity to the list of persons who are exempt from the rule allowing the exclusion of witnesses during a proceeding in a civil case.

SB 1046 Law-enforcement officer; definition includes fire marshal with police powers.

(Chief patron: McPike)

Amends § 9.1-101, as it is currently effective and as it shall become effective, to provide that fire marshals who have been appointed with police powers are included in the definition of law-enforcement officer that applies in numerous applications in the Code. The bill contains a reenactment clause that applies to these amendments to the Code and directs the Department of Criminal Justice Services to convene a work group composed of various stakeholders to examine and make recommendations on the inclusion of fire marshals with police powers in such definition of law-enforcement officer.

Workers Compensation

HB 1408 / SB 906 Workers' compensation; presumption of compensability for certain cancers. *(Chief patrons: Brewer and Saslaw)*

Amends § 65.2-402 of the Code of Virginia, to expand the workers' compensation presumption of compensability for certain cancers causing the death or disability of certain employees who have completed five years of service in their position to include bladder and thyroid cancer. The presumption for these cancers does not apply for any individual diagnosed with such a condition before July 1, 2023.

HB 1410 / SB 1038 Workers' compensation; presumption for arson and hazardous materials investigators. *(Chief patrons: Marshall and McPike)*

Amends § 65.2-402 of the Code of Virginia, to expand the workers' compensation

presumption of compensability for certain cancers causing the death or disability of certain employees who have completed five years of service in their position to include (i) arson investigators or bomb investigators employed by the Department of State Police and (ii) members of the State Police Officers' Retirement System who collect, analyze, or handle hazardous materials, infectious biological substances and radiological agents, fentanyl, or methamphetamine.

[HB 1775](#) / [SB 904](#) Workers' compensation; anxiety disorder or depressive disorder incurred by law-enforcement officers. (*Chief patrons: O'Quinn and DeSteph*)

Amends § 65.2-107 of the Code of Virginia, to provide 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, except in the case of responding to crime scenes for investigation. The bill provides that a mental health professional must diagnose the covered individual as suffering from anxiety disorder or depressive disorder as a result of a qualifying event, defined in the bill as an incident or exposure occurring in the line of duty on or after July 1, 2023, and includes other conditions for compensability.

Failed Legislation

[HB 1429](#) Supplementing compensation of public defender (*Chief Patron: Anderson*)

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

additional compensation from the funds of the county or city. **VACo opposed this measure.**

[HB 1476](#) Auditor of Public Accounts; civil penalty for local noncompliance (*Chief Patron: March*)

Would have provided that localities and localities' constitutional officers shall be subject to monetary penalties for failure to comply with various deadlines for preparing local financial audit reports and submitting such reports to the Auditor of Public Accounts. **VACo opposed this measure.**

[HB 1487](#) Meetings of local governing body; live broadcast and archive (*Chief Patron: March*)

Would have required localities to provide a live video broadcast of public meetings of the local governing body and to archive such broadcasts on their websites. **VACo opposed this measure** noting that for those localities that do not currently live broadcast and archive, this would cause a one-time increase in capital expenditures due to purchases of technology equipment. Additionally, the bill could cause recurring expenditures from increased employment costs (e.g., hiring additional personnel to conduct these live broadcasts), and/or changing licenses for their current webpage services.

[HB 1631](#) / [SB 1088](#) Workers' compensation; post-traumatic stress disorder incurred by dispatchers. (*Chief patrons: Bulova and Ebbin*)

Would have allowed dispatchers, as defined in the bill, to claim workers' compensation benefits relating to post-traumatic stress disorder under the Virginia Workers' Compensation Act. Currently, only law-enforcement officers and firefighters may claim such benefits.

[HB 1810](#) Administration of government; rights of state and local employees; freedoms of conscience and expression. (*Chief patron: Davis*)

Would have protected local government

employees 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 public body at an open meeting of such public body during the time designated for public comment when such employees are speaking on their own behalf as members of the public. The bill exempts from such protection expressions made by state government employees during a public meeting of a committee or subcommittee of the General Assembly or State Corporation Commission.

HB 1813 Fireworks; sale, use, and taxation.
(Chief patron: March)

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

HB 1880 Localities; record of legal settlement or judgment; disclosure.
(Chief patron: Bennet-Parker)

Would have required localities to retain a public record of certain legal settlements and judgments and requires the record of such amount to be subject to disclosure if requested pursuant to the Virginia Freedom of Information Act.

HB 1905 Workers’ compensation; presumption for law-enforcement officers with back, hip, knee, etc. (Chief patron: Batten)

Would have established a workers’ compensation presumption for back, hip, knee, and neck injuries that cause the death or disability of law-enforcement officers, as defined in the bill, who have completed five years of service and are required to wear a duty belt, as defined in the bill, as a condition of employment.

HB 2292 Virginia Retirement System; school resource officers. (Chief patron: Williams)

Would have required localities to provide enhanced retirement benefits to school resource officers. The bill also allows a retired law-enforcement officer to return to work as a school resource officer after a break in service of at least 12 months without impacting his retirement benefits.

SB 1309 Virginia Freedom of Information Act; allow local public bodies to hold virtual meetings. (Chief patron: Deeds)

Would have allowed local public bodies, except for boards with the authority to deny, revoke, or suspend a professional or occupational license, to hold all-virtual public meetings in accordance with the other provisions of the Virginia Freedom of Information Act. The bill limits the requirement that public bodies do not convene all-virtual public meetings consecutively or more than twice per year to state public bodies.

SB 1379 Local and regional correctional facilities; provision of medical services; waiver of sovereign immunity. (Chief patron: Deeds)

Would have waived sovereign immunity for health care providers employed by localities or by local or regional correctional facilities to provide medical services to prisoners for a claim of wrongful death or injury resulting from a negligent or wrongful act or omission in the provision of such medical services. This bill is in response to *Patterson v. City of Danville*, 875 Va. S.E.2d 65 (2022).

Health and Human Resources

PASSED LEGISLATION

Behavioral Health

[HB 1433](#) / [SB 802](#) Counseling Compact; licensure of professional counselors. (*Chief patrons: Scott, P.A. and Hashmi*)

Adds § 54.1-3500.1 to the Code of Virginia to authorize Virginia to become a signatory to the Counseling Compact, which permits eligible licensed professional counselors to practice in Compact member states, provided that they are licensed in at least one member state. The bill has a delayed effective date of January 1, 2024, and directs the Board of Counseling to adopt emergency regulations to implement the provisions of the bill.

[HB 1624](#) / [SB 1071](#) Mental health and rehabilitative services; military serv. members transitioning to civilian life. (*Chief patrons: Ballard and Bell*)

Amends §§ 2.2-2001.1, 2.2-2002.2, and 2.2-2004 of the Code of Virginia to add military service members transitioning from military to civilian life to the list of persons supported by the program for mental health and rehabilitative services administered by the Department of Veterans Services.

[HB 1792](#) / [SB 1302](#) Temp. detention in hospital; testing, etc., mental/physical condition resulting from intoxication. (*Chief patrons: Ransone and Deeds*)

Amends § 37.2-1104 of the Code of Virginia to clarify that when a mental or physical condition appears to be a result of intoxication, a licensed physician who has attempted to

obtain informed consent of an adult person for treatment of such mental or physical condition appearing to be a result of intoxication may seek an order from the magistrate or court in the jurisdiction where the respondent is located authorizing temporary detention of the adult person in a hospital emergency department or other appropriate facility for testing, observation, or treatment, provided that certain conditions are met.

[HB 1976](#) / [SB 1299](#) Involuntary admission; release of individual. (*Chief patrons: Bell and Deeds*)

Amends §§ 37.2-809 and 37.2-813 of the Code of Virginia to permit the director of a facility where a person is awaiting transport to the facility of temporary detention pursuant to a temporary detention order to release the person if an employee or a designee of the local community services board, in consultation with the person's treating physician, (i) conducts an evaluation of the person, (ii) determines that the person no longer meets the commitment criteria, (iii) authorizes the release of the person, and (iv) provides a discharge plan.

[HB 2054](#) / [SB 1267](#) Community services boards; information to certain defendants, services provided by boards. (*Chief patrons: Hope and Favola*)

Adds §§ 16.1-69.29:1, 16.1-290.2, 17.1-525, and 37.2-513 to the Code of Virginia to require general district courts, juvenile and domestic relations district courts, and circuit courts, in cases in which a defendant is found not guilty of any offense after a trial at which evidence of the defendant's mental condition at the time of the alleged offense was introduced, to make available to the defendant information regarding services provided by the community services board and how such services may be accessed. The bill requires each community services board to develop, regularly update, and make available to such courts information regarding services provided and how to access such services.

HB 2156 / SB 1170 Behavioral Health Commission; agency assistance, access Commission records. *(Chief patrons: Watts and Hanger)*

Amends §§ 2.2-3705.3 and 30-408 of the Code of Virginia to specify the duty of agencies and political subdivisions of the Commonwealth to cooperate with and assist the Behavioral Health Commission in the performance of its duties and requires such agencies and political subdivisions to provide to the Commission (i) to the fullest extent possible and except as prohibited by law, any records, including data and information, requested by the Commission and (ii) upon request and availability, access to the facilities of any such agency or political subdivision. The bill also excludes records of the Commission from the mandatory disclosure provisions of the Virginia Freedom of Information Act.

HB 2185 / SB 1169 Community services boards and behavioral health authorities; provisions of performance contracts. *(Chief patrons: Rasoul and Hanger)*

Amends §§ 37.2-203, 37.2-508, and 37.2-608 of the Code of Virginia to reorganize and strengthen provisions related to the requirements of performance contracts entered into by the Department of Behavioral Health and Developmental Services with community services boards and behavioral health authorities.

HB 2216 / SB 1347 Health insurance; coverage for mobile crisis response services and residential crisis units. *(Chief patrons: Leftwich and Cosgrove)*

Amends § 38.2-3412.1 of the Code of Virginia to require health insurance carriers to provide coverage for mobile crisis response services and support and stabilization services provided in a residential crisis stabilization unit, to the extent that such services are covered in other settings or modalities, regardless of any difference in billing codes. The bill requires the State Corporation Commission, in consultation with the Secretary of Health and Human Resources, to convene a stakeholder

work group to examine network standards for mobile crisis response services and the current availability of mobile crisis response services in the Commonwealth.

HB 2255 / SB 1155 DBHDS; review of regulations that impact providers. *(Chief patrons: Hodges and Mason)*

Directs the Department of Behavioral Health and Developmental Services to review its regulations affecting providers licensed by the Department and develop reforms to increase efficiency, reduce redundancy, and decrease regulatory burdens. The bill requires the Department to report its recommendations to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions by November 1, 2023.

HB 2313 / SB 1132 Criminal history record information; dissemination. *(Chief patrons: Head and Peake)*

Amends § 19.2-389 of the Code of Virginia to allow criminal history record information to be disseminated to the Commissioner of Behavioral Health and Developmental Services or his designee for individuals who are being evaluated to determine the individual's sanity at the time of a criminal offense or capacity to stand trial, where such information may be beneficial for the purpose of placement, evaluation, treatment, or discharge planning.

HB 2342 Background checks; employees of children and developmental services, adult substance abuse services. *(Chief patron: Campbell, E.H.)*

Amends §§ 19.2-389, 37.2-203.1, 37.2-416, 37.2-506, and 37.2-607 of the Code of Virginia and adds §§ 37.2-416.1 and 37.2-506.1 to the Code of Virginia to separate provisions regarding background checks of employees in direct care positions providing adult substance abuse and mental health services from those of background checks of employees in direct care positions providing services for children and developmental services.

HB 2410 Involuntary temporary detention; termination of a period of detention. (*Chief patron: Watts*)

Amends §§ 16.1-340.1 and 37.2-809 of the Code of Virginia to allow the period of involuntary temporary detention to be extended for a minor or individual who has been admitted to a facility of temporary detention if the period of involuntary temporary detention would terminate on any day or part of a day on which the clerk's office is lawfully closed. Current law allows the period to extend past 72 hours for an adult only if the detention would terminate on a Saturday, Sunday, legal holiday, or day on which the court is closed and allows the period to extend past 96 hours for a juvenile only if the detention terminates on a Saturday, Sunday, or legal holiday.

SB 872 Emergency custody; temporary detention, alternative transportation. (*Chief patron: Newman*)

Amends §§ 37.2-808 and 37.2-810 of the Code of Virginia to require magistrates to authorize alternative transportation of a person subject to an emergency custody order or temporary detention order if appropriate alternative transportation is available. The bill allows an employee or contractor of an entity providing alternative transportation services pursuant to a contract with the Department of Behavioral Health and Developmental Services who has completed training approved by the Department in the proper and safe use of restraint to use restraint (i) if restraint is necessary to ensure the safety of the person or others or prevent escape and (ii) if less restrictive techniques have been determined to be ineffective to protect the person or others from harm or to prevent escape.

SB 1465 Community services boards; behavioral health authorities, purpose, performance contracts. (*Chief patron: Hanger*)

Amends §§ 37.2-203, 37.2-500, 37.2-508, 37.2-601, and 37.2-608 of the Code of Virginia to

state that the purpose of behavioral health services provided by community services boards and behavioral health authorities is to enable individuals who have a mental illness, developmental disabilities, or substance use disorder that significantly impairs their functioning to access effective, timely, and cost-efficient services that help them (i) overcome or manage functional impairments caused by the mental illness, developmental disability, or substance use disorder and (ii) remain in the community to the greatest extent possible, consistent with the individual's well-being and public safety. The bill also requires that performance contracts entered into by the Department of Behavioral Health and Developmental Services with community services boards and behavioral health authorities include certain information, including performance measures for service delivery.

Children's Services Act

HB 1945 Children and adolescents; data reporting, reporting requirements. (*Chief patron: Durant*)

Amends §§ 2.2-5206, 37.2-308, and 37.2-605 of the Code of Virginia and repeals § 37.2-507 of the Code of Virginia to remove the requirement that the Department of Behavioral Health and Developmental Services collect data from each community policy and management team and each community services board or behavioral health authority relating to children and adolescents for whom an admission to an acute care psychiatric or residential treatment facility was unsuccessfully sought.

SB 1513 Children's Services, State Executive Council for; increases membership. (*Chief patron: Mason*)

Amends §§ 2.2-2648 and 2.2-5201 of the Code of Virginia to add the Commissioner of the Department for Aging and Rehabilitative Services to the State Executive Council for Children's Services. The bill also adds a representative from the Department for Aging

and Rehabilitative Services to the state and local advisory team tasked with advising the Council.

Health

[HB 1409](#) / [SB 1198](#) Drug Control act; distribution of hypodermic needles. (*Chief patrons: Brewer and Saslaw*)

Amends § 54.1-3467 of the Code of Virginia to exempt the distribution of hypodermic needles that are designed to be used with a reusable injector pen for the administration of insulin from the prohibition on distribution of hypodermic needles.

[HB 1447](#) / [SB 1426](#) Controlled substances; administration by emergency medical providers. (*Chief patrons: Orrock and Suetterlein*)

Amends § 54.1-3408 of the Code of Virginia to allow persons who are employed or engaged at a medical care facility who have a valid emergency medical services provider certification issued by the Board of Health as a requirement of being employed or engaged at the medical care facility to administer drugs and devices at the medical care facility pursuant to an oral or written order or standing protocol.

[HB 1449](#) Emergency medical services providers; administration of prescription medication. (*Chief patron: Orrock*)

Directs the Secretary of Health and Human Resources to consider adopting a process to allow an emergency medical services provider to administer prescription medication to a person who has a valid prescription for that medication but is unable to consent to the administration of the medication due to a medical emergency.

[HB 1602](#) / [SB 1418](#) State plan for medical assistance services; telemedicine, in-state presence. (*Chief patrons: Robinson and Pillion*)

Amends § 32.1-325 of the Code of Virginia to establish that licensed health care providers

who provide health care services exclusively through telemedicine are not required to maintain a physical presence in the Commonwealth to maintain eligibility to enroll as a Medicaid provider.

[HB 1754](#) / [SB 1119](#) Telemedicine; practitioner-patient relationship, continuity of care. (*Chief patrons: Head and Stuart*)

Amends § 54.1-2901 of the Code of Virginia to allow for continuity of care through telemedicine when a practitioner with whom a patient has previously established a practitioner-patient relationship is unavailable at the time in which the patient seeks continuity of care. The bill allows another practitioner of the same subspecialty at the same practice group with access to the patient's treatment history to provide continuity of care using telemedicine services until the practitioner with whom the patient has a previously established practitioner-patient relationship becomes available.

[HB 2008](#) Tick-borne diseases; VDH to study reducing occurrence & impact. (*Chief patron: Adams, L.R.*)

Directs the Department of Health to convene a work group to make recommendations for reducing the occurrence and impact of tick-borne diseases in the Commonwealth.

[HB 2345](#) / [SB 1255](#) Smartchart Network Program; renames Emergency Department Care Coordination Program, report. (*Chief patrons: Head and Dunnavant*)

Amends §§ 2.2-3705.5, 32.1-372, 54.1-2523, and 54.1-2525 of the Code of Virginia to rename the Emergency Department Care Coordination Program as the Smartchart Network Program and expand the Program to allow participation by all health care providers, insurance carriers, and other organizations with a treatment, payment, or operations relationship with a patient in the Commonwealth to facilitate real-time communication and collaboration. Under current law, participation is limited to

hospital emergency departments. The bill also directs the State Health Commissioner and the Director of the Department of Health Professions to convene a work group to study and establish a plan to develop and implement a system to share information regarding a patient's prescription history and medication reconciliation.

[HB 2374](#) Pharmacies; prohibits refusal to fill prescription from telemedicine provider.

(Chief patron: Davis)

Adds § 54.1-3420.3 to the Code of Virginia to prohibit pharmacists from refusing to fill prescriptions solely on the basis of a prescriber's use of a telemedicine platform to provide services. The bill also prohibits pharmacists from prioritizing dispensing prescriptions from a prescriber who does not use telemedicine over prescriptions from a prescriber who does use telemedicine based solely on the prescriber's use of a telemedicine platform to provide services.

[SB 1546](#) Restaurants; clarifies definition.

(Chief patron: Ebbin)

Amends § 35.1-1 of the Code of Virginia to add any place or operation that prepares or stores food for distribution to child or adult day care centers or schools, regardless of whether the receiving day care center or school holds a restaurant license, to the definition of "restaurant" as it applies to Title 35.1 (Hotels, Restaurants, Summer Camps, and Campgrounds). The bill has an emergency clause.

Human Trafficking

[SB 1292](#) Sex trafficked youth; DCJS, to administer two-year pilot program to provide safe harbor for youth. *(Chief patron: Deeds)*

Directs the Department of Criminal Justice Services, in consultation with the Virginia State Crime Commission, to identify a suitable locality to administer a two-year Demand Reduction and Safe Harbor for Domestic Minor

Sex Trafficked Youth pilot program. The bill provides that the goals of the program are to reduce the arrest of sex trafficking victims, reduce demand for commercial sex exploitation by focusing on buyers, and establish high-quality education, alternative employment opportunities, and life skills for victims.

Older Adults and Individuals with Disabilities

[HB 1446](#) / [SB 1339](#) Certified nursing facilities; minimum staffing standards, administrative sanctions. *(Chief patrons: Orrock and Barker)*

Amends §§ 32.1-27.1 and 32.1-127 of the Code of Virginia and adds § 32.1-27.2 to the Code of Virginia to set nursing staffing requirements for certified nursing facilities. The bill allows the State Health Commissioner to impose administrative sanctions on a certified nursing facility if it does not comply with the staffing requirements, and authorizes the Commissioner to provide for exemptions to the administrative sanctions under certain circumstances. The bill bars the imposition of sanctions under certain circumstances and directs the promulgation of regulations consistent with the bill. The bill has a delayed effective date of July 1, 2025.

[HB 1450](#) / [SB 798](#) Individuals with disabilities; terminology. *(Chief patrons: Orrock and Hashmi)*

Amends §§ 2.2-1159, 3.2-6588, 10.1-200.3, and various other sections of the Code of Virginia to replace instances of the terms "handicap," "handicapped," and similar variations throughout the Code of Virginia with alternative terms, as appropriate in the statutory context, such as "disability" and "impairment."

[HB 1659](#) / [SB 830](#) Students with disabilities; DBHDS to develop best practice standard related to transition of record. *(Chief patrons: Bell and Favola)*

Directs the Department of Behavioral Health

and Developmental Services, in coordination with the Department of Education and relevant stakeholders, to develop and disseminate best practice standards related to the transition of records and transfer of services for students with disabilities at the age of majority. Standards are to be disseminated to community services boards, local education agencies, and other relevant stakeholders.

[HB 1681](#) / [SB 1457](#) Long-term services and supports screening; screening after admission. (*Chief patrons: Robinson and Lewis*)

Amends § 32.1-330 of the Code of Virginia to provide that if an individual is admitted to a skilled nursing facility for skilled nursing services and is subsequently determined to have been required to be screened prior to admission to the skilled nursing facility, then the screening may be conducted after admission. Under the bill, coverage of institutional long-term services and supports by the Commonwealth for such patients who have not been prescreened shall not begin until six months after the initial admission to the skilled nursing facility. During this six-month period, the nursing home in which the individual resides shall be responsible for all costs indicated for institutional long-term services and supports, without accessing the patient's funds. The bill provides that if sufficient evidence indicates that the admission without screening was of no fault of the skilled nursing facility, the Department of Medical Assistance Services shall begin coverage of institutional long-term services and supports immediately upon the completion of the functional screening indicating skilled nursing facility level of care pending the financial eligibility determination.

[HB 1963](#) / [SB 945](#) Individuals with developmental disabilities; financial flexibility, report. (*Chief patrons: Runion and Suetterlein*)

Directs the Department of Medical Assistance Services to take steps to amend the Family and Individual Supports, Community Living,

and Building Independence waivers to (i) combine the maximum annual allowable amount for assistive technology and electronic home-based support services for an individual receiving waiver services to provide for greater flexibility and better meet the needs of individuals receiving services and (ii) provide that a total of \$10,000 shall be available to an eligible individual for assistive technology and electronic home-based support services each year, which may be divided among such services in the manner that best meets the needs of the individual.

[HB 2027](#) Guardianship; procedures for restriction of communication, visitation, or interaction. (*Chief patron: Roem*)

Amends §§ 54.1-2986.1, 64.2-2009, and 64.2-2019 of the Code of Virginia and adds § 64.2-2019.1 to provide that a guardian shall not restrict an incapacitated person's ability to communicate with, visit, or interact with other persons with whom the incapacitated person has an established relationship, unless such restriction is reasonable to prevent physical, mental, or emotional harm to or financial exploitation of such incapacitated person. The bill further requires that the guardian provide written notice to any restricted person and provides a procedure by which an incapacitated person or a person whose communication, visits, or interaction with an incapacitated person has been restricted may challenge such restriction in court.

[HB 2028](#) Guardianship; duties of guardian, visitation requirements. (*Chief patron: Roem*)

Amends §§ 64.2-2019 and 64.2-2020 of the Code of Virginia to require a guardian to visit an incapacitated person at least three times per year and at least once every 120 days. The bill requires that at least two of the visits be conducted by the guardian and directs that at least one of such visits be in-person.

[HB 2029](#) Public Guardian and Conservator Advisory Board; member terms. (*Chief patron: Roem*)

Amends §§ 51.5-149.1 and 51.5-151 of the

Code of Virginia to extend to four years the terms of all members of the Public Guardian and Conservator Advisory Board currently appointed by the Governor to three-year terms. The bill also eliminates the requirement that each local or regional public guardian and conservator program develop a plan, in consultation with the local circuit court and sheriffs, where appropriate, to provide advance notice to the court when the program falls below or exceeds the ideal range of staff to client ratios in order to assure continuity of services.

HB 2063 / SB 1144 Guardian ad litem; appointment, requested information, records, or reports. (*Chief patrons: Glass and McPike*)

Amends §§ 6.2-103.1 and 64.2-2003 of the Code of Virginia to require any individual or entity with information, records, or reports relevant to a guardianship or conservatorship proceeding, including any (i) health care provider, local school division, or local department of social services; (ii) criminal justice agency (unless such disclosure would impede an ongoing criminal investigation or proceeding); and (iii) financial institution, investment advisor, or other financial services provider, to provide, upon request from the appointed guardian ad litem, such information, records, or reports. The bill also requires certain financial institutions, in cooperation with an investigation of alleged abuse, neglect, or exploitation of an adult, to make available any financial records or information relevant to such investigation upon request from any court-appointed guardian ad litem. The bill immunizes such financial institutions from civil or criminal liability for providing such financial records or information, absent gross negligence or willful misconduct.

HB 2172 Rights of persons with disabilities; definitions, mobility-impaired person. (*Chief patron: Sickles*)

Amends § 51.5-40.1 of the Code of Virginia to remove from the definition of “mobility-impaired person” the requirement that such

person complete training to use a dog for service or support as a prerequisite to invoking the rights of persons with disabilities under Chapter 9 (§ 51.5-40 et seq.) of Title 51.5.

HB 2344 / SB 1421 Adult protective services; referrals to local law enforcement. (*Chief patrons: Head and Pillion*)

Amends § 63.2-1605 of the Code of Virginia to remove the requirement that the adult protective services hotline immediately refer certain reports of alleged adult abuse, neglect, or exploitation to the appropriate local law-enforcement agency and removes the duty of local law-enforcement agencies to provide the adult protective services hotline with a preferred point of contact for such referrals. The bill retains the requirement for the local department of social services to immediately refer such reports to the appropriate local law-enforcement agency and the duty of local law-enforcement agencies to provide local departments of social services with a preferred point of contact for such referrals.

SB 987 Guardianship and conservatorship; periodic review hearings. (*Chief patron: Mason*)

Amends § 64.2-2009 and adds § 64.2-2009.1 to the Code of Virginia to require the court to set up a schedule for periodic review hearings in the order of appointment of a guardian or conservator, unless the court makes a determination that such hearings are unnecessary or impracticable, and specifies certain assessments to be included in any periodic review hearing.

SB 1221 Assisted living facilities; minimum liability insurance. (*Chief patron: Obenshain*)

Amends § 63.2-1805 of the Code of Virginia to require the Board of Social Services to adopt regulations requiring each assisted living facility to maintain a minimum amount of liability insurance, as determined by the Board on the basis of the number of residents for which an assisted living facility is licensed, and provide notice of such insurance, upon request, to any resident or prospective resident.

Social Services

HB 1550 Child abuse or neglect; findings of local department of social services, appeal.

(Chief patron: Campbell, J.L.)

Amends §§ 22.1-298.1 and 63.2-1526 of the Code of Virginia to provide that in cases in which a teacher licensed by the Board of Education or through an alternative pathway and employed by a local school board is found by a local department of social services to have committed child abuse or neglect, the teacher may, after exhausting all options for review by the local department and Commissioner of Social Services, petition the circuit court for a de novo review of such finding. The bill requires the Board of Education to act upon an application for reinstatement of a teacher's license within 90 days of submission in the case of a teacher who is the subject of a founded complaint of child abuse or neglect and whose license has been revoked, in the event that a court reverses the finding and the individual submits to the Department an application for the reinstatement of his license as a teacher.

HB 1744 Adoption and foster care; home study reciprocity, licensed child-placing agencies, effective date.

(Chief patron: Carr)

Amends §§ 63.2-900, 63.2-904, 63.2-1231, and 63.2-1734 of the Code of Virginia to provide that home studies conducted by a local board of social services or licensed child-placing agency for the purpose of placing a child in a foster home or with an adoptive family shall, on and after January 1, 2024, be transferable among all localities, local boards, and licensed child-placing agencies within the Commonwealth at the request of the prospective foster parent or the prospective adoptive parent, subject to any time limitations or other requirements imposed by law or regulation.

HB 1768 Child-protective services; investigations, interview by child advocacy center, time limits.

(Chief patron: Head)

Amends § 63.2-1505 of the Code of Virginia to require that if a local multidisciplinary

team has determined during an investigation of a report of child abuse or neglect that an interview of the child by a child advocacy center recognized by the National Children's Alliance is needed and an interview with a recognized child advocacy center within the jurisdiction cannot be completed within 14 days, the local department of social services may facilitate the interview with a recognized child advocacy center located in another jurisdiction.

HB 2380 SNAP applications; information.

(Chief patron: Roem)

Directs the Department of Social Services to provide information to food banks regarding outreach opportunities providing assistance to individuals completing a SNAP application, including the process for organizations to enter into a contract with the Department to provide assistance with completing a SNAP application.

SB 1367 Child abuse or neglect; definition, independent activities.

(Chief patron: Vogel)

Amends §§ 16.1-228 and 63.2-100 of the Code of Virginia to clarify that no child whose parent or other person responsible for his care allows the child to engage in independent activities without adult supervision shall for that reason alone be considered to be an abused or neglected child, provided that (a) such independent activities are appropriate based on the child's age, maturity, and physical and mental abilities and (b) such lack of supervision does not constitute conduct that is so grossly negligent as to endanger the health or safety of the child. The bill provides that such independent activities include traveling to or from school or nearby locations by bicycle or on foot, playing outdoors, or remaining at home for a reasonable period of time.

SB 1508 Assisted living facilities, adult day care centers, and child welfare agencies; provisional license.

(Chief patron: Mason)

Amends § 63.2-1707 of the Code of Virginia to increase from six months to 12 months the maximum period of time during which a

person may operate an assisted living facility, adult day care center, or child welfare agency under a provisional license issued by the Commissioner of Social Services.

Substance Use Disorder

HB 1524 / SB 820 Va. Opioid use Reduction & Jail-Based Substance Use Disorder Treatment & Transition Fund; created.

(Chief patrons: Coyner and Favola)

Adds § 9.1-116.8 to the Code of Virginia to establish the Virginia Opioid Use Reduction and Jail-Based Substance Use Disorder Treatment and Transition Fund to support the planning and implementation of locally administered addiction recovery and substance use disorder treatment and transition programs in local and regional jails. The bill has a delayed effective date of July 1, 2024.

HB 1525 / SB 846 Peer recovery specialists; barrier crime exceptions. *(Chief patrons: Coyner and Favola)*

Amends §§ 37.2-314, 37.2-416, and 37.2-506 of the Code of Virginia to permit the Department of Behavioral Health and Developmental Services, direct care service providers, and community services boards to hire peer recovery specialists who have been convicted of certain barrier crimes where a history of such offense does not pose a risk to individuals receiving services.

HB 1709 / SB 1424 Naloxone or other opioid antagonists; persons authorized to administer. *(Chief patrons: Cherry and Pillion)*

Amends § 54.1-3408 of the Code of Virginia to add employees of the Department of Corrections designated by the Director of the Department to the list of persons who are authorized to possess and administer naloxone or other opioid antagonists.

SB 824 Substance Abuse Services Council; name change, membership. *(Chief patron: Bell)*

Amends §§ 2.2-2101, 2.2-2696, 37.2-203, and 37.2-310 of the Code of Virginia to rename the

Substance Abuse Services Council the Virginia Addiction Recovery Council and increase from 29 to 32 the membership of the Council by adding two members representing the problem gambling recovery community and one member representing the board of directors of the Opioid Abatement Authority.

SB 1414 Commonwealth Opioid Abatement and Remediation Fund; established. *(Chief patron: Pillion)*

Adds § 2.2-2377 to the Code of Virginia to establish the Commonwealth Opioid Abatement and Remediation Fund to receive opioid abatement or remediation funds from a direct settlement or other court order relating to claims regarding the manufacturing, marketing, distribution, or sale of opioids, excluding funds designated for transfer to the Opioid Abatement Authority. Moneys in the Fund shall be administered pursuant to the appropriation act and shall be used solely to treat, prevent, or reduce opioid use disorder or the misuse of opioids or to otherwise abate or remediate the opioid epidemic, or for any other approved purposes described in a related court order.

SB 1415 Opioids; impact reduction registry, report. *(Chief patron: Pillion)*

Amends § 54.1-3408 of the Code of Virginia to allow any person to possess and administer naloxone or other opioid antagonist used for overdose reversal, other than naloxone in an injectable formulation with a hypodermic needle or syringe, provided that certain other conditions enumerated in current law are met. The bill directs the Department of Health, the Department of Behavioral Health and Developmental Services, and the Department of Corrections to collaborate to develop a statewide comprehensive plan for the distribution of naloxone throughout the Commonwealth and allows such agencies to begin implementation of the plan to the extent the agencies are able to do so with existing resources. Directs the Department of Health to begin the development of an opioid impact reduction registry, consisting of nonprofit organizations that work to reduce the impact

of opioids in the Commonwealth. Directs the Department of Corrections to amend its regulations to require that training in the administration of naloxone be provided to every inmate prior to release.

Other

HB 1465 / SB 836 Problem Gambling Treatment and Support Advisory Committee; established. (*Chief patron: Krizek*)

Amends §§ 37.2-304, 58.1-4006, and 59.1-369 of the Code of Virginia to direct the Commissioner of Behavioral Health and Developmental Services to establish and maintain the Problem Gambling Treatment and Support Advisory Committee to enable collaboration among prevention and treatment providers and operators of legal gaming in the Commonwealth on efforts to reduce the negative effects of problem gambling.

HB 1598 / SB 788 Medical cannabis program; transition from Board of Pharmacy to Virginia Cannabis Control Authority. (*Chief patrons: Robinson and Favola*)

Amends §§ 4.1-604, 4.1-605, 4.1-627, and other sections of the Code of Virginia; adds §§ 4.1-1600 through 4.1-1605 to the Code of Virginia, and repeals §§ 54.1-3442.5 through 54.1-3442.8 of the Code of Virginia to transfer oversight and administration of the Commonwealth's medical cannabis program from the Board of Pharmacy to the Virginia Cannabis Control Authority. The bill has a delayed effective date of January 1, 2024.

HB 1846 / SB 1337 Medical marijuana program; product, registration, dispensing, and recordkeeping requirements. (*Chief patrons: Head and Dunnivant*)

Amends §§ 54.1-3408.3, 54.1-3442.5, 54.1-3442.6, and 54.1-3442.7 of the Code of Virginia and adds §§ 54.1-3442.7:1, 54.1-3442.7:2, and 54.1-3442.7:3 to the Code of Virginia. Bars practitioners of medicine or osteopathy, physician assistants, or nurse practitioners

from soliciting or receiving anything of value or compensation from a pharmaceutical processor or cannabis dispensing facility or offering discounts or anything of value to a patient that encourages use of a particular pharmaceutical processor or product. The bill amends and adds numerous provisions regarding the Commonwealth's medical marijuana program, including provisions related to recordkeeping, product registration, expiration dates, allowable deviations, dispensing, packaging, labeling, and advertising.

HB 2146 Licensure by reciprocity; Bd. of Social Work to examine licensure w/other jurisdictions. (*Chief patron: Guzman*)

Directs the Virginia Board of Social Work to convene a workgroup to examine the feasibility of licensure by reciprocity with other jurisdictions and to submit a report to the General Assembly by November 1, 2023.

HB 2231 Social Work, Board of; expands powers and duties. (*Chief patron: Sickles*)

Amends § 54.1-3705 of the Code of Virginia to require the Board of Social Work to maintain a list of the names and contact information of persons approved by the Board to supervise candidates for licensure as a clinical social worker and allows supervisees pursuing licensure as a clinical social worker to change or add a supervisor from the Board's list of currently approved supervisors without prior approval from the Board.

HB 2368 Medical marijuana program; product requirements, certifications. (*Chief patron: Adams, D.M.*)

Amends §§ 54.1-2521, 54.1-3408.3, and 54.1-3442.6 of the Code of Virginia to set out requirements for cannabis product and botanical cannabis labels. The bill also requires a pharmaceutical processor or cannabis dispensing facility to maintain an adequate supply of cannabis products that (a) contain cannabidiol as their primary cannabinoid and (b) have low levels of or no tetrahydrocannabinol.

FAILED LEGISLATION

[HB 1596](#) / [SB 957](#) Prescription Drug Affordability Board and Fund established; drug cost affordability review. (*Chief patrons: Delaney and Petersen*)

Would have established the Prescription Drug Affordability Board and set out the process by which the Board would conduct affordability reviews and establish upper payment limits for certain prescription drugs.

[HB 1906](#) / [SB 1269](#) Auxiliary grants; independent community living. (*Chief patrons: Hope and Edwards*)

Would have allowed up to 200 individuals residing in independent community living to receive auxiliary grant payments.

[HB 2018](#) Children's Services Act; information sharing; confidentiality exception. (*Chief patron: Adams, L.R.*)

Would have allowed family assessment and planning teams (FAPT) and community policy and management teams (CPMT) to share information with local law enforcement or threat assessment teams established by local school boards if a FAPT or CPMT obtains information from which the team determines that a child poses a threat of violence or physical harm to himself or others.

TRANSPORTATION

PASSED LEGISLATION

[HB 1376](#) Amateur radio operators; amber lights. (*Chief patron: Greenhalgh*)

Amends § 46.2-1025 of the Code of Virginia, removing the prohibition on using lit amber lights on vehicles used or operated by federally licensed amateur radio operators in certain situations while such vehicles are in motion.

[HB 1496](#) / [SB 1079](#) Commonwealth Mass Transit Fund; 3.5 percent of Fund may be allocated to NVTC. (*Chief patrons: Austin and Cosgrove*)

Amends § 33.2-1526.1 of the Code of Virginia and repeals the eighth enactment of Chapter 854 and the eighth enactment of Chapter 856 of the Acts of Assembly of 2018 to allocate 3.5 percent of the Commonwealth Mass Transit Fund (the Fund) to commuter rail systems jointly operated by the Northern Virginia Transportation Commission and the Potomac and Rappahannock Transportation Commission and excludes such commuter rail systems from receiving allocations pursuant to other distributions of the Fund. The bill limits allocations by the Northern Virginia Transportation Commission (NVTC) for distribution to the Washington Metropolitan Area Transit Authority (WMATA) to 50 percent of the total operating and capital assistance required to be provided by NVTC or other Virginia entities in the approved WMATA budget and establishes reporting requirements for WMATA. The bill codifies requirements for WMATA to adopt and submit certain planning documents first required pursuant to the eighth enactment of Chapter 854 and the eighth enactment of Chapter 856 of the Acts of Assembly of 2018 and repeals the original requirements.

[HB 1516](#) Towing and recovery operators; vehicle storage. (*Chief patron: Adams, D.M.*)

Amends § 46.2-118 of the Code of Virginia,

prohibiting towing and recovery operators from refusing to allow the owner of a towed vehicle, upon presenting proof of ownership, to access and recover any personal items without retrieving the vehicle and without paying any fee.

[HB 1583](#) Unmanned aircraft system; peeping or spying into a dwelling or occupied building, etc., penalty. (*Chief patron: Sullivan*)

Amends § 18.2-130.1 of the Code of Virginia, prohibiting any person from knowingly and intentionally causing an unmanned aircraft system to secretly or furtively peep, spy, or attempt to peep or spy into or through a window, door, or other aperture of any building, structure, or other enclosure occupied or intended for occupancy, without just cause, under circumstances that would violate the occupant's reasonable expectation of privacy.

[HB 1619](#) / [SB 1027](#) Vehicle safety inspection; commercial vehicles, exemption. (*Chief patrons: Wyatt and Cosgrove*)

Amends § 46.2-1158.01 of the Code of Virginia, providing that a commercial vehicle operating in interstate commerce is exempt from the vehicle safety inspection requirement if, in addition to other criteria, such vehicle is inspected in accordance with the federal requirements for annual inspection by complying with federal periodic inspection requirements.

[HB 1620](#) / [SB 1028](#) Crash reports; inspection by certain persons. (*Chief patrons: Wyatt and Cosgrove*)

Amends § 46.2-380 of the Code of Virginia, changing the person authorized to inspect a crash report from the present owner of a vehicle or property involved in the crash to the owner of such vehicle or property at the time of the crash.

[HB 1649](#) Towing trespassing vehicles; limitations on fees. (*Chief patron: Wyatt*)

Amends § 46.2-1233.1 of the Code of Virginia, authorizing towing and recovery operators to

charge a fuel surcharge fee of no more than \$20 for each vehicle towed or removed from private property without the consent of its owner and prohibits local governing bodies from limiting or prohibiting such fee. The bill has an expiration date of July 1, 2024.

[HB 1661](#) / [SB 1064](#) Nonrepairable vehicles; titling requirements, sale to certain auto recyclers. (*Chief patrons: Wiley and Spruill*) Amends §§ 46.2-1602.1, 46.2-1603.2, and 46.2-1608.2 of the Code of Virginia and adds section numbered 46.2-1602.3, which establishes a process whereby an insurance company can obtain a nonrepairable certificate for a vehicle acquired through the claims process without first obtaining a title or salvage certificate for such vehicle, provided that the insurance company is unable to obtain the assigned title or salvage certificate from the insured and has determined the vehicle to be a nonrepairable vehicle, any lien on the vehicle has been satisfied, and the vehicle is being sold to a demolisher, salvage dealer, or scrap metal processor for the purpose of recycling parts, dismantling, demolishing, or recycling for scrap.

[HB 1712](#) Temporary work signs; damaging or removing, penalty. (*Chief patron: Wachsmann*) Amends § 46.2-832 of the Code of Virginia, expanding the prohibition on damaging or removing traffic control devices or street signs, punishable as a Class 1 misdemeanor, to include damaging or removing temporary signs approved by the Department of Transportation warning motorists that work is in progress on or adjacent to the highway or that certain vehicles may be entering the highway.

[HB 1753](#) / [SB 1100](#) Alcoholic beverage control; mixed beverage carrier license, airport passenger lounge. (*Chief patrons: Robinson and Boysko*) Amends § 4.1-206.3 of the Code of Virginia, to allow mixed beverage carrier licenses to be granted to financial institutions, subsidiaries of a financial institution, and certain persons

under contract with a financial institution or subsidiary that are operating a passenger lounge located within an airport in the Commonwealth, which would authorize the licensee to sell and serve mixed beverages to ticketed air carrier passengers in designated areas of such passenger lounge. The bill contains an emergency clause.

[HB 1806](#) / [SB 1057](#) Farm use placards; permanent placards for any pickup or panel truck, etc. (*Chief patrons: Bloxom and Hanger*) Amends §§ 46.2-665, 46.2-666, 46.2-667, 46.2-670, 46.2-672, 46.2-673, 46.2-684.2, 58.1-2403, and 58.1-3505 of the Code of Virginia and amends the second enactment of Chapter 51 and the second enactment of Chapter 52 of the Acts of Assembly of 2022, delaying from July 1, 2023, to July 1, 2024, the date by which vehicles claiming a farm use exemption are required to obtain a farm use placard from the Department of Motor Vehicles and display such placard at all times. The bill provides that the requirement to display a farm use placard only applies to pickup or panel trucks and sport utility vehicles. The bill authorizes the use of an agricultural or horticultural vehicle for disposing of incidental refuse and a seasonal transportation vehicle for driving to a storage house, packing plant, or market regardless of distance. The bill exempts vehicles required to obtain a farm use placard from the motor vehicle sales and use tax and authorizes localities to exempt such vehicles from personal property tax.

[HB 1932](#) / [SB 982](#) Stationary vehicles; yielding or reducing speed for vehicles displaying hazard lights, etc. (*Chief patrons: Runion and Marsden*) Amends § 46.2-861.1 of the Code of Virginia, requiring drivers to make a lane change or reduce speed when passing stationary vehicles that have activated the vehicular hazard warning signal flashers, displayed caution signs, or been marked with properly lit flares or torches on certain highways when safe and reasonable to do so and makes a violation of this requirement a traffic infraction.

[HB 2014](#) / [SB 995](#) Motor vehicles, certain; use of handheld personal communication devices. *(Chief patrons: Adams, L.R. and Marsden)*

Amends § 46.2-818.2 of the Code of Virginia, clarifying the penalty structure for a first offense and a second or subsequent offense of using a handheld personal communication device in certain motor vehicles, as well as the mandatory fine for a violation within a highway work zone, to accommodate the Supreme Court's case management system. The bill contains technical amendments. This bill is declarative of existing law.

[HB 2104](#) School crossing zones; signs shall be placed not more than 750 feet from school limits. *(Chief patron: Bourne)*

Amends § 46.2-873 of the Code of Virginia, increasing the maximum boundaries of a school crossing zone from 600 feet to 750 feet from the limits of school property.

[HB 2191](#) Unattended or immobile vehicles; removal by locality. *(Chief patron: Rasoul)*

Amends § 46.2-1213 of the Code of Virginia, allowing for the removal of certain unattended or immobile vehicles by the locality's civil code enforcement division. Current law provides that such removal must be carried out under the direction of a law-enforcement officer or other uniformed employee of the local law-enforcement agency who specifically is authorized to do so.

[HB 2204](#) / [SB 1398](#) Driving under the influence of alcohol, drugs, or a combination thereof; data collection. *(Chief patrons: Delaney and Surovell)*

Amends the Code of Virginia by adding a section numbered 46.2-223.1, which requires the Department of Motor Vehicles to collect and disseminate, on an annual basis, statewide and locality-level data related to driving under the influence of alcohol, drugs, or a combination thereof. The bill requires the Department to submit an annual report on the data collected on or before October 1 to the General Assembly, the Governor, and the Virginia State

Crime Commission and to make such data available to the public on the website of the Department.

[HB 2254](#) Highway use fee; reimbursement. *(Chief patron: Sickles)*

Amends § 46.2-772 of the Code of Virginia, requiring the Department of Motor Vehicles to establish and administer a process whereby a vehicle owner may contest an assessed highway use fee. The bill requires the Department to reimburse the vehicle owner for any contested highway use fee or portion thereof that was incorrectly collected.

[HB 2302](#) / [SB 1106](#) Transportation Partnership Opportunity Fund; funds for transportation projects. *(Chief patrons: Adams, L.R. and Newman)*

Amends § 33.2-1529.1 of the Code of Virginia and amends the seventh enactment of Chapter 726 of the Acts of Assembly of 2014, authorizing the Governor to direct funds from the Transportation Partnership Opportunity Fund (Fund) to the Commonwealth Transportation Board for transportation projects determined to be necessary to support major economic development initiatives or to enhance the economic development opportunities of the Commonwealth's transportation programs.

The bill authorizes the use of grants, funds directed to the Commonwealth Transportation Board, and revolving loans for property acquisition and new or improved infrastructure to support economic development opportunities of the Commonwealth's transportation programs. The bill clarifies that the authority granted related to the Fund cannot be used for otherwise prohibited eminent domain purposes.

[HB 2330](#) Assault and battery; public transportation service vehicle operators, penalty. *(Chief patron: McQuinn)*

Amends §§ 18.2-57 and 18.2-160.2 of the Code of Virginia, making it a Class 1 misdemeanor for a person to commit a battery against another knowing or having reason to know

that such individual is an operator of a vehicle operated by a public transportation service who is engaged in the performance of his duties. The bill requires the sentence of such person, upon conviction, to prohibit such person from entering or riding in any vehicle operated by the public transportation service that employed such operator for a period of not less than six months as a term and condition of such sentence. The bill also makes it a Class 1 misdemeanor for any person to enter or ride in a vehicle operated by a public transportation service who has been prohibited to do so after being convicted of an assault and battery against an operator of a vehicle operated by a public transportation service who is engaged in the performance of his duties.

[HB 2338](#) / [SB 1326](#) Transit Ridership Incentive Program; use of funds, improving accessibility. (*Chief patrons: McQuinn, McClellan and McPike*)

Amends § 33.2-1526.3 of the Code of Virginia, directing the Commonwealth Transportation Board to use up to 30 percent of available funds in the Transit Ridership Incentive Program to support local, regional, and state entities in improving the accessibility of transit bus passenger facilities and improving crime prevention and public safety for transit passengers, operators, and employees. The bill directs the Board to develop guidelines for applications for grants to any local, regional, or state public entity that supports a transit system.

[HB 2372](#) / [SB 1135](#) Catalytic converters; unlawful possession, purchase, or sale, penalty. (*Chief patrons: Wyatt and McDougle*)
Amends § 18.2-146 of the Code of Virginia and adds a section numbered 18.2-146.1, which makes it a Class 6 felony for any person to sell, offer for sale, or purchase a catalytic converter from a motor vehicle exhaust system that has been detached from a motor vehicle, except when such sale, offer for sale, or purchase is made to or by a scrap metal purchaser that has adhered to the required compliance

provisions. The bill provides that a judge or jury may make a permissive inference that a person who is in possession of a catalytic converter that has been removed from a motor vehicle is presumed to have criminally obtained such catalytic converter unless the person is an authorized agent or employee acting in the performance of his official duties for a motor vehicle dealer, motor vehicle garage or repair shop, or salvage yard that is licensed or registered by the Commonwealth or a person who possesses vehicle registration documentation indicating that the catalytic converter in the person's possession is the result of a replacement of a catalytic converter from a vehicle registered in that person's name.

[HB 2381](#) / [SB 1473](#) Toll operators; access to DMV records. (*Chief patrons: Austin and Marsden*)

Amends § 46.2-208 of the Code of Virginia, authorizing toll facility operators to obtain from the Department of Motor Vehicles the email address or other electronic address of the owner of a vehicle that failed to pay a toll. Existing provisions require an invoice for an unpaid toll to be sent by first-class mail.

[HB 2392](#) Towing and recovery operators; attorney fees and costs. (*Chief patron: Austin*)

Amends the Code of Virginia by adding a section numbered 46.2-1231.2, which authorizes towing and recovery operators to recover reasonable attorney fees and costs in a civil action brought by the towing and recovery operator to recover costs or enforce a lien related to towing and recovery services rendered as a result of a request made by any local or state law-enforcement officer or other government official acting in his official capacity.

[HB 2423](#) / [SB 981](#) Flashing red and white warning lights; emergency vehicle exemptions. (*Chief patrons: Austin and Marsden*)

Amends §§ 46.2-920, 46.2-1023, and 46.2-1030 of the Code of Virginia, authorizing

vehicles operated by the Response and Recovery Coordination Branch of the Washington Metropolitan Area Transit Authority's Office of Emergency Preparedness to (i) be equipped with flashing, blinking, or alternating red or red and white combination warning lights and (ii) disregard certain regulations regarding the operation of vehicles without being subject to criminal prosecution while responding to an emergency, provided that the operator of such vehicle has received certain training and recertifies every two years. The bill adds responding to metropolitan transit-related incidents to the list of circumstances in which such lighted warning lights shall be displayed.

[SB 855](#) Headlights; aftermarket modifications, blue lights. (*Chief patron: Spruill*)

Amends §§ 46.2-1011, 46.2-1012, and 46.2-1015 of the Code of Virginia, prohibiting the use of headlights on motor vehicles, motorcycles, autocycles, bicycles, electric personal assistive mobility devices, personal delivery devices, electric power-assisted bicycles, mopeds, and motorized skateboards or scooters with aftermarket modifications that make such headlights appear as a blue light.

[SB 861](#) Traffic control device violation monitoring systems; localities in Hampton roads may established. (*Chief patron: Locke*)
Amends §§ 15.2-968.1 and 46.2-208 of the Code of Virginia, authorizing localities in Planning District 23, after completing an engineering safety analysis that addresses congestion, accident rates, and driver disregard for traffic control devices, to establish traffic control device violation monitoring systems, defined in the bill, imposing monetary liability on the operator of a motor vehicle for failure to comply with traffic control devices at any intersection deemed by the local governing body to be negatively impacted by traffic due to the Hampton Roads Bridge-Tunnel Express Lanes Hampton Segment (4C) Project.

The bill prohibits the use of such devices for enforcing traffic signal or speed limit violations and provides that a driver's first offense is punishable by a written warning, not a monetary penalty. The bill expires on July 1, 2027, or upon certification by the Secretary of Transportation that the Hampton Roads Bridge-Tunnel Express Lanes Hampton Segment (4C) Project is complete, whichever occurs earlier.

[SB 865](#) Highway use fee; exemptions, low-speed vehicles. (*Chief patron: Cosgrove*)
Amends § 46.2-772 of the Code of Virginia, exempting registered low-speed vehicles from the existing highway use fee calculated on the basis of average fuel economy and miles traveled per year and replaces such fee with an annual flat fee of \$25.

[SB 938](#) Animal-drawn vehicles; lights on other vehicles, reflectors. (*Chief patron: Ruff*)
Amends § 46.2-1016 of the Code of Virginia, clarifying that the existing requirements for vehicles to display white lights in the front and red lights in the rear or approved reflectors applies to animal-drawn vehicles. The bill also provides that such lights may be battery-operated.

[SB 951](#) Uninsured motorist fee; removes, effective date. (*Chief patron: Ruff*)
Amends §§ 8.01-66.1, 46.2-214.3, 46.2-646, 46.2-646.1, 46.2-706, 46.2-707, 46.2-707.1, 46.2-708, 46.2-902.1, and 46.2-1530 of the Code of Virginia, repealing the option to register an uninsured motor vehicle upon payment of the uninsured motor vehicle fee of \$500. The repeal has an effective date of July 1, 2024. The bill authorizes the Commissioner of the Department of Motor Vehicles to continue registering uninsured vehicles from July 1, 2023, to July 1, 2024, but provides that all such registrations shall expire prior to July 1, 2024.

SB 1058 Objects obstructing driver's view; dashboard cameras allowed. (Chief patron: Hanger)

Amends § 46.2-1054 of the Code of Virginia, allowing the suspension and use of any dashboard camera and any accompanying wires or attachments in or on a motor vehicle, provided that (i) such suspension and use are not otherwise prohibited by the provisions of Title 49 of the Code of Federal Regulations and (ii) such camera, wires, and attachments are wholly or mostly concealed behind the rear view mirror without any additional obstruction to the driver's view.

SB 1069 Pedestrians; drivers stopping at certain signs. (Chief patron: Saslaw)

Amends § 46.2-924 of the Code of Virginia, requiring the driver of a vehicle on a highway approaching a pedestrian who is crossing such highway to stop when such pedestrian is within the driver's lane or within an adjacent lane and approaching the driver's lane. Currently, a driver is required to yield the right-of-way to such pedestrian by stopping and remaining stopped. The bill also provides that localities that are already authorized to install signs directing motor vehicles to yield the right-of-way to pedestrians crossing or attempting to cross a highway may also install signs directing motor vehicles to stop for such pedestrians.

SB 1343 Driving records; Commissioner of Department of Motor Vehicles to create online access to minors. (Chief patron: Barker)

Directs the Commissioner of the Department of Motor Vehicles to create a process for minors to access driving records on the Department of Motor Vehicles website. The provisions of the bill do not become effective unless reenacted by the 2024 Session of the General Assembly.

Failed Legislation

HB 1588 / SB 1466 Electric Vehicle Rural Infrastructure Program and Fund created. (Chief patrons: Sullivan and Marsden)

Would have created the Electric Vehicle Rural Infrastructure Program and Fund to assist private developers with non-utility costs associated with the installation of electric vehicle charging stations. The bill would provide that a private developer is eligible to receive grants of 70 percent of such non-utility costs for electric vehicle charging stations installed in a city or county that meets the criteria of a distressed locality as provided in the bill and caps the total amount of grants awarded in any fiscal year at \$25 million.

HB 1939 Powers of local authorities; reducing speed limits; highways in the primary and secondary state highway systems. (Chief patron: Plum)

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

SB 862 Highway use fee and mileage-based user fee program; repeal. (Chief patron: Newman)

Would have eliminated the highway use fee and mileage-based user fee program.

SB 979 Towing trespassing vehicles;

limitations on fees. (*Chief patron: Marsden*)

Would have prohibited localities from setting limits on towing fees and other associated fees for trespassing passenger cars and vehicles that are lower than the respective statewide maximum charges authorized for such fees in localities without a local ordinance setting towing fees; removes current specified limits for Planning Districts 8 and 16 that would fall below those limits; and requires an ordinance adopted by a locality that sets such limits to provide that no more than two additional fees can be charged for towing any vehicle between 7 p.m. and 8 a.m. or on any Saturday, Sunday, or holiday. The bill was defeated in committee contingent with a Chairman's letter to direct the Secretary of Transportation and the Office of the Attorney General to convene a stakeholder workgroup where the intended contents and outcomes of SB 979 could be more thoroughly thought through with input from stakeholders.

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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.